

CITY OF LOCUST ZONING ORDINANCE

AMENDMENTS TO ZONING ORDINANCE

Date of adoption June 5, 1997 / January 8, 1998

AMENDMENT 1

To

ARTICLE 11: ADMINISTRATION

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.

AMENDMENT 2

To

ARTICLE 8: GENERAL PROVISIONS

8.16 Standards for Residential Garages and Parking in Residential Districts (pg. 8.9).

This is to permit larger garage structures to be attached to the dwelling without spoiling the appearance and pedestrian scale of the public street with vast yawning, garage door openings, whose widths is out of scale with surrounding buildings visible from the street. This amendment is fairly strict in defining the placement of these large subsidiaries structures, but it also allows for design flexibility while retaining proper design standards to protect the appearance and amenity of the public street. We all know of designs where the garage overwhelms the house and really messes up the appearance of the public street; this is not something that we should allow. Therefore, it is recommended that the wording of .6 be changed and expanded as follows:

.6 Detached garages may only be placed in established rear yard. Garages for more than two cars should generally be detached and located in the established rear yard. As an exception to this practice, a three-car garage may be attached to the rear corner of a dwelling subject to the following conditions:

- a) The front facade of the garage facing the public street must not project in front of the line of the rear facade of the dwelling;
- b) The width of the garage facade facing the public street must not be greater than 50% of the width of the street facade of the dwelling;
- c) For garage facades facing the public street, the garage door openings must be constructed for single door widths;
- d) If the design provides for the garage to be turned at ninety degrees from the Street, there are no restrictions on the width of the garage or the garage Door opening sizes. In this instance the side wall of the garage facing the Public street must not project in front of the line of the rear facade of the Dwelling.

Also, to clarify ambiguities about residential driveways, add an extra subsection (#9) to this section 8.16 as follows:

.9 All driveways from a public street shall be a minimum of 10 feet and a maximum of 16 feet in width.

AMENDMENT 3

To

ARTICLE 12. DEFINITIONS

Pg.12.21

*Elaborate the definition of **Modular Home**, to **further distinguish** it from **Mobile Home** and **Manufactured Home**. Delete the existing definition and replace it with the following:*

Modular Home: A prefabricated single family dwelling structure in one or more parts, which is transported to a lot and placed on a permanent foundation, which can include a low-bearing chassis. Upon placement on the lot, the structure shall be considered a permanent, conventional dwelling unit. A mobile home, in any form, shall not be considered to be a modular home, even if placed on a permanent foundation. Modular homes shall comply with the North Carolina State Building Code.

AMENDMENT 4

To

ARTICLE 3: ZONING DISTRICTS

3.2.1 OPEN SPACE DISTRICT (pg. 3.3)

3.2.2 GENERAL RESIDENTIAL DISTRICT (pg. 3.7)

3.2.3 NEIGHBORHOOD RESIDENTIAL DISTRICT (pg. 3.9)

3.2.4 CITY CENTER DISTRICT (pg. 3.11)

3.2.5 HIGHWAY COMMERCIAL DISTRICT (pg. 3.13)

3.2.6 CAMPUS BUSINESS & INSTITUTIONAL DISTRICT (pg.> 3.16)

3.3.1 TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT (pg. 3.21)

AMENDMENT 5, adopted October 1, 1998 To
ARTICLE 3: MOBILE HOME DISTRICT
Section 3.2.7 a) Permitted Uses

Mobile Homes provided that:

(ii) A continuous, permanent masonry wall, brick, stucco, covered block, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

Amendment for a change including an addition to read as follows:

(ii) A continuous, permanent masonry wall, brick, stucco, covered block work, vinyl or metal skirting or similar material designed for the purpose of skirting a manufactured home, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

AMENDMENT 6— Manufactured Home Standards, adopted June 21, 2001

Article 3.2.7 Mobile Home District (MH)

Article 3.2.7.d) General Requirements

4) In Mobile Home subdivisions, any mobile home may be replaced with another mobile home of at least comparable width. No manufactured home shall be placed in a Mobile Home District unless it is a Class A or Class B Manufactured Home.

Class A Manufactured Home — A multi-sectional manufactured home that was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- a. Is occupied only as a single family dwelling
- b. Has a minimum width of 16 feet;
- c. Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
- d. Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- e. Is set up in accordance with standards established by the NC Department of Insurance.
- f. Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:

- 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding.
- g. Has an eave projection of no less than six inches, which may include a gutter.
- h. Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance.

Class B Manufactured Home – A multi-sectional or single section manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards of the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- a. Is occupied only as a single-family dwelling.
- b. Have the towing apparatus, wells, axles, and transporting lights removed and not included in length and measurements.
- c. Is set up in accordance with standards established by the NC Department of Insurance.
- d. Has exterior siding, comparable to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding.
- e. Has an eave projection of no less than six inches, which may include a gutter.
- f. Has stairs, porches, entrance platforms, ramps and other means of entrance and exit installed or constructed in accordance with the standards set by the North Carolina State Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. The use of wood stairs alone is prohibited at any entrance

No other classification of Manufactured Home shall be set up in the City of Locust.

5) Existing mobile home parks which are not subdivided into individual deeded lots may continue operation but may not be expanded. Any mobile home may be replaced with another mobile home of at least comparable width. The replacement mobile home must meet all code requirements and be a Class A or Class B Manufactured Home as defined in section 4 above.

AMENDMENT 7, General Provisions, Article 8, adopted May 3, 2001

Add: 8.17 — Farm Animal Restrictions

It shall be unlawful for any person to have or maintain any farm animals, such as but not limited to, horses, cows, pigs, hogs, chickens, turkeys, mules, donkeys, goats and sheep on his or her premises. Provided, however, the farm animal restriction shall not apply to a bonafide farm of three (3) acres or more (which three acres may include contiguous bonafide farmland outside the ETJ of the City. Bee keeping shall be permitted as long as all hives and related materials are located at least thirty (30) feet from any property or street line.

All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

AMENDMENT 8, adopted August 3, 2000 Add to Article 10.8
Permanent Signs Requiring a Permit

MINI DIRECTORY SIGN – Ground Mounted Sign City
Center, CBI, HC

Maximum Number: 1 per street front; maximum 3 signs, 500 foot separation

Maximum Area: 64 square feet

Maximum Height: 10 feet

(includes small shopping centers, office complexes, schools, churches, institutional or business campuses and similar complexes which have 2 or more businesses/units/divisions combined in one location.)

AMENDMENT 9, adopted August 3, 2000

Adjust wording of Subdivision Ordinance 8.150, Sidewalk

Last paragraph to read...

"Sidewalks must be a minimum of 4' in width and be constructed of concrete, brick pavers or a similar material approved by the Zoning/Subdivision Administrator. On streets which serve as main business streets, sidewalks should be a minimum of 7' in width. "

Add the following definition to Article 12.2.1 General Definitions

Carports – Any non-enclosed structure constructed for the purpose of sheltering a vehicle, boat or similar. Carports are considered the same as garages.

Adjust wording of the Street Tree Definition, Article 7, Landscaping and Open Space

"Ornamental street trees (Bradford Pear, Crape Myrtle, etc.) are permitted where underground or overhead utilities prevent the planting of maturing canopy trees. Small maturing or ornamental trees shall be planted at a maximum of 30' on center. "

Adjust wording of the Specifications section of Article 5, Streets, Specifications, part a Street trees and sidewalks:

"Planting area for street trees should be a minimum of 5' in width and sidewalks should also be a minimum of 5' in width; however, where large maturing canopy trees are to be planted, a 6' wide planting area and a 4' wide sidewalk are permitted." "Where overhead or underground utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted a maximum of 30' on center."

AMENDMENT 10, adopted September 7, 2000

Article 9.22.3

Gasoline pumps, canopies, and associated service areas are prohibited in any established yard abutting a street except in Highway Commercial District.

AMENDMENT 11, adopted May 3, 2001

Article 8.17 – Farm Animal Restrictions

It shall be unlawful for any person to have or maintain any farm animals, such as but not limited to, horses, cows, pigs, hogs, chickens, turkeys, mules, donkeys, goats and sheep on his or her premises. Provided, however, the farm animal restriction shall not apply to a bonafide farm of three (3) acres or more (which three acres may include contiguous bonafide farmland outside the ETJ of the City. Bee keeping shall be permitted as long as all hives and related materials are located at least thirty (30) feet from any property or street line.

All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

AMENDMENT 12, adopted February 7, 2002

Article 3.2.2.d)3)

Minimum Rear Yard shall be 25' in the General Residential District

AMENDMENT 13, adopted May 6, 2002

Article 6, Off-Street Parking

Replace "Lighting for Parking Lot" language with:

"Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America."

Article 4, Building Types

Add the following to all Building Type descriptions:

"Lighting of parking lots, buildings and canopies shall not exceed the most recently published standards established by the Illuminating Engineering Society of North America."

AMENDMENT 14, adopted May 14, 2002

Article 4, Building and Lot Types — Highway Commercial

1. Buildings shall be placed on the lot within zone represented by the hatched area. In most cases, the build to line will be a maximum of 80' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
4. Parking shall be located to the rear, side, or within 80' along the front of the building... (eliminate the following) ...and shall not be placed in any side yard abutting an intersecting street.

Article 6, Off-Street Parking Design

Design Standards

A. Parking lots shall be placed behind buildings, at the side of buildings as indicated by Building Type or within 80' along the front of a building in the Highway Commercial District.

Landscaping for Parking Lot

a) (add the following) Street tree and landscaping rules shall apply along a 10' buffer placed between the ROW and any parking in front of a street facing facade.

Article 9.25, Conditions for Certain Uses

- .1 (Change to) Vehicles and boats for sale may be displayed in an area located to the rear, side, or within 80' along the front of the main sales building.
- .2 (a) (eliminate this item)

AMENDMENT 15, adopted June 6, 2002

Article 3.2.8, Light Highway Commercial District

Create this new district, see separate description, p. 184-185.

AMENDMENT 16, adopted October 3, 2002

Amendments to Zoning Ordinance to accommodate Apartment Complexes with private drives

Article 8.1.5

Change to read: A site specific development plan may be considered for approval in the Campus, Business and Institutional District, Light Highway Commercial or Highway Commercial District to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the campus/building complex front upon public street(s).

Article 3.2.5 Highway Commercial District

Add d) General Requirements to read: 6) Every building lot shall have frontage upon a public street or square except as follows: in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Highway Commercial District, a private drive may be substituted for the interior street which cannot be connected to the public network. A site specific development plan for multiple buildings on one parcel may be considered for approval in the Highway Commercial District to permit interior access by private drives so long as business and emergency access is furnished to all interior building sites, and proposed buildings at the perimeter of the building complex front upon public street(s) when space is adequate to accommodate the proposed construction style.

Article 3.2.8 Light Highway Commercial District

Add d) General Requirements to read: 5) every building shall have frontage upon a public street or square. A site specific development plan for multiple buildings on one parcel may be considered for approval in the Light Highway Commercial District to permit interior access by private drives so long as business and emergency access is furnished to all interior building sites and proposed buildings at the perimeter of the building complex front upon public street(s) when space is adequate to accommodate the proposed construction style.

Article 4, Building Types. Apartment Buildings

Add to 3. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street unless a site specific development plan for multiple buildings on one parcel has been approved.

Add to 4. Parking shall be located to the rear of the building on all apartments fronting a public street.

Add to 7. Trash containers shall be located in the rear parking area (see parking regulations) or if located in a site specific development plan shall follow dumpster guidelines in Off-Street Parking regulations and be screened by vegetation.

AMENDMENT 17, adopted March 6, 2003

Article 3.2.1 Open Space District

d)2) Create a **new bullet point** to say:

- The number of housing units which may be built in a major or minor subdivision of 50 or less acres in the OPS District varies according to the amount of open space preserved. A base density of 2.0 dwelling units per acre, calculated across the entire project, is permitted with the preservation of 10% open space. Dwellings are expected to be clustered; projects may include a mixture of the building and lot types permitted in the district, from City homes and apartments to large lot single family houses. An incentive is provided to encourage more than the minimum amount of open space to be preserved. Generally, the percentage of mixed-use buildings and attached homes should not exceed 30% of the total number of dwellings in a project. Some exceptions may be made for superior urban design quality. For each 1% of open space exceeding the required 10%, the number of units in the project may be increased by 1%. For example, the Open Space Matrix is as follows:

<i>Project Area (example)</i>	<i>Density in DU/A</i>	<i>Percent Open Space</i>	<i>Maximum Dwelling Units</i>	<i>Minimum Lot Size</i>	<i>Minimum Lot Width</i>
50 Acres	2.0	10%	100	N/A	N/A
50 Acres	N/A	20%	110	N/A	N/A
50 Acres	NM	30%	120	N/A	N/A
50 Acres	N/A	40%	130	N/A	N/A
50 Acres	NM	50%	140	N/A	N/A

Add this bullet point:

In subdivisions, where density is 1 (one) dwelling unit or less per acre, the open space requirement can be met by a combination of at least 5% common open space and an additional allowance determined by allowing 1/4 acre per lot for each individual lot of 1.0 acre or more in size to count toward the applicable open space requirement. Deed restrictions shall designate 1/4 acre as permanent open space on each lot and shall disallow any further subdivision of each lot.

AMENDMENT 18, adopted April 1, 2004

Article 8.16 Standards for Residential Garages and Parking in Residential Districts

.1 On lots greater than 60 feet in **width, front loading** garages shall be recessed at least 6 feet **behind** the primary plane of the front facade of the structure. The primary plane is the wall of the structure and does not include any roof overhang.

.9 All driveways from a public street shall be a minimum of 10 feet and a maximum of 16 feet in width. An exception to this general rule, for garage entrances greater than 14 feet, will allow a driveway to extend an additional 12 inches on each side of the garage opening centerline. In no case shall a driveway be greater than 22 feet in width.

3.2.8 LIGHT HIGHWAY COMMERCIAL DISTRICT (LHC)	
<p>Intent: The Light Highway Commercial District is provided for the location of services, small workplaces, civic and residential buildings adjacent to a neighborhood or grouping of neighborhoods. Buildings shall be compatible with surrounding residences. If a Light Highway Commercial District is the focus of a planned transit stop, it should be designed to serve the neighborhood's residential base plus transit riders.</p>	<p><i>"Attachment to the area and the sense of place that it imparts expand with the individual's walking familiarity with it. In such locales, parents and their children range freely. The streets are not only safe, they invite human connection."</i> Ray Oldenburg <i>The Great Good Place (210)</i></p>
a) Permitted Uses	

Uses permitted by right

- bed and breakfast inns
- boarding or rooming houses for up to six roomers
- civic, fraternal, cultural, community, or club facilities
- multi-family homes
- offices
- professional services
- single family homes

Uses permitted with conditions

- cemeteries
- churches
- essential services 1 and 2
- government buildings up to 6,000 SF of first floor area
- parks
- schools
- commuter transit-oriented parking lots as a principal use
- commuter transit shelters

b) Permitted Building and Lot Types	c) Permitted Accessory Uses
<ul style="list-style-type: none"> • apartment • attached house • civic • detached house • mixed use up to 6,000 SF of first floor area • highway commercial up to 6,000 SF of first floor area • workplace up to 6,000 SF of first floor area 	<ul style="list-style-type: none"> • accessory dwelling, day care home (small) • home occupation • accessory uses permitted in all Districts

d) General Requirements

- 1) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

New buildings which adhere to the scale, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. The definition of massing in Article 12 illustrates the application of design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings.

- 2) On new streets, allowable building and lot types will establish the development pattern.
- 3) In major subdivisions and planned developments, the aggregate number of dwelling units contained in attached houses, apartment buildings, and mixed use buildings shall not exceed 30 percent of the total number of dwelling units in a project.
- 4) New Construction favors office first floor, office or residential second floor
- 5) Every building lot shall have frontage upon a public street or square unless part of a comprehensive development plan with a network of private streets.