

ARTICLE 9

CONDITIONS FOR CERTAIN USES

ARTICLE 9: CONDITIONS FOR CERTAIN USES

9.1 Accessory Dwelling

.1 An accessory dwelling may be attached, within, or separate from the principal dwelling.

.2 The principal use of the lot shall be a detached or attached dwelling, built to the standards of the North Carolina Housing Code.

.3 No more than one accessory dwelling shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.

.4 The accessory dwelling shall be owned by the same person as the principal dwelling.

.5 The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.

.6 A detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint); the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.

.7 A detached accessory dwelling shall be located in the established rear yard and meet the standards for the applicable building and lot type, Article 4, and the limitations on rear yard use of Section 8.8.

.8 An accessory dwelling must be registered with the City Administrator at the time a certificate of occupancy is obtained.

9.2 Adult Establishments

Studies have shown that adult establishments tend to have serious deleterious effects upon nearby residential areas and uses where juveniles congregate, specifically schools, religious institutions, child care centers, parks and playgrounds. Further, studies have shown that lowered property values and increased crime tend to accompany geographic concentrations of adult establishments. It is the intent of this section to establish regulations to prevent the concentration of adult establishments and to separate adult establishments from residential areas, schools, religious institutions, child care centers, parks and playgrounds.

.1 Adult establishments are permitted in the HC District subject to the requirements below

(a) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 2500 feet from any residential or mixed use zoning district and from the following principal or accessory uses, defined as protected uses for purposes of this section: dwelling units, elementary and secondary schools, religious institutions, child care centers, parks and playgrounds, medical offices, government and public institutions.

(b) Any structure in which an adult establishment is the principal or accessory use shall be separated by a distance of at least 2500 feet from any other adult establishment.

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(c) The distance of separation from residential and mixed use zoning districts and from the protected uses listed in a), above, shall be measured from the closest point of the lot occupied by an adult establishment to the nearest residential or mixed use zoning district or the property line of a protected use. The distance of separation between adult establishments shall be measured from the closest points of the lots occupied by adult establishments.

(d) No more than one adult establishment may be located within the same structure or on the same lot.

(e) In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

(f) The entrance to the building should be in the principal facade facing the public street. This facade shall contain windows of clear glass whose glazing area shall not be less than 33% of the facade area, and extend down to 3'-0" above ground level. These windows shall remain unobstructed at all times from posters, curtains, blinds, and other opaque materials so as to ensure a clear view between inside and out.

(g) All display materials within the establishment must be so arranged as not to be visible from the public right-of-way.

9.3 Agricultural Industry in the OPS District

Agricultural Industry, limited to the production of commercial poultry or small livestock in enclosed buildings, according to the procedures of Section 11.4.10.

The City Council shall issue a Special Use Permit for the production of commercial poultry or small livestock in enclosed buildings in the OPS District if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

- .1 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .2 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property, and
- .3 That no part of the proposed use will be located or operated so as to emit dust, noise, fumes, or odors in concentrations or amounts that would constitute a nuisance to persons of ordinary sensitivities on nearby properties; and
- .4 That there will be a separation of no less than 250 feet between structures housing the agricultural industry and any property located in a residential district or developed for residential or mixed use purposes; and
- .5 That the proposed use shall be located on a lot of no less than ten acres.

9.4 Airports

Airports are not permitted except in the CBI District, and there subject to a Conditional Use Permit, according to the procedures of Section 11.4. 11.

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In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

.3 That the proposed use will not constitute a nuisance to properties located in residential or mixed use districts or developed for residential purposes with respect to noise, dust, fumes, light, vibration, or traffic; and

That the proposed use will comply with all applicable Federal Aviation Administration regulations.

9.5 Amusement Facilities (Outdoor)

.1 Outdoor amusement facilities will be separated by an opaque screen from any abutting property located in a residential or mixed use district;

.2 No amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district;

.3 Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight.

9.6 Car Wash

The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking, Article 6.

9.7 Cemeteries

.1 Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.

.2 Buildings for maintenance, management, rent and/or sale of cemetery lots must conform to a building type permitted in the zoning district.

9.8 Churches

The scale and activity level of churches is a function of size and the range of accessory uses associated with the institution; very high activity levels have the potential to be disruptive to residential and small scale mixed use areas. To diminish disruptive impacts by ensuring appropriate location and design standards, the development and expansion of religious institutions and accessory uses in residential, City center, and neighborhood center districts shall meet the following standards:

.1 Churches shall meet the standard for civic building and lot type, Article 4.

.2 Development Standards.

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(a) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.

(b) Accessory dwelling units for persons associated with or employed by the church may be provided at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.

.3 Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever churches are permitted and shall meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.

.4 Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:

(a) No merchandise or merchandise display shall be visible from outside the building;

(b) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.

.5 Except as noted in .3, above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

.6 Applications for a building permit shall include a comprehensive site plan which addresses the required standards and conditions for the main site and all abutting holdings.

9.9 Commercial Communication Tower

A Commercial Communication tower shall meet the following standards:

.1 To encourage future shared use of commercial communication towers, the tower owner must demonstrate that the tower will support a specified number of antennas, and must file a letter of intent with the City to lease the space to other users in good faith. In turn, the owner may charge users a proportionate share of capital, financing, and operating costs, plus the cost of insulating equipment so that the transmissions do not interfere with one another.

.2 No new commercial communication tower may be established if there is a technically suitable space available on an existing communications tower within the geographic area that the proposed tower is to serve.

.3 The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a coloration that will blend with the surroundings. Example: brown/green/gray.

.4 Fencing must be provided to secure the communication equipment on site. If chain link or similar fencing material is used on the site, an opaque screen shall be provided on the exterior side of the fence.

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.5 All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.

.6 No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.

.7 Towers shall not be artificially lighted except to insure human safety as required by the Federal Aviation Administration (FAA) regulations. To the extent possible, tower lighting shall be located and directed to avoid flashing or shining into the interior spaces of dwellings.

.8 An opaque screen expected to reach minimum 8' height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing on site trees and other vegetation shall be preserved to the extent possible.

.9 No more than one communication tower shall be constructed on a single tract of land.

.10 If such a structure is located on a lot adjacent to a lot or lots located in a residential or mixed use district, it must be located at least 200 feet from all property lines adjacent to the residential or mixed use district(s).

.11 To be permitted as an incidental accessory use in any zoning district, a tower shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside church steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Planning Board for approval. The affirmative decision of the Planning Board shall be based upon a determination that the proposed tower is so camouflaged as to be unnoticeable to the public.

9.10 Commercial Outdoor Kennel

The outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.

9.11 Day Care Centers and Small Day Care Homes

.1 Child Day Care Center.

(a) A center must meet a permitted building and lot type for the district in which it is to be located.

(b) Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.

(c) Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front lawn.

.2 Adult Day Care Center

(a) A center must be a permitted building and lot type for the district in which it is to be located.

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(b) There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

.3 Child Day Care Home, small.

(a) The day care operation must be located within the residential dwelling unit occupied by the director of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.

(b) A Child Day Care Home shall meet the following standards:

- Play space must be provided in accordance with the regulations of the North Carolina Department of Human Resources.
- Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.
- Chain link and similar fencing materials shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation, or be obscured by a comparable screening treatment.
- A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
- There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after sun down.

.4 Adult Day Care Home, small.

(a) An Adult Day Care Home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults who do not reside in the dwelling.

(b) An Adult Day Care Home shall meet the following standards:

- A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
- There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

9.12 Drive Through Windows as an Accessory Use

.1 Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street,

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.2 Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of screening (Article 6);

.3 The length of on-site stacking lane(s), taken together, shall be a minimum of 200 feet if window access is provided directly from a major or minor thoroughfare; a minimum of 100 feet if window access is provided directly from a street of lesser capacity.

.4 The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic. A separate circulation drive must be providing for passage around and escape from the outermost drive-through service lane.

.5 Screening is not required for walk-up service accessories such as depositories and ATM's.

9.13 Duplex on Corner Lot

Duplexes are permitted on corner lots in any residential or mixed use district according to the following standards:

.1 The entrances to each unit in the structure will face different streets;

.2 The dwelling must meet the minimum front yard setback from both streets upon which a unit faces;

.3 The lot has at least 1.5 times the minimum lot area, if any, for the district.

“4 Duplexes which meet the standard for the attached house or the apartment building are permitted without corner lot restrictions in those districts which permit attached housing and apartment building types.

9.14 Essential Services I and 2

.1 Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.

.2 Facilities used for the operation of essential services should whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.

.3 Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets shall be provided an opaque screen to shield the view from all public rights-of-way and from abutting properties.

9.15 Essential Services 3

Essential Services, Class 3, will only be permitted subject to a Special Use Permit, according to the procedures of Section 11.4.10.

The City Council shall issue a Special Use Permit for the subject facility if, but not unless, the evidence presented at the Special Use Permit hearing establishes:

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.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

.3 That the proposed use will not constitute a nuisance to properties located in residential districts or developed for residential or institutional purposes with respect to noise, dust, odors, light, vibration, or traffic; and

.4 That area of active use will be enclosed by a fence, not easily climbable, at least six feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines; and

.5 That a minimum separation of 100 feet, fully vegetated, will be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and

.6 That the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

9.16 Facilities for the Intake and Transfer Off-site of Inorganic Household Waste and residential recyclables; and the Intake and Processing of Yard Waste

Inorganic household waste and residential recyclables intake and transfer facilities are not permitted except in the CBI District subject to a Conditional Use Permit, issued according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawn mowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclable of residential origin.

.2 The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.

.3 A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.

.4 The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

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9.17 Hazardous or infectious material incineration, handling, or storage

Hazardous or infectious materials, storage and treatment facilities are not permitted except in the CBI District subject to a Conditional Use Permit, issued according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

3 That the use complies with the Federal Resource Conservation and Recovery Act of 1976, as amended (PL 94-580) and the North Carolina Solid Waste Management Act, as amended' (Article 13B, G.S. 130-166.16) for design, siting, and monitoring, and for materials to be stored or treated; and

.4 That all storage, treatment, and loading facilities handling hazardous or infectious materials will be located at least 200 feet from any exterior property line and at least 2,000 feet from any lot zoned or used for residential, institutional, or office purposes; and

.5 That the use will be entirely fenced with no climbable fencing material to a height of at least seven feet; and the site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

.6 That vehicular access to the operation will be provided only by way of a designated thoroughfare; and

.7 That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous materials; and

.8 That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the probability of contamination by hazardous or infectious materials; and

.9 That no structures or operations of any kind on the site shall be located within 200 feet of any adjacent lot.

9.18 Helistop as an Accessory Use

A helistop shall be permitted as an accessory use in the Campus, Business, and Institutional Districts provided it complies with all applicable Federal Aviation Administration regulations and guidelines. Hours of operation shall be limited to 7 am - 9 pm.

9.19 Home Occupation

A home occupation is permitted accessory to any dwelling unit in accordance with the following requirements:

- .1 The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- .2 A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
- .3 The use shall employ no more than one person who is not a resident of the dwelling.
- .4 A home occupation housed within the dwelling shall occupy no more than 25 percent of the total floor area of the dwelling.
- .5 There shall be no visible outside display of stock in trade which is sold on the premises.
- .6 There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
- .7 Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
- .8 Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
- .9 The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
- .10 Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis. This should not be construed as disallowing low volume occupations such as accounting and similar professional activities.
- .11 Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of 10 feet from abutting property lines.
- .12 No business identification or advertising signs are permitted, except a small brass plate or similar material, maximum size of 12" by 12", attached to the building or to a mailbox in a rural area.

9.20 Junk Yards

- . 1 The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.
- .2 A minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- .3 The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid wooden fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar

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material is used; it shall be placed on the interior side of the vegetation and wall or fence.

9.21 Neighborhood and Outdoor Recreation

- .1 Buildings constructed in association with neighborhood recreation or outdoor recreation shall meet one of the building types permitted in the zoning district.
- .2 Permanent parking lots shall meet the standards of Article 6, Off-Street Parking.

- .3 Service areas will be separated by an opaque screen from the view from any street and from abutting properties.

- .4 Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.

- .5 Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use or into the windows of a residential structure.
- .6 Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m.

9.22 Neighborhood and Highway Commercial Gasoline Stations

- .1 Neighborhood Gasoline Stations, by definition, permit retail sale of gasoline and convenience products and the minor service and repair of motor vehicles; they have no more than two canopies for gasoline sales. Highway Commercial gasoline stations permit major service and repair of motor vehicles and are unlimited as to gasoline sales area.
- .2 Buildings shall meet the requirements of Article 4, Building and Lot Types.

- .3 Gasoline pumps, canopies, and associated service areas are prohibited in any established yard abutting a street.

9.23 Off-Site Land Clearing and Inert Debris (LCID) Landfills

- .1 Any off-site LCID landfill must obtain a permit from and comply with the standards of the Stanly County Environmental Protection Department and the State of North Carolina.

- .2 Any LCID landfill which would be larger than 10 acres or operate for more than 24 months from the time that activity begins on the site shall be accessed by a designated thoroughfare.

- .3 No portion of any such landfill may be located within 75 feet of any exterior property line. This includes structure, equipment storage, parking areas, and fill areas; access drives may cross this area but may not be placed laterally through this area.

- .4 The actual fill area must be located at least 300 feet from any existing residential structure and at least 300 feet from any existing or former off-site LCID or demolition landfill.

- .5 Driveway access to the facility must be paved and must directly connect to a major or minor thoroughfare or to a non-residential collector or non-residential local street.

- .6 Vehicular and pedestrian access to the site must be controlled; the site must be closed

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and secured during hours when filling activities are not under way.

.7 Use of the site for any purpose is limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.

.8 Unless located on a designated thoroughfare, the fill area of the site is limited to 10 acres.

.9 No filling of any kind is allowed in the regulatory flood plain or the floodway fringe.

.10 The landfill operator shall be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.

.11 All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site will be backed up on any public right-of-way.

.12 A surety bond or irrevocable letter of credit in an amount to be determined by the City Administrator, in consultation with the consulting engineer, must be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time. No more than 25% of the total area to be filled may be actively used at any one time.

.13 A reclamation plan shall be provided to show how the site will be reclaimed upon the closing of the LCID landfill.

.14 A site plan showing how all of the above standards will be met, accompanied by an operating permit issued by Stanly County Environmental Protection Department, must be submitted to the Zoning Administrator for review and approval prior to the issuance of a permit for the proposed landfill. The site plan submitted to obtain an operating permit may also contain the information required by this ordinance.

.15 Any LCID or demolition landfill which existed prior to April 3, 1997, but which does not comply with the standards of this section must be brought into compliance with these standards according to the following schedule.

Size of Site	Time within Which Compliance Required
0 - 10 acres	within 2 Years of April 3, 1997
>10 - 20 acres	within 3 years of April 3, 1997
>20 - 30 acres	within 4 years of April 3, 1997
>30 - 40 acres	within 5 years of April 3, 1997
>40 acres	within 10 years of April 3, 1997

If a pre-existing demolition landfill is to be brought into compliance through a change in zoning, the zoning change must be completed and approved, not simply applied for or in process, prior to the expiration of the time period listed above. Any such use which does not comply with these standards within the prescribed time will be in violation of this ordinance.

9.24 Environmentally Sensitive Uses Not Expressly Permitted

Uses not expressly named in this ordinance, but which may constitute a greater than average impact on the environment or diminish the use and enjoyment of nearby property by generation of noise, smoke, fumes, odors, glare, commercial vehicle traffic, or similar nuisances, are not permitted except in the CBI district and there only as subject to a Conditional Use Permit, according to the procedures of Section 11.4.11

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and,

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and,

.3 That a comprehensive site plan addresses the development standards below:

(a) Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;

(b) Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with no climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;

(c) Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood or from a residential neighborhood street.

9.25 Outdoor Display of Vehicles and Boats for Sale

.1 Vehicles and boats for sale shall not be displayed in an established front yard or in an established side yard abutting a street.

.2 Vehicles and boats for sale may be displayed in a side yard which does not abut directly on a street, so long as:

(a) the display is placed behind the established front setback line of the building, extended to the side lot lines;

(b) the display area meets the standards for a parking lot (Article 6);

(c) the display area is screened from abutting properties by an opaque screen (Section 8.21).

.3 Nothing in this section shall prohibit a break in a planted screen or wall for the crossing of a driveway which provides access to on-site parking from the fronting street or a rear alley, or access between the parking lots of abutting businesses.

9.26 Outdoor Storage

.1 Outdoor storage defined:

- (a) includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot; (to be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day);
- (b) includes up to two storage trailers placed on a single lot or in conjunction with a single principal use,
- (c) includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles, (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
- (d) includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
- (e) does not include construction equipment; where permitted, outdoor storage of construction equipment is regulated by Section 9.27.

.2 Outdoor storage, where expressly permitted, may be established on a lot according to the following standards:

- (a) where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;
- (b) where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;
- (c) all areas established for outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 8.21); wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

9.27 Outdoor Storage of Construction Equipment

Outdoor storage of construction equipment, where expressly permitted, may be established on a lot according to the following standards:

.1 where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street;

.2 where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way;

.3 the area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 8.21.2); wherever security fencing is desired, it shall be placed on the interior side of the opaque screen. -

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9.28 Parking Lot as Principal Use

Parking lots not associated with a building shall adhere to the standards of Article 6, Off-Street parking except that parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street.

9.29 Parks (including greenways)

.1 Buildings constructed in association with a park or greenway shall meet the standards of one of the building types permitted in the zoning district.

.2 Permanent parking lots associated with parks and greenways shall meet the standards of Article 6, Off-Street Parking.

.3 Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas, if maintained in a natural condition, need not conform to Article 6.

.4 Service areas shall be separated by an opaque screen from view from any street and from abutting properties (Section 8.21.2).

.5 Outdoor lighting associated with active outdoor recreation shall not shine directly into yards associated with a residential use or into the windows of a residential structure.

.6 Hours of operation of outdoor recreation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

9.30 Petroleum Storage Facilities

.1 The use meets the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association;

.2 All storage tanks and loading facilities will be located at least 100 feet from any exterior property line;

.3 Vehicle access to the use shall be provided by way of a major or minor thoroughfare, or a commercial street directly intersecting a thoroughfare;

9.31 Quarries

Quarries are not permitted except in the CBI District and only there as subject to a Conditional Use Permit issued according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted *for* the area; and

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.3 That the quarry and all its buildings, pits, and processing equipment will be separated by a 100 foot buffer from the street and from any adjacent property that is located in a residential district or developed for residential or institutional use; and

.4 That the quarry and all its buildings, pits, and processing equipment will be provided with an opaque screen to shield the view from the public street and from all abutting properties, regardless of use; and

.5 That an unclimbable fence, at least 8 feet high, will be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed 2 inches by 2 inches or equivalent and must be placed on the interior side of screening and/or buffering devices; and

.6 That access to the quarry may not make use of a residential collector street nor of a City street; and

.7 That any crushing of rock or processing of material must be done in such a way as to minimize the amount of air-borne dust created, and

.8 That the minimum distances of quarry operations from adjacent properties shall be:

- (a) for any quarry building 100 feet
- (b) for any crushing of rock, processing of stone, gravel or other material 300 feet
- (c) for any blasting 500 feet

.9 That all blasting must be limited to the hours of 8 am to 6 pm, Mondays through Fridays. No blasting is permitted on weekends or on public and -religious holidays.

.10 And that upon termination of quarrying operation, the site must be reclaimed in accordance with NC General Statutes.

9.32 Raceways and Drag Strips

Raceways and Drag strips are not permitted except in the CBI District and there only as subject to a Conditional Use Permit issued according to the procedure of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

.3 That the use will be located on a lot of at least 50 acres; and

.4 That vehicular access to the -use will be provided only by way of a major or minor thoroughfare; and

.5 That no direct beams of light from outdoor lighting fixtures, signs, or vehicles maneuvering on the site will shine into any abutting property located in a residential district; and

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.6 That a minimum separation of 100 feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties; and

.7 That the site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence; and

.8 That hours of operation will be no earlier than 8:00 a.m. and no later than 10:00 p.m., Monday through Saturday.

.9 That noise levels should not exceed 60 decibels when measured 50' from the raceway track.

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9.33 Riding Academies and Commercial Stables

Riding academies are permitted in the OPS and NR Districts if the following standards are met.

- .1 All buildings and structures related to the care of animals and to the conduct of the academy must be located at least 100 feet from property boundaries.

Maximum number of horses is 2 per acre.

Off-street parking, service areas, and buildings which are not used for residential purposes, farm purposes, or the stabling of horses, shall be separated by an opaque screen from the view from any street and from abutting properties.

9.34 Sanitary Landfill

Sanitary Landfills are not permitted except in the CBI district and only there as subject to a Conditional Use Permit, according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

- .1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

- .2 That the proposed use will not be in conflict with the the objectives of the most detailed plan adopted for the area; and

- .3 That the comprehensive site plan addresses each of the development standards below:

- (a) The use shall be located on a lot of at least 50 acres;

- (b) All land filling operations and off-street parking and service areas will be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from the view from a public street;

- (c) No structure or land filling operation. will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential or mixed use;

- (d) Vehicular access to the proposed use will not be provided by a residential collector or a City street and access roads to the site will connect directly to a designated thoroughfare; and

- .4 That the plan for development .and operation of the site addresses the environmental standards below

- (a) The siting and design of the facility will comply with the "Siting and Design Requirements for Disposal Sites" of the North Carolina Solid Waste Management Rules (T15ANCAC 13B) in effect at the time of review of the application;

- (b) Monitoring of surface water and groundwater will be conducted in accordance with the State of North Carolina permit and monitoring documents developed pursuant to the State of North Carolina Solid Waste Management

Rules;

(c) The facility complies with the Stanly County Department of Environmental Protections policy concerning Actual and Suspected Contaminants of Stanly County Surface and Groundwater; and

.5 That there is a general timetable indicating the development phases and projected life expectancy of the landfill; and

.6 That there is a detailed plan for the re-use of the property, after landfill operations cease, that is not in conflict with the objectives of the most detailed plan approved for the area; and

.7 That the plan for close-out of the landfill includes the creation of an escrowed fund to finance closeout, with contributions to the fund escrowed annually, beginning at the time facility development begins.

9.35 Schools

.1 Schools shall conform principal buildings to the standards of Civic Buildings and lots, Article 4. Accessory and incidental buildings may be placed within a street fronting yard if they conform to a building and lot type permitted in the zoning district. Buildings which do not so conform shall be placed within established rear and side yards which do not abut a street.

.2 Permanent parking lots associated with schools shall meet the standards of Article 6, Off-Street Parking.

.3 Notwithstanding . 1 and .2, above, where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as street abutting parking and circulation areas are, to the extent practicable, detailed as plazas.

.4 Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Article 6 if they are maintained in a natural condition (for example, as a grassed field).

.5 Service areas shall be separated by an opaque screen from the view from any street and from abutting properties (Section 8.21.2).

.6 Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.

.7 Outdoor lighting associated with active outdoor recreation shall not shine directly into yards of a residential use or into the windows of a residential structure.

.8 Elementary and Junior High Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).

.9 Senior high schools shall be on a lot which abuts a minor or major thoroughfare; primary vehicular access shall be provided from the thoroughfare.

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9.36 Solid Waste Incineration

Solid Waste Incineration, materials that are neither hazardous nor infectious, is not permitted except in the CBI district and only there as subject to a Conditional Use Permit, according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

.3 That the incineration units(s) will be constructed and operated in compliance with environmental regulations, both current and future, as annotated in the United States Code of Federal Regulations, particularly Chapter 40, which deals with environmental regulations, as amended by the State of North Carolina and Stanly County Department of Environmental Protection; and

.4 That all storage, handling, incineration, and loading facilities will be located at least 200 feet from any exterior property line and at least 1,250 feet from any lot located in a residential or mixed use district or developed for residential, institutional, or mixed use; and

.5 That structures, off-street parking and service areas will be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from the view from all public streets.

.6 That active use portions of the site will be entirely fenced with no climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer, and

.7 That vehicular access to the operation will be provided only by way of a designated thoroughfare; and

.8 That all surface water and groundwater on the property shall be protected so as to minimize to the greatest extent possible the potential for contamination; and

.9 That the site will be served by a publicly operated sewage disposal system and all sanitary sewer and storm water management systems on the property will be protected so as to minimize to the greatest extent possible the potential for contamination.

9.37 Temporary Uses and Structures, Including Seasonal Markets

.1 The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months upon the issuance of a temporary use permit by the Zoning Administrator. The following conditions apply.

(a) Storage of goods in or sale of goods from trailer(s) on the site is prohibited.

(b) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.

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- (c) The use shall be conducted behind the prevailing established setback line for structures within 300' in either direction on the same side of the street.
- (d) Off-street parking may be provided behind or to the side of the established use, but not forward of the prevailing established setback line, defined in (c), above.
- (e) On-site parking may be provided on a dust-free, pervious surface area and need not comply with Article 6. -
- (f) Signs on the premises of a temporary use shall meet the same standards as the correlative building and lot type permitted in the district.

.2 Temporary accessory structures, including but not limited to school mobile classrooms and temporary offices placed on development sites during construction and sale of buildings, are permitted for up to a maximum of two years, renewable thereafter in one year increments, upon the issuance of a temporary use permit by the Zoning Administrator. Such structures shall meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted construction areas. Temporary structures associated with construction projects shall be removed upon completion of construction.

9.38 Transfer Station for Organic and Inorganic Waste Products

Transfer Stations are not permitted except in the CBI District, and only there as subject to a Conditional Use Permit, according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

- .1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby the property; and
- .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and
- .3 That the comprehensive site plan addresses the development standards below
 - (a) The active use areas of the site shall be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets;
 - (b) That active use portions of the site will be entirely fenced with no climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen; and
 - (c) No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use; and
 - (d) Vehicular access to the proposed use will not be provided by a residential collector or a City street, and access roads to the site will connect directly to a designated thoroughfare.

ARTICLE 9 _____ **CONDITIONS FOR CERTAIN USES**

9.39 Transit Shelter

.1 Transit shelters may be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle (Section 8.9).

.2 Only governmental signs are permitted in association with a transit shelter.

.3 If constructed by other than the City of Locust, a schematic plan must be submitted and approved by the City Council. The plan must include the following:

(a) the location of the proposed shelter relative to street, property lines, and established building yards, and

(b) the size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers.

.4 A building permit shall be issued only after approval by the City Council of the proposed schematic plan in .3, above.

.5 A transit shelter located within a street right-of-way or an established yard may be removed by the City of Locust if the City Council determines that it no longer serves the best interest of the public.

9.40 Trucking Terminals

Trucking Terminals are not permitted except in the CBI District and only there subject to a Conditional Use Permit according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and,

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and,

.3 That a comprehensive site plan addresses the development standards below:

(a) Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;

(b) Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with no climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;

(c) Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood or from a residential neighborhood street.

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(d) The area designated for truck parking shall be located no closer than 40 feet from an abutting street right-of-way. Truck parking areas are not classified as parking lots. Therefore they are exempt from the standards of Article 6, but subject to the alternative standard in (e), below.

(e) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.

(f) the use shall be located on or directly accessible to a major thoroughfare, expressway, or freeway; truck terminals shall not be sited such that residential or City streets are regularly traversed to access the larger capacity road.

9.41 Correctional Facilities

Correctional Facilities are not permitted except in the CBI District and only there subject to a Conditional Use Permit according to the procedures of Section 11.4.11.

In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

.1 That the proposed use will comply with all standards which this ordinance applies to uses in the CBI District, and

.2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and

.3 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and

.4 That the principal structure and any accessory use or structure (excluding property boundary fencing) will be located at least 500 feet from any property located in a residential district or mixed use district; and

.5 That property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials where abutting property located in a residential district or mixed use district; and

6 That security fencing will be provided an opaque screen on the exterior of fencing wherever it is adjacent to a street or property in a residential or mixed use district; and

.7 That all lighting for the facility will be oriented so that direct beams of light shine away from all abutting properties and into the correctional facility property; and

.8 That the use will be located on a lot of at least 10 acres if the facility has beds for more than 100 inmates; and

.9 That the use will be located on a lot of at least five acres if the facility has beds for more 100 or fewer inmates.

9.42 Heavy Industrial Uses

Heavy Industrial Uses as defined in Section 12.2.1, are not permitted except in the CBI District, and there subject to a Conditional Use Permit, according to the procedures of Section 11.4.11.

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In addition to the provisions of Section 11.4.11, the following conditions must be satisfied:

- .1 That the proposed use will not endanger the public health and safety, nor substantially reduce the value of nearby property; and,
- .2 That the proposed use will not be in conflict with the objectives of the most detailed plan adopted for the area; and,
- .3 That a comprehensive site plan addresses the development standards below:
 - (a) Adjoining properties and streets are protected from adverse impacts of the use and buildings on the proposed site by the locations of buffers and/or screens;
 - (b) Any areas of the site which may present a danger to residents, their children, pets, or livestock shall be fenced with no climbable fencing material to a height sufficient to avert said danger; fencing shall be installed on the interior of any buffering or screening;
 - (c) Vehicular access to the proposed use will be provided by way of a road sufficiently sized to absorb the generated trips and accommodate the vehicles typically associated with the use; a use considered under the standards of this special use permit process shall not be accessed through a residential neighborhood or from a residential neighborhood street.