ORDINANCE NO. 73-2

An Ordinance of the County of Stanly, North Carolina, as set forth in the code of ordinances of the County of Stanly regulating the uses of buildings, structures and land for trade, industry, commerce, residence, recreation, public activities or other purposes; the size of yards, courts, and other open space; the location, height, bulk, number of stories and size of buildings and other structures; the density and distribution of population, creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, amendment and enforcement; providing penalties for violation; providing for a Board of Adjustment and defining the duties and powers of said Board provided no change in permitted uses may be authorized by variance; repealing conflicting ordinances; and for other purposes. (ZA 05-15)

BE IT ORDAINED By the Board of County Commissioners of Stanly County, North Carolina, as follows:

ARTICLE I

PURPOSE, AUTHORITY and CONFLICTS OF INTEREST

Section 101 Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt a statement describing whether its action is consistent with the latest adopted comprehensive plan and explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. The Planning Board shall advise and comment on whether the proposed amendment is consistent with the latest adopted comprehensive plan and any other officially adopted land-use ordinance or plan. (ZA 05-15)

Section 102 Authority

The Board of County Commissioners of the County of Stanly enacts this ordinance in pursuance of the authority granted by the General Statutes of North Carolina (G.S. Chapter 160D).

Section 103 Conflicts of Interest

All administrative staff, appointed and elected boards shall follow the Conflict of Interest statutes as established in North Carolina General Statutes 160D-109. In general, appointed and elected board members shall not vote on items where there is a close familial, business, or other associational relationship or where the individual is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

ARTICLE II

SHORT TITLE AND MAP

Section 201 SHORT TITLE AND ORDINANCE MAP

This ordinance shall be known and may be cited as the Zoning Ordinance of Stanly County, North Carolina, and the zoning map referred to herein shall also be known as the Official Zoning Map of Stanly County, North Carolina, hereinafter referred to as Official Zoning Map. The location and boundaries of zoning districts established by this ordinance are shown and maintained as part of the Stanly County Geographic Information System (GIS) under the direction of the Mapping Department at the instruction of the County Planning Director. The Zoning GIS layer constitutes Stanly County's Official Zoning Map and is part of this ordinance. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Zoning Ordinance.

201.1 At the direction of the County Commissioners, the Planning Director is authorized to revise the Official Zoning Map. This authorization includes adjustments to the Official Zoning Map as outlined in Section 503.6. No unauthorized person may alter or modify the Official Zoning Map.
201.2 The Planning Department must maintain digital or printed copies of the Official Zoning Map and maintain records of superseded official maps in accordance with the Retention and Disposition Schedule as disseminated by the NC Department of Natural and Cultural Resources.
201.3 All changes to the Official Zoning Map shall be identified by updating the original computer digital data with each change, together with the date of the change.
201.3 Flood insurance rate maps (FIRMS) and similar maps officially adopted by state or federal agencies which are applicable to zoning regulations are hereby incorporated into the Official Zoning Map of Stanly County. Updates to these maps shall be incorporated into the Official Zoning Map upon adoption by the state or federal agency.

Section 202 FRACTIONAL REQUIREMENTS

Whenever any requirement of this ordinance results in a fraction of a unit, the fraction will be rounded up to the next whole unit.

ARTICLE III

JURISDICTION

Section 301 Territorial Jurisdiction

On and after the effective date of this ordinance, these regulations shall govern the use of all lands lying within areas designated as "Official Zoned Areas" by the Board of County Commissioners of Stanly County, and outside the zoning regulation jurisdiction of any municipality. However, this ordinance may also regulate territory within the zoning regulation jurisdiction of any municipality whose governing body by resolution agrees to such regulation; provided, however, that any such municipal governing body may, upon two year's written notice, withdraw its approval of the county zoning regulations, and those regulations shall have no further effect within the municipality's jurisdiction.

Section 302 Bona Fide Farm Exempt

This ordinance shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farm (crop lands, timber lands, pasture lands, or other farm lands, nor any other farm buildings or housing to be occupied by the farm owner, relatives, or other employees of the farm), except that any such use of such property for non-farm purposes shall be subject to such regulations.

For the purposes of this ordinance, a Bona Fide farm shall be defined as any parcel-lot of record being in active agricultural use as defined by N.C. General Statutes Section 160D-903.

ARTICLE IV
APPLICATION OF REGULATION
GENERAL PROVISIONS

Except as hereinafter provided:

Section 401 Use

No building or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, moved, or structurally altered except in conformity with the regulations of this ordinance, or amendments thereto, for the district in which it is located.

Section 402 Height, Density, Access

No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this ordinance for the district in which it is located. No commercial or residential structure or building shall be erected or placed on any lot which does not abut a publicly dedicated street, or a developed and recorded right-of-way affording legal access to a publicly dedicated street. The minimum right-of-way width where a public street frontage is not available shall be twenty (20) feet for easements created after the date of this amendment. Easements serving more than one residence may be required to have greater minimum width as provided in other applicable Zoning Ordinance Section and/or the Stanly County Subdivision Ordinance. The minimum lot frontage on a publicly dedicated or publicly maintained road shall be thirty-five (35) feet from the date of this amendment. Preexisting non-conforming lot frontage or easement width shall not prevent issuance of Certificate of Zoning Compliance. (ZA 91-05) (10-5-92)

Section 403 Lot Size

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family, or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the conterminous narrow strips of land for public utilities or street right-of-way purposes.

Section 404 Yard Use Limitations

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

Section 405 More Than One Principle Use or Structure on a Lot of Record

Two or more principle structures and uses may be constructed or placed on a lot of record not intended to be subdivided into customary streets and lots provided the following conditions are met:

405.1 All structures and uses shall be limited to those uses permitted within the zoning district in which they are located. In no case shall a use not permitted in the district be approved.

405.2 The distance of every structure from the nearest property line shall meet side and rear yard setbacks required with the applicable district, in accordance with orientation of each structure upon the lot. No structure shall be located closer to the front property line or road right-of-way than is required within the zoned district regardless of structure orientation on the lot. Corner lot setbacks shall also be met for the district.

405.3 Single family structures shall be limited to no more than two total dwelling units where no more than one site built structure is permitted on any single lot of record (excepting a bona fide farm as provided under Section 302 of this ordinance, accessory dwellings under Section 421 of this ordinance or within an approved Manufactured home park or approved multifamily project). Each structure shall be located on the property so that:

(A) Total lot area shall equal no less than one acre per dwelling unit if more than one (1) residence is to be placed on a lot or parcel of record.

(B) Each residential site must abut a publicly dedicated right-of-way or be located so that a recorded fifty (50) foot right-of-way or easement giving access to a publicly dedicated right-of-way is provided, and

(C) Minimum lot size and setback requirements for the pertaining district of this ordinance, as well as any requirements of the County Subdivision, Floodplain or Watershed Ordinances, are maintained were the land to be divided into separate lots of record.

405.4 The overall intensity of land use shall be no higher and the standard of open space no lower than permitted in the zoned district in which the uses or structures are located.

405.5 Upon request by the Zoning Enforcement Officer, or the property owner, the Board of Adjustment may review development plans or other necessary information involving development of more than one principle structure or use on any lot of records to assure compliance with the above requirements. (ZA-09-02)

Section 406 Nonconforming Uses or Structures

Any building, structure, or use of land existing at the time of the enactment of this ordinance or any amendment thereto may be continued subject to the following provisions. They shall not be:

406.1 Enlarged or extended except in conformity with this ordinance, except that existing residential single family structures located in a district that does not normally permit such use may be enlarged provided setback requirements of the R-8 Zoning district are maintained with no additional dwelling units.(ZA 99-20 Eff. 2-21-2000)

406.2 Re-established as a nonconforming use or structure after a discontinuance of 180 days from the date of destruction, abatement or abandonment except as otherwise noted in this ordinance. (ZA 99-20 Eff. 2-21-2000)

406.3 If no structural expansions are made, any nonconforming use of a structure and premises may, as a Special Use, be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate to the district as the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.

406.4 Nonconforming signs will be allowed to remain indefinitely in good repair unless specified in this ordinance. However, under the following conditions, all signs shall be changed to conform to the regulations of this ordinance:

(A) Structural alterations to extend the life of such sign, including illumination, location, height, or sign area changes shall not be allowed on non-conforming signs. Information presented on such signs may be changed.

(B) Any nonconforming sign on a building, which is vacant for a period of ninety (90) days, shall be altered to conform to the regulations of this ordinance.

(C) Any nonconforming sign damaged over sixty percent (60%) of its listed tax value, by any means (e.g. act of God, intentional or otherwise, etc.), either shall be removed or repaired in a manner to conform with the regulations of this ordinance. The method of computing sign damage shall be the real retail cost of such sign replacement and not material cost alone.

(D) All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.

(E) If a nonconforming off-premise sign remains blank for a continuous period of twelve months, that off premise sign shall be deemed abandoned and shall, within thirty days after such abandonment, be altered to comply with this article or be removed by the signs owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
2. The advertising message it displays becomes illegible in whole or substantial part; or
3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

(F) If a nonconforming sign other than an off premise sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty

days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
(G) A nonconforming sign or off premise sign shall not be moved or replaced except to bring the sign into complete conformity with this ordinance.

406.5 Nonconforming manufactured homes located in nonconforming manufactured home parks ***or*** on individual lots shall comply with the following applicable regulations: (ZA 99-20 Eff. 2-21-2000)
(A) Manufactured home parks whether or not approved under the Stanly County Zoning Ordinance, shall comply with the following criteria for *replacement of any* manufactured home in the park from the date of this ordinance:
1) All roadways shall be properly graded; maintained and street graveled to a minimum 18-foot in width per NCDOT design and construction standards. Roadways shall be construed to include the travel-way from the state maintained road right-of-way to the manufactured home site required parking area.
2) Replacement manufactured homes shall meet the requirements for a Class A, B or C as defined in this ordinance unless the existing unit qualifies as a Class A or B manufactured home in which a Class A or B manufactured home shall be its only replacement. Class D manufactured homes are allowed to continue but if moved they can only be replaced with a Class A, B or C manufactured home
.
3) Setbacks are as follows: 50' from the front, rear and side to the adjoining property lines or park boundaries. 30' from any interior roadway and a 20' separation from each individual manufactured home and/or accessory buildings not serving the individual manufactured home. Accessory buildings shall not be larger than 12'x12'. Current manufactured homes can be replaced within the same footprint within six months from the date of removal.
4) Two ten foot by twenty foot parking spaces street graveled with not less than two inches of crushed stone or other suitable material on a well-compacted subbase shall be provided at each manufactured home space. Spaces may be side by side, tangential, or placed otherwise within the manufactured home space adjacent to the park driveway.
5) All required driveways, cul-de-sacs, and parking areas shall be paved either with concrete or asphalt, or street graveled (per Section 617.1) maintained free of vegetation, potholes, gullies, poor drainage areas or other impediments to normal vehicular operation. Stone used for sub-surfacing of parking areas shall be #7ABC grade or smaller, and shall be further subject to approval and periodic inspection by the Zoning Enforcement Officer or Inspector.
6) Each replacement manufactured home shall be provided with a minimum five foot by seven-foot concrete pad and steps or a minimum five-foot by seven-foot porch or deck and steps constructed to building code standards at the front entrance to the manufactured home.
7) Prior to inspection and/or occupancy of any manufactured home, a park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. The sign shall show the park name in letters at least three inches in height and the address in numerals at least five inches in height. Each manufactured home space will be assigned a sequential number throughout the park. Prior to inspection and/or occupancy of any home, the approved lot number must be clearly displayed on the front of the manufactured home or adjacent thereto, so as to be legible from the park drive. Space numbers shall be a minimum of four inches in height.

(B) Nonconforming manufactured homes located on individual lots shall comply with the following criteria in order for replacement of a manufactured home unless replaced within 180-days following removal or destruction of the existing unit. NOTE: If the nonconforming manufactured home is not replaced within the 180 days, the replacement structure shall meet the regulations of the underlying

zoning district. This shall be construed to mean that a site built or modular home may be required as a replacement structure:

1) The replacement manufactured home shall meet all the requirements for a Class A, B, or C as defined in this ordinance. In no case shall the existing manufactured home be replaced with a lower class manufactured home as defined in this ordinance.

The replacement manufactured home and any accessory structures shall comply with the zoning setbacks as required in the underlying zoning district. (ZA 99-20 Eff. 2-21-2000)

Section 407 Regulations Governing Manufactured Homes and Temporary Units, Recreational Vehicles and Campgrounds

Section 407.1 Individual Manufactured Homes

Unless within a manufactured home park approved under the terms of this ordinance, installation of manufactured homes must be preceded by issuance of a Certificate of Zoning Compliance by the Zoning Enforcement Officer. A Certificate of Zoning Compliance may be issued under the following circumstances:

(A) For residential use by the owner, his family or other employees of a Bona Fide Farm within any zoned district.

(B) For residential use on any lot of record according to specific use and other requirements of the zoned district in which the unit is to be located. Second units may be allowed on existing individual parcels, provided all requirements of ordinance Section 405 are met. (ZA 91-05)

(C) Individual manufactured home units may not be joined together to create one dwelling unit; however, site built additions which meet residential building code are allowed to individual manufactured home units but shall not exceed 50% of the heated square footage of the manufactured home . (ZA 91-05)

Section 407.2 Temporary Units

(A). Temporary Healthcare Structure - A Temporary Certificate of Zoning Compliance may be issued, according to specific use and other requirements of the zoned district in which the manufactured home unit or Family Health Care Structure is to be located, under the following circumstances: A health care hardship situation is established upon review by the Zoning Enforcement Officer and shall consider the housing needs of parents or dependents of the family occupying the principal dwelling. The Zoning Enforcement Officer shall consider factors such as mobility issues, illness, and need to care for elderly or disabled.

(B). Temporary Units due to Disaster - A Temporary Certificate of Zoning Compliance may be issued when an urgent hardship situation is established upon review by the Zoning Enforcement Officer. Such hardship shall involve loss of principal structure due to a disaster. Temporary units may include manufactured homes, office trailers, tents, camper trailers and recreational vehicles. A Temporary Certificate of Zoning Compliance for a Temporary Unit may be issued only upon the declaration of a disaster by local, state or federal agents authorized to make such a declaration or upon determination by the Zoning Enforcement Officer that authorization of a Temporary Unit is an appropriate solution following a severe fire or natural disaster rendering the primary structure uninhabitable.

(C). Temporary units such as tents, camper trailers or recreational vehicles not approved by the Stanly County Building Inspections Department or by the US Department of Housing and Urban Development may not be utilized as permanent dwellings. No permanent dedicated utility service may be established for a recreational vehicle or camper trailer for the purpose of living, sleeping, or office use.

(D). A Temporary Certificate of Zoning Compliance may be issued for a one-year period, with extension possible only upon Administrative Review by the Board of Adjustment establishing continued hardship.

(E). The Zoning Enforcement Officer may approve a temporary Certificate of Zoning Compliance of a camper trailer or other mobile unit to be used as an office by a builder during construction in any District. Permits for two consecutive six-month periods may be issued provided that construction is carried on diligently. Any further extension of permits for temporary units shall be approved as

provided in Section 407.3. No temporary unit shall be used as temporary living quarters unless approved as provided by Section 407.3 (ZA 88-18)

Section 407.3 Variance for appeal

All other applications not meeting the above conditions may be taken before the Board of Adjustment for review under variance procedures as presented in Section 1003.3.

Section 407.4 Temporary Uses (ZA21-06)

The Zoning Administrator is authorized to approved temporary uses that comply with the provisions of this section and to impose reasonable conditions on the operation of temporary uses to help ensure that they do not create significant adverse impacts on surrounding properties and that they operate safely and without causing nuisances, consistent with the general purposes of this ordinance. In lieu of making a decision to approve or deny a temporary use, the Zoning Administrator is authorized to refer the proposed temporary use to the Board of Adjustment for consideration in accordance with the Special Use procedures found in Section 1005 and NCGS 160D-388, 406, and 705. The Zoning Administrator's decision to refer a proposed temporary use to the Board of Adjustment may be based upon the use's proposed size, scale, duration or other considerations that, in the reasonable opinion of the administrator, warrants public review and notice. The Zoning Administrator is authorized to approve a permit for temporary uses upon determining that the proposed use is a customary temporary use, will generally be compatible with surrounding uses and will not be a detriment to public safety. Fees for a Temporary Use Zoning Permit shall be the same as a fee for a Special Use Permit as established in the annual fee schedule adopted by the Board of Commissioners.

Examples of temporary uses which may be approved include, but are not limited to:

A. Staging areas and construction yards for large projects such as pipelines, roadways and industrial projects
B. Sales or leasing offices and model homes
C. Portable storage containers for construction or in case of a natural disaster
D. Outdoor carnivals, concerts, festivals, revivals and public gatherings
E. Christmas tree, pumpkin and similar holiday sales lots

The Zoning Administrator or Board of Adjustment may establish requirements for the temporary use including but not limited to:

A. Entrance to be approved by NCDOT or municipality if applicable
B. Hours of operation are established
C. Time limit set with option to extend or establish that the temporary use will be discontinued upon completion of the project, activity or building permits
D. Land will be returned to previous condition and all fences, structures and roads/aggregate-gravel removed unless requested in writing by the landowner (any fencing or structures remaining must meet the requirements of the underlying zoning district)
E. Setback requirements should be based on the intensity of the use
F. May limit the number of construction or office trailers or other temporary structures

G. No burning or burying of waste or construction debris is permitted unless allowed in the underlying zoning district and properly permitted by NC DEQ
H. Permits for construction yards and staging areas; sales or leasing offices and model homes; and portable storage containers for construction or in case of a natural disaster shall expire after one year following issuance, but may be renewed upon application to the Zoning Administrator
I. Other restrictions as deemed appropriate for the particular request may be approved by the parties requesting and Zoning Administrator or the Board of Adjustment

Section 407.5 Campgrounds

A. Site Requirements and Specifications for Campgrounds

All for-profit campgrounds shall conform to the following requirements and specifications:

(1) Size of campground. Every campground shall be located on a tract of land not less than five (5) acres in size.
(2) Size of campsites. Every campsite shall consist of a minimum of 2,500 square feet, having a minimum width of forty (40) feet. Each campsite shall be clearly established on the ground by permanent monuments or markers.
(3) Number of camper trailers per campsite. No more than one camper trailer or recreational vehicle may be parked on any campsite.
(4) Recreation area. In all campgrounds, there shall be at least one developed recreation area, which shall be easily accessible from all campsites. The gross amount of such recreation areas shall be not less than seven percent (7%) of the gross site area. Any individual recreation area shall be not less than 2,500 square feet in size. Plans for recreation area development shall be approved by the Planning Staff and may include such facilities as picnic, playground, ball field, or beach areas.
(5) Access to streets generally. Campgrounds shall be provided with safe and convenient vehicular access from abutting public streets or roads to each camp site. Surfacing and maintenance shall provide a smooth, hard and dense surface (asphalt or similar surfacing material) and shall be free of dust and well drained, with at least a sixteen (16) foot continuous width of right-of-way exclusive of parking areas, drainage ditches or other structures.
(6) Camp sites generally. Each camp site shall have a space for one tent or travel trailer and a parking space for at least two cars (10'x 20' each parking space).
(7) Camp site location. All campsites shall be located at least forty (40) feet from any campground boundary line and at least sixty (60) feet from a street or highway right-of-way, or any boundary of a residential district. Each tent or trailer space shall be set back at least twenty (20) feet from any private road in the campground.
(8) Camp stores. For the convenience and use of campground residents only, the campground may provide and operate a camp store. The camp store may include laundry facilities, concessions, video and pinball machines, groceries, produce, and camping equipment. Adequate parking must be provided.
(9) Buffer Strip. A buffer strip according to standards of Section 419(A) shall be provided along all campground boundaries unless exempted by the County Planning Board.
(10) Duration. No travel trailer may remain at the same campsite for more than 10 months within a 24 month period.
(11) Attached structures. No constructed structures, shelters or sheds may be attached to a travel trailer. Retractable or attachable canvas or similar awnings are permitted.

B. Utilities; Water Supply; Sewage Disposal and Sanitary Facilities; Garbage Disposal.

(1) In every campground, all installations, other than those within the trailer proper, of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating and gas regulations of the applicable county ordinances and other applicable regulations.

(2) Each campground shall obtain water from a source approved by the county health officer or appropriate state official. The supply shall be adequate to meet a demand of one hundred (100) gallons per campsite per day. The drinking, cooking, laundry, bath and general water supply for each campsite shall be obtained only from faucets or other plumbing fixtures connected directly to the water supply system. Such faucets or water supply fixtures may be either located by each campsite or at centralized watering stations.

(3) Each campground shall be provided with an adequate sewage disposal system, by connection to a public sewage system, package treatment plant or other system approved by the county health department or appropriate state official. All sewage wastes from each campground, whether from individual trailers or camp sites or centralized facilities, including wastes from toilets, showers, bathtubs, lavatories, wash basins, and sinks, shall be piped into the campground sewage disposal system. If individual connections for sewage disposal are provided at the campsite, such connections shall be sealed at any time when not connected to a trailer. Trailers having limited bathroom or kitchen facilities, but lacking sewage storage facilities shall be required to connect to such individual sewage connections.

(4) At each campground which allows self-contained camping trailers or motor homes, at least one central sanitary station/dump station shall be provided for removing and disposing of wastes from waste holding tanks unless an individual sewage disposal connection is provided at each campsite. The central sanitary station shall be of a type approved by the Stanly County Environmental Health Department or other applicable governmental agency. Sanitary stations/dump stations shall be separated from any camp site by a distance of at least fifty (50) feet.

(5) Campgrounds which provide sites for tents and dependent trailers shall provide toilet and bathing facilities in centralized service buildings. Such service buildings shall be conveniently located within three hundred (300) feet of the spaces to be served.

(6) All garbage and refuse in every campground shall be stored in suitable watertight, wildlife proof and fly-tight trash receptacles. It shall be the duty of the campsite operator to make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

C. Review of Plans

The planning staff shall review all plans for campgrounds for compliance with this section and shall issue all campground permits. In addition to a written statement that all of the above criteria will be met, the owner must provide a site development plan showing all intended site improvements and numbered camp site locations. The addition of five (5) or more campsites to the previously approved plan will require the review and approval of the planning staff.

Section 408: Signs (ZA 00-08 Eff. 01-08-01)

Section 408.1 General Intent

The purpose and intent of this Section is to support and complement the various land uses allowed in County of Stanly by the adoption of policies and regulations concerning the placement of signs.

The Stanly County Commissioners do hereby find and declare that the outdoor placement of signs is a legitimate use of private property but that the erection of signs should be controlled and regulated in order to promote the health, safety, welfare and convenience and enjoyment of travel on and protection of the public investment in streets and roads in Stanly County and to promote the reasonable, orderly and effective display of such signs, displays and devices. It is also the intent of this Section to prevent signs from dominating the visual appearance of the area in which they are located and to enhance the aesthetic environment of the Stanly County area.

Section 408.2 Sign Illumination

A. The letter "N" means that the sign shall not be lighted.

B. The letter "L" means that the sign may be illuminated.

C. All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign.

D. No commercial sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed "pre-existing" for purposes of this Section if it has a valid building permit in effect for construction of said structure or if construction of said structure was complete on or prior to the effective date of this provision.

Section 408.3 Unsafe Signs

Any sign which is determined by the Zoning Officer as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.

Section 408.4 Sign Area

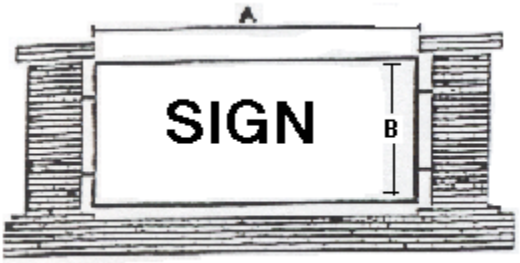
The surface area of a sign is computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including blank masking (a plain strip, bearing no advertising matter around the edge of a sign), frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter. In the case of signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces is included in computations of area. See next page for examples.

In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material is to be computed separately (according to the method described immediately above in this Section) as part of the total surface area of the sign. If a sign is attached to an entrance wall or fence, only that portion of

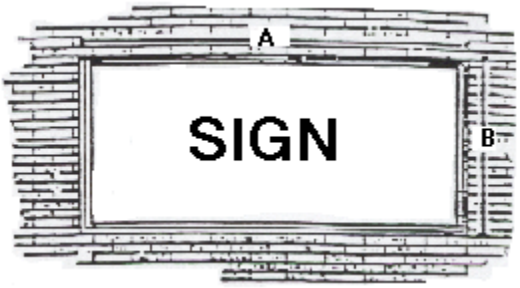
that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area onto which the sign face or letter.

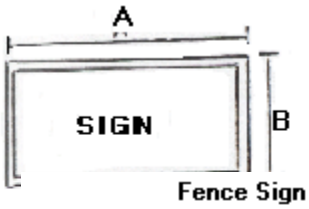
EXAMPLES OF HOW SIGN AREA IS TO BE COMPUTED ARE INDICATED BELOW:

<u>Ground Sign</u>
Sign Area = (A)x (B)



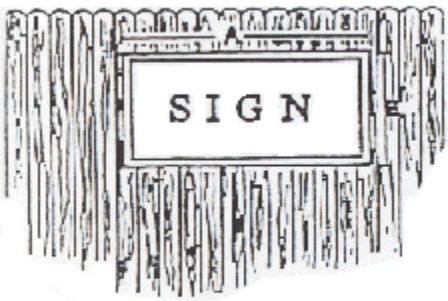
<u>Wall Sign</u>
Sign Area = (A)x (B)





Fence Sign

Store Front

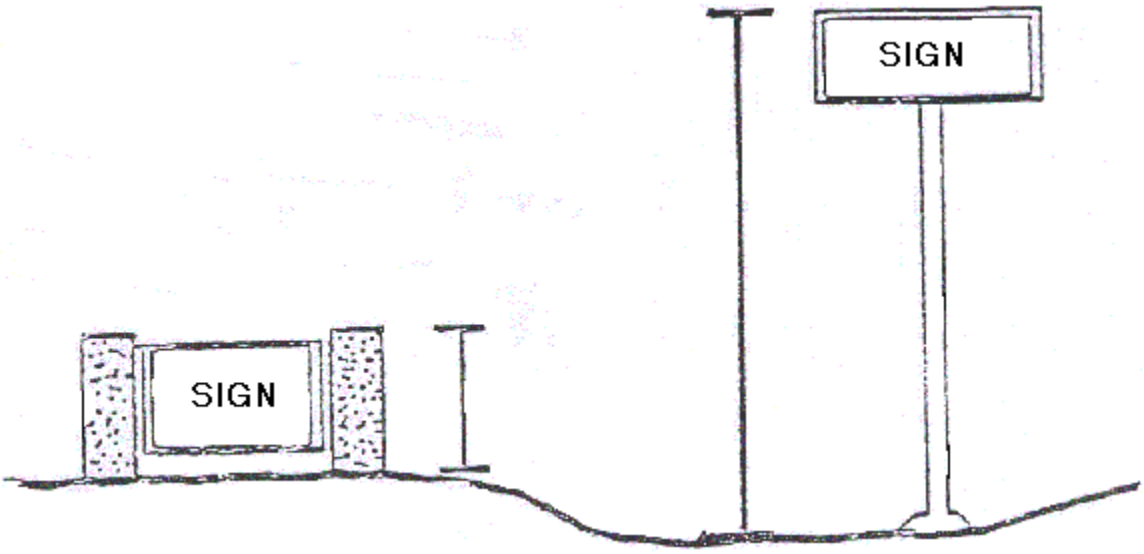


Sign Area = (A) x (B)

Sign Area = (A) x (B)

Section 408.5 Sign Height

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it.



Section 408.6 Permit Required

Except as otherwise provided in Section 408.7 of this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first having obtained a sign permit for such sign from the Zoning Officer as required by this Ordinance. A fee, in accordance with a fee schedule adopted by the County Commissioners, shall be charged for each sign permit issued.

Notwithstanding the above, changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

Section 408.7 Signs Not Requiring Permit

The following types of signs are exempt from permit requirements of Section 408.6 of this Ordinance and may be placed in any zoning district subject to Section 408.2(D). Such signs shall otherwise be in conformance with all applicable requirements contained in this Ordinance. There shall be no limit as to the number of such signs on any lot, except as herein prescribed. All such signs (except government signs) shall be located outside a road right-of-way. Except where specifically provided for, portable signs shall be prohibited.

A. Government signs. (City, County, State, National, Military etc.)

B. Memorial signs, plaques or grave markers which are noncommercial in nature.

C. Flags, pennants, insignia, or religious symbols of any government, non-profit or not-for-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

D. Integral decorative or architectural features of buildings; works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights.

E. On-premise directional and instructional signs not exceeding six (6) square feet in area for each sign.

F. Identification signs for residential uses not exceeding four (4) square feet in area [one (1) only per premises]

G. Incidental signs, however, in no case shall a drive-in service window menu board be oriented to a public right-of-way or exceed thirty-two (32) square feet in area. Any such drive-in service window menu board containing a loud speaker shall be located at least fifty (50) feet from any pre-existing residential structure (as defined in Section 408.2) located in a Residential (R-40, R-A, R-R, R-20, R-10, R-8, R-MHP) district.

H. Campaign and election signs provided that:

1. Each sign shall not exceed (32) square feet in area.

2. All such signs shall be removed within seven (7) days after the election for which they were made.

3. Property owner shall be held responsible for violations.

I. Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:

1. One sign per street frontage advertising real estate "For Sale", "For Rent", "For Lease" or "For Development" not greater than ten (10) square feet, except 32 square feet for an auctioneer sign, in area in a R-40, R-A, R-R, R-20, R-10, R-8, R-MHP District and sixty-four (64) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property being advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least one hundred (100) feet apart as measured by the shortest straight line.

2. In addition to the on-site real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted off the subject premises. A one time three week advertising period shall be permitted for up to 20 signs off the premise not to exceed thirty-two square feet and as long as the property owner grants permission. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", “Estate Sale”, etc.

3. No more than three (3) temporary directional signs advertising a specific planned commercial or mixed use development, subdivision, multi-family development, etc. may also be permitted off-site. Each sign may have a maximum area of three (3) square feet.

4. All such temporary signs shall be removed within seven (7) days after the property has been sold, rented, leased, etc.

5. No sign allowed under this subsection shall be lighted.

J. Permanent subdivision or planned residential development identification signs not exceeding thirty-two (32) square feet.

K. Temporary construction signs provided that:

1. Signs in conjunction with any residential use shall not exceed ten (10) square feet each.

2. Signs in conjunction with all other uses shall have a maximum area of fifty (50) square feet each.

3. Only one (1) such sign oriented per street front per premises shall be erected. Any two such signs located on the same premises shall be located at least one hundred (100) feet apart as measured by using a straight line.

4. Such signs shall not be illuminated.

5. Such signs shall only appear at the construction site.

6. Such signs shall be removed within seven (7) days after a completion of the project.

L. Temporary farm product signs provided that:

1. One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least ten (10) feet away from any side lot line. Such sign shall have a maximum area of nine (9) square feet and may not be illuminated.

2. A maximum of two off-premise signs shall be permitted. Said off-premise signs may be no greater than four (4) square feet apiece and shall not be illuminated. No such sign shall be allowed in the street right-of-way nor within ten (10) feet of a side lot line.

3. Portable signs shall not be used for any sign allowed under this Subsection.

4. No signs shall be permitted for longer than 90 days and must be removed for at least 30 days

M. Temporary special event signs for religious, charitable, civic, fraternal or similar non-profit or not-for-profit organizations provided that:

1. Signs shall be erected no sooner than thirty (30) days prior and removed no later than two (2) days after the event.

2. Portable signs for such uses may be allowed.

3. No such sign shall exceed thirty-two (32) square feet.

4. No such sign shall be illuminated.

5. All such signs shall be located off the street right-of-way, unless otherwise granted permission for such location by the Zoning Officer or NCDOT. In no case may any such sign extend onto or over a street pavement or impede the view of any motorists or pedestrians. Location of such signs within a road right-of-way shall be limited to the day of the event.

N. Temporary displays as part of a holiday or civic event so long as any such displays are not located within a street right-of-way unless the County Commissioners or NCDOT first grants permission for such.

O. One (1) on-premise and three (3) off-premises yard sale signs per yard sale. All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way.

P. Bulletin Boards and signs which contain information of a non-commercial nature. Such bulletin boards and signs may have a maximum area of seventy-five (75) square feet.

Q. Window Signs

R. "Warning", "No Trespassing" and similar informational signs

S. Signs located within a stadium intended to be read only by persons seated within the stadium.

T. Permanent municipal, school, recreational signs, schedule of events, rules and regulations signs. Such signs shall not include identification signs.

U. Any sign inside a building, not attached to or placed within an external window or piece of glass that is not legible more than three (3) feet beyond the building in which it is located.

V. Signs placed on newspaper boxes designed for placement of delivered newspaper to a particular location.

W. Signs advertising the price of gasoline or designating self service or full service pumps, so long as such signs are attached to the pump island or a permitted free standing sign.

X. A North Carolina vehicle inspections sign so long as such sign is not located in any right-of-way.

Y. Relocation of one non-conforming sign with written approval of the County Zoning Administrator. Requirements for such are as follows:

1) Not be moved more than 100 linear feet.
2) Sign privately owned by the business advertised and not to be sold.
3) Size not to exceed 32 sq. ft.
4) Property owner's written permission for a new location.
5) Can only be moved once under this provision.
6) Sign or business must have been erected before 4/16/73.
7) Sign shall not increase in the degree of non-conformity. (Setbacks, etc.)
8) If at any time the preceding requirements are not met, the sign shall be removed.

Section 408.8 Prohibited Signs

1. Any sign that the Zoning Officer determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signals shall be prohibited.

2. Illuminated highly reflective signs or spotlights, which hamper the vision of motorists or bicyclists.

3. Signs, which contain lights, rotating disks, words and other devices not erected by a public authority, which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop", "Yield", etc.

4. Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

5. Any sign (other than a government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way, unless otherwise permitted.

6. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.

7. Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs which give time and temperature information). If a time and temperature sign alternates between a time message and a temperature message it shall continuously show one message a minimum of three (3) seconds in time before switching to the other message.

8. Portable signs [excluding 1) temporary signs otherwise permitted in Section 408.7(N) and 2) signs containing non-commercial copy messages allowed in Section 408.7 of this Ordinance, and 3) hand portable commercial signs up to 4' X 4' in the C-B zoning district which are brought out at the beginning of the business day, and taken in at the end of the business day)]

9. Parked vehicles with messages (exempting vehicles with commercial advertising which are used regularly and customarily to transport persons or property for business).

10. Rotating signs, other than on-premise rotating identification names which contain a logo and/or business name on it.

11. Roof signs [except for signs containing non-commercial copy messages in Section 408.7]

12. Signs placed on a piece of property without permission of its owners or agent.

13. Inflatable signs [including inflated balloons having a diameter of greater than two (2) feet]. Each business shall be allowed a permit for a maximum of 2 weeks each session 4 times a year to have an inflated balloon either on the ground or in the air as part of a special event on site. All other laws apply.

14. Other signs not expressly permitted in this Ordinance.

15. Any sign whose sign face was initially constructed and designed to be placed and/or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free-standing" sign as herein defined.

Section 408.9 Signs Permitted In Residential (R-A, R-40, R-MHP, R-R, R-20, R-10, R-8) Districts

Signs allowed without a permit are listed in Section 408.7 of this Ordinance. The following signs may be placed in such districts subsequent to the issuance of a permit by the Zoning Officer. All other signs shall be prohibited. Additional specifications for sign placement are found in Section 408.12

A. Signs on premises of multi-family developments are regulated as follows:

1.	Type of signs permitted:	Identification (wall or free-standing)
2.	Permitted number of signs:	One (1) per premises per public street front. No two signs identifying the same use shall be located closer than two-hundred (200) feet from each other measured by using the shortest straight line distance
3.	Maximum area of signs:	Thirty-two (32) square feet apiece
4.	Permitted illumination:	L
5.	Maximum height:	Free-standing: Ten (10) feet. Wall: Sign shall not be allowed to extend above the parapet of the building.

B. Signs on premises of churches, schools, community center, park, playground, public safety station, public library, golf course, club or lodge:

1.	Type of signs permitted:		Identification (wall or free-standing)
2.	Permitted number of signs:	a.	One (1) sign per street front provided that no two signs are located within a straight line distance of two-hundred (200) feet
		b.	In addition, for any use which contains more than one (1) principal structure, one free-standing identification sign may be placed within twenty (20) feet of each building provided that building does not contain any wall identification signs
3.	Maximum area of signs:		Fifty (50) square feet per Section 408.9(b)(2)(a); Twenty-Four (24) feet per Section 408.9(b)(2)(b)
4.	Permitted illumination:		L
5.	Maximum height:		Free-standing. Ten (10) feet Wall. Sign shall not be allowed to extend above the parapet of the building

C. Signs on premises of all other uses allowed in residential districts are regulated as follows:

1.	Type of signs permitted:	Identification (Wall or Free-Standing)
2.	Permitted number of signs:	One (1) sign only.
3.	Maximum area of signs:	Thirty (30) square feet.
4.	Permitted illumination:	L
5.	Maximum height:	Free-standing: Ten (10) feet. Wall: Signs shall not be allowed to extend above the parapet of the building.

D. Signs for customary home occupations, rural home occupations, family day care centers, family care homes, rooming houses, Rural Based Business and Bed and Breakfast Inns. (ZA 02-04) (ZA 05-15)

1.	Type of signs permitted:	Identification (Wall or Free-Standing)
2.	Permitted number of signs:	One (1) sign only. In addition such sign shall be 30 feet from the road right of way and be located on the same lot as the subject being advertised.
3.	Maximum area of signs:	432 square inches. (3 square feet)
4.	Permitted illumination:	N
5.	Maximum height:	Free-standing: Six (6) feet. Wall: Signs shall not be allowed to extend above the parapet of the building.

Section 408.10 Signs Permitted In the C-B (Central Business) District

Except as otherwise permitted by this Ordinance, signs in the C-B District shall be limited to wall, canopy and awning signs. Regulations governing these signs are as follows:

A. Wall Signs

1. On-structure signs shall be considered either attached signs or painted wall signs.
2. No sign painted on a building or wall shall exceed 50% of the wall area upon which the sign is located.
3. No wall sign shall exceed 18 inches from the wall face into the right-of-way unless at least 10 feet above grade.

B. Canopy and Awning Signs

A sign message on a canopy or awning shall contain only the name of the business, street address, and/or the type of business, type of goods sold, or services rendered.

1. Each business is permitted up to one (1) sign hung under a canopy or awning provided the message on the sign is perpendicular to the building and the sign is at least eight and one half (8-1/2) feet above the surface of the sidewalk and is no more than four (4) square feet in size.

2. If a wall sign is not used, a business is permitted to use up to one (1) canopy or awning sign. Said sign may be of either of the following types of canopy or awning signs:

   a. A canopy or awning sign along a canopy or awning edge (fringe or drip-flap) for fabric canopies or awnings or vertical facia surface (in the case of a rigid canopy or awning) provided the message does not exceed ten (10) inches in height nor extend in any direction above, below, or beyond the canopy edge.

   b. A canopy or awning sign above the edge of the canopy or awning on the surface of the canopy or awning covering provided the signing is within the parallel edges of the canopy or awning covering and is an integral part of the canopy or awning covering.

Signage on the canopy or awning sign shall be limited to no greater than one-half of the area bounded by the edges of the canopy or awning not including any drip flap or vertical facia surface. If signage is only found in fringe drip-flap portions of the canopy, the entire portion of said area may be utilized for signage.

Section 408.11 Signs Permitted in All H-B, G-B, M-1, and M-2 Districts

Section 408.11.1 The following are regulations for all wall signs and free-standing signs for all uses except that such regulations shall not be applicable to free-standing signs in shopping centers, business parks, office buildings and other commercial multi-tenant developments and out parcels in said developments. Signs allowed without a permit are found in Section 408.8 of this Ordinance. Certain pole signs are also allowed in the H-B, G-B, M-1, and M-2 zoning districts and are regulated by Section 408.12.3. Wall signs shall also be governed per Section 408.12.1; free-standing signs per Section 408.12.2. Supplemental directory/directional signs are permitted per **Section**

408.12.3. Certain Off-Premise Signs are permitted per Section 408.12.3 in the M-1 and M-2 zoning districts unless prohibited otherwise. All other signs are prohibited.

1. Types of sign permitted: Business, Identification

2. Permitted number of signs: Wall. No limit

   Free-standing. A free-standing sign shall not be permitted if the principal structure containing the use identified for the sign is located less than thirty (30) feet from the edge of that portion of the road right-of-way parallel to the architectural front of said structure. Otherwise, one (1) only is permitted except two (2) shall be permitted if the principal use has direct access from two (2) or more public roads. If two signs are allowed, they shall be located at least two hundred (200) feet apart as measured using the shortest straight-line distance between the two signs.

3. Maximum area of signs: Wall. A maximum of ten (10) percent of the wall area of any wall on the building. Except as provided herein and in Section 408.12.1, in no instance shall any principal use be allowed to have an aggregate wall sign area in excess of one hundred (100) square feet.

   Free-standing. Eighty (80) square feet.

4. Permitted illumination: L

5. Maximum height: Wall: Signs shall not be allowed to extend above the parapet of the building.

   Free-standing: Twenty (20) feet.

Section 408.11.2 Shopping center (S-C) and other multi-tenant identification signs.

1. Types of sign permitted: Identification (for the shopping center itself and for the uses located within the shopping center other than in outparcel lots)

2. Permitted number of signs: a. A shopping center which contains two (2) or more non-residential uses located in a unified building or group of buildings may have one (1) free-standing identification sign giving the name of the development and/or the name of the businesses and other uses occupying the development.

   b. Notwithstanding Section 408.11.2(2)(a), if the development consists of **(i)** two or more multi-tenant principal buildings, and **(ii)** access to each tenant in a building is made by a common entrance and **(iii)** no wall signs identifying any of the buildings tenants are placed on the building; then one free-standing sign which identifies the tenants of the building may also be placed within twenty (20) feet from the edge of the building.

3. Maximum area of signs: Eighty (80) square feet except thirty-six (36) feet for any sign allowed per Section 408.11.2(2)(b).

4. Permitted illumination: L

5. Permitted height: Twenty (20) feet except ten (10) feet for any sign allowed per Section 408.11.2(2)(b)

Section 408.11.3 Detached signs on outparcels of shopping centers, office parks and other commercial multi-tenant developments shall be regulated as follows:

1. Type of Sign Permitted: Ground Mounted Identification (such sign shall only be permitted if all applicable parking and yard requirements for that lot are met by the use and structure occupying said lot)

2. Permitted Number of Signs: One per outparcel

3. Maximum Area of Sign: Thirty-six (36) square feet

4. Permitted Illumination L

5. Maximum Height: Ten (10) feet

6. Location: At least 10 feet behind the edge of right-of-way line. Said sign may only be placed on the outparcel lot and not elsewhere in the development.

Section 408.12 Specifications for Signs Requiring A Permit

The following are general specifications applicable to the various permitted signs. Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

Section 408.12.1 Wall Sign

1. The maximum permitted aggregate area of wall signs per premises may be increased beyond that which is normally allowed using either (but not both) of the following methods:

   a. If a free-standing identification sign is not used on the premises, the aggregate area of wall signs may be increased by a maximum of fifty (50) percent per premises in all zoning districts except the C-B district.

   b. The aggregate area of all wall signs per premises may be increased based on the distance, the principal building is set back from the required front setback line. Said increase shall be in accordance with the following Table:

Principal Building Distance Setback From The Required Front Setback	**Allowed Aggregate Wall Sign Area Increase**
0 - 49 Feet	0 Percent
50 - 99 Feet	25 Percent
100 - 149 Feet	50 Percent
150 - 199 Feet	100 Percent
250 - 299 Feet	125 Percent
300 - 349 Feet	150 Percent
350 - 399 Feet	175 Percent
400 Feet or More	200 Percent

2. No wall sign shall project more than 18 inches from the building wall. Further, no wall sign or its supporting structure shall cover any window or part of a window.

3. Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. In no instance shall a canopy or awning sign extend into a street right-of-way. This paragraph shall not apply to the C-B District. For canopy and awning sign regulations for the C-B District see Section 408.10.

4. A projecting sign may be substituted for part or all of the allowable wall signage per premises. A projecting sign shall not project more than four feet from a building. In no instance shall a projecting sign extend into a street right-of-way.

Section 408.12.2 Free-Standing Signs

1. All free-standing signs shall be located behind and not extend into the street right-of-way, except as provided elsewhere in this Ordinance. All signs greater than two and one-half (2-1/2) feet in height as measured from the grade of the road or having a vertical clearance of less than ten (10) feet shall be located a minimum of five (5) feet behind the street right-of-way (unless a greater setback is provided elsewhere in this Ordinance).

2. No free-standing sign greater than five (5) square feet in area shall be located closer than to ten (10) feet to any adjacent lot line. A twenty (20) foot side-yard setback shall be required if the side lot line abuts a Residential (R-40, R-A, R-R, R-20, R-10, R-8, R-MHP) district. Greater setbacks shall be provided if otherwise required.

Section 408.12.3 Off-Premises Signs (M1 & M2)

1. All signs shall be no larger than 100 square feet if located on a street with 3 or less lanes of traffic and no larger than 150 square feet on streets with 4 or more lanes of traffic.
2. All signs may be illuminated in accordance with Section 408.2
3. All signs shall be located at least 2000 feet from any other off-premise advertising sign and from any portion of the lot containing the principle use being advertised. The distance between advertising signs and between an advertising sign and the business being advertised

shall be measured in a straight-line distance from the nearest point of the sign or property boundary at the Right-of-way.

4. No more than two sign faces are allowed per off-premise sign.
5. Where a sign has two faces, each face shall be back to back with no more than 10 foot separation or exceed a V-Shape in excess of 45 degrees. V-Signs that exceed 45 degrees shall be counted as one face and thus shall reduce the allowable permitted sign area.
6. The height shall not exceed 50 feet from the ground immediately under the sign.
7. No portion of the sign shall be closer than 35 feet from any street right of way or adjoining property line. In addition, no sign shall be located any closer than 50 feet to any building or structure on the property or within 200 feet of any residential structure on adjoining property measured in a straight-line distance from the nearest point of the sign or residence.

Section 408.12.4 Neighborhood Business Signs (N-B)

1. Types of sign permitted: Free Standing and Ground Mounted identification (such sign shall only be permitted if all applicable parking and yard requirements for that lot are met by the use and structure occupying said lot)

   Identification (for a multi-tenant business center for the name of the center and the tenant of the center and uses located within the shopping center other)

2. Permitted number of signs: a. A business center which contains two (2) or more non-residential uses located in a unified building or group of buildings may have one (1) free-standing or ground mounted identification sign giving the name of the development and/or the name of the businesses and other uses occupying the development.

   b. If the development consists of **(i)** two or more multi-tenant principal buildings, and **(ii)** access to each tenant in a building is made by a common entrance and **(iii)** no wall signs identifying any of the buildings tenants are placed on the building; then one free-standing sign which identifies the tenants of the building may also be placed within twenty (20) feet from the edge of the building.

3. Maximum area of signs: Eighty (80) square feet except thirty-six (36) feet for any sign allowed per Section 408.12.4(2)(b).

4. Permitted illumination: L

5. Permitted height: Twenty (20) feet except ten (10) feet for any sign allowed per Section 408.12.4(2)(b)

Section 409 Off-Street Automobile Parking and Storage

It is the intent of this section to eventually eliminate all on street parking except in the Central Business District and occasional visitor parking in residential districts.

Section 409.1 Off-street automobile parking or storage space shall be provided on every lot on which any of the following uses are hereafter established in all districts except the CB-Central Business District. All commercial off-street parking shall meet the buffer and landscaping requirements as outlined in Section 419.

Section 409.2 If a vacant residentially-zoned lot abuts commercially zoned property requiring additional off-street parking, such residential property may be used for off-street parking provided it be in the same ownership as the commercial property, and provided all requirements of this section and Section 419 are met.

Section 409.3 No certificate of compliance will be issued upon completion of any building or groups of buildings unless and until all off-street parking and loading requirements shown upon the plans are made part of the building permit and shall be in place and ready for use. The required parking spaces for any number of separate uses may be combined in one (1) lot, but the required spaces assigned to one use may not be assigned to another use at the same time.

Section 409.4 Each automobile parking space shall not be less than nine (9) feet wide and twenty (20) feet long exclusive of adequate egress and ingress drives and maneuvering space as determined by the Zoning Enforcement Officer. Such space shall be provided with vehicular access to a street or alley and shall be designed by use of landscaping or wheel guards to prevent commercial traffic from backing onto any public roadway. Such use shall not thereafter be encroached upon or altered, and shall be equal in number to at least the minimum requirements for the specific use set forth below:

USE CLASSIFICATION	PARKING SPACE REQUIREMENT
Automobile sales and repair	One (1) space for each two (2) employees at maximum employment on a single shift plus two (2) spaces for each 300 square feet or repair or maintenance space.
Bowling alleys	Two (2) spaces for each alley, plus one (1) additional space for each two (2) employees.
Churches	One (1) space for each four (4) seats in the main chapel.
Elementary schools and Junior High schools, both public and private.	One (1) space for each employee.
Hospitals	One (1) space for each four (4) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees.
Mortuary or funeral home	One (1) space for each four (4) seats in each chapel or family room, or fifty (50) spaces for each chapel or family room, whichever is greater.
Motels, tourist home, tourist courts, and hotels	One (1) space for each 200 square feet of gross floor area.
Medical offices and clinics	Four (4) spaces for each doctor practicing at the clinic, plus one (1) space for each employee.
Offices, professional, business, or public, including banks	One (1) space for each 200 square feet of gross floor area.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool room, theaters, stadiums, gymnasiums, centers, amusement parks, armories, and all similar places of public assembly	One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 100 square feet of floor or ground area used for community amusement or assembly, but not containing fixed seats.
Residential dwellings	Two (2) spaces for each dwelling unit.
Restaurants	One (1) space for each three (3) seating accommodations, plus one (1) space for each two (2) employees on the shift of largest employment.
Restaurants, drive-in, or similar uses designed for curb-type service	Five (5) square feet of parking area for each one (1) square foot of gross floor area; provided further, however, that no facility shall have less than fifteen (15) spaces.

Retail businesses	One (1) space for each 200 square feet of gross floor area.
Rooming and boarding houses	One (1) space for each two (2) guest rooms plus one (1) additional space for the owners, if resident on the premises.
Sanitariums, rest or convalescent homes, homes for the aged, and similar institutions	One (1) space for each four (4) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each two (2) employees.
Senior high schools and colleges, both public and private	One (1) space for each five (5) students for whom the school was designed, plus one (1) space for each employee
Service stations	Two (2) spaces for each gas pump, plus three (3) spaces for each grease rack or similar facility.
Shopping centers	Two (2) square feet of parking area for each square foot of gross floor area.
Mobile home parks	Two (2) spaces for each trailer house.
Wholesaling and industrial	One (1) space for each two (2) employees at maximum employment on a single shift.

Section 410 Off-Street Loading and Unloading Space

Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated herein for the loading and unloading and maneuvering space of vehicles off the street or public alley. Such space shall have access to any alley or, if there is no alley, to a street. For the purposes of this section, an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have a minimum of twelve (12) feet by forty (40) feet and an overhead clearance of fourteen (14) feet in height above the alley or street grade.

Retail business;	One (1) space for each 5,000 square feet of gross floor area.
Wholesale and industry:	One (1) space for each 10,000 square feet of gross floor area.

Section 411 Customary Home Occupations

Customary home occupations may be established in a dwelling in any residential district. The following requirements shall apply in addition to all other applicable requirements of this ordinance for the residential district in which such uses are located:

411.1 The home occupation shall be clearly identical and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

411.2 No accessory buildings or outside storage shall be used in connection with the home occupation.

411.3 Residents of the dwelling only may be engaged in the home occupations except that not more than one (1) assistant may be employed by professional persons such as lawyers, physicians, dentist, and chiropractors.

411.4 No display of products shall be visible from the street and only products made on the premises may be sold on the premises.

411.5 No internal or external alterations inconsistent with the residential use of the building shall be permitted.

411.6 No machinery that causes noises or other interferences in radio and television reception shall be allowed.

411.7 Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.

411.8 No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical and dental equipment used for professional purposes.

411.9 Instruction in music, dancing and similar subjects shall be limited to two (2) students at one time.

Section 412 Rural Home Occupations

412.1 A building containing a rural home occupation shall be located no less than fifty (50) feet from street right-of-way and at least thirty (30) feet from any exterior property line where a lot line adjoins a Residential or Residential Agricultural tract of land.

412.2 In the case where a lot line adjoins a commercially zoned lot, the adjoining minimum required yard (rear, side and/or front) for any building containing a rural home occupation shall be as required for accessory buildings in the R-A, Residential-Agricultural District.

412.3 A rural home occupation shall be contained entirely within one building with a maximum floor area of 2,000 square feet devoted to the use; and there shall be no outside storage of materials or equipment.

412.4 One rural home occupation shall be permitted per lot.

412.5 The operator of the rural home occupation must reside on the same parcel of land or on an adjoining parcel of land in his ownership, upon which the rural home occupation is located.

412.6 No more than three (3) people who do not reside on the premises may be employed by a rural home occupation.

412.7 The rural home occupation shall not create smoke, odor, dust, or noise which would cause health hazard or nuisance to surrounding property.

Section 413 Fences

Residential zones: Fences shall not exceed four (4) feet in height in the front yard. The "front yard" for this section shall be defined as the portion of lot between the street right of way or easement extending back to the front yard setback as specified in the underlying zoning district. Fences and hedges shall not exceed six (6) feet in height from behind the "front yard" to the point perpendicular to the side lot line from the rearmost part of the principal structure. Fences and hedges shall not exceed eight (8) feet in height to the rear of the principle structure. Where the lot is a corner lot on state maintained or publicly dedicated roads, the fence height shall be limited to four (4) feet for the distance required in the underlying zone as measured from the street right of way.

Commercial zones: Fences shall not exceed four (4) feet in height in the front yard and eight (8) feet in all other areas. The "front yard" for this section shall be defined as the section of lot between the street right of way or easement extending back to the front yard setback as specified in the underlying zoning district.

Industrial zones: Fences shall not exceed eight (8) feet in height.

In no instance shall any fence impede, impair, or otherwise restrict the view of traveling public at any intersection or be allowed in any street right of way.

A Temporary Zoning Compliance for a fence that exceeds the height requirements may be issued for circumstances under hardship or duress. A temporary fence exceeding the height requirements may be allowed on an annual basis due to a temporary hardship, and with certain specific conditions, on approval from the Zoning Administrator. Written application shall be made to the Zoning Administrator for the Temporary Zoning Compliance. The basis for approval shall be for reasons of safety, health, welfare, or other related hardships. Such temporary fencing shall be removed within 30 days after the hardship no longer exists. Reapplication to the Zoning Administrator shall be made before termination of the annual extension of time or the Temporary Zoning Compliance shall be subject to revocation. (ZA-02-12) (ZA-03-04)

Section 414 Separation of Buildings

On any single lot of record, principal structure (where more than one is allowed) shall be separated by a minimum 30 feet of yard area. (ZA 86-4)

Section 415 Rural Based Businesses (ZA 06-03)

In order to accommodate a wider array of rural based businesses, to supplement the current Customary and Rural Home Occupations, and to avoid each rural home occupation case proceeding to a rezoning, the following shall apply.

With all operations conducted inside an enclosed building are permissible in the RA district upon receipt of a special use permit. Notwithstanding the provisions of section 1005, the Board of Adjustment may not issue a special use permit for such use unless it makes an affirmative finding that the proposed use satisfies (or when constructed will satisfy) each of the following requirements:

(1) Within 500 feet of any building that houses a Rural Based Business use there are no residences (other than a residence owned by the applicant) that are occupied or held ready for occupancy or under construction, including building permit issuance, on the day the permit is issued.

(2) An opaque screened buffer or fence shall be installed to shield neighboring property and any public street from the view of any building that contains rural based business use and any associated parking.

(3) The proposed use will not require and will not allow truck pick-up or delivery traffic before 7:00 a.m. or after 7:00 p.m.

(4) The total gross floor area of any building(s) that contain the rural based business use may not exceed 3,000 square feet.

(5) The maximum square footage of sign surface area advertising the proposed use shall be limited to Section 408.9(d), and no more than one freestanding sign may be erected onsite or on the building. No off-premise signs allowed in connection with a rural based business.

(6) There shall be no outside storage of motor vehicles or parts thereof in connection with any use granted.

(7) The proposed use will not substantially injure the value of adjoining or neighboring properties. The initial burden of proof for this requirement falls on the applicant. If uncontroverted evidence is provided that indicates that the standard is met, the special use permit must be granted. If the applicant does not produce sufficient evidence, the application must be denied. If the applicant produces evidence to show that the standard will be met, the burden shifts to those opposed. Opponents must produce sufficient incontrovertible evidence to show that the standard will not be met in order to deny the special use permit.

Section 416 Public Purpose Signs

Signs posted by duly constituted public authorities in pursuance of their public duties are permitted in any zoned district provided that they meet all requirements of Section 408 of this Ordinance. (ZA 90-7) (ZA 05-15)

Section 417 Non-Residential Principle Structure Setbacks in Residential Districts

Wherever non-residential principle structures are allowed within residential zoned districts, non-residential principle structures shall be required to maintain the same setbacks as required of residential structures in that district. (ZA 94-2)

Section 418 RESERVED FOR FUTURE USE

Section 419 Buffer Strips – Screen and Landscape requirements

A. Buffer Strip or Screen - Where a buffer strip is required, the buffer strip shall be an average of ten (10) feet with no less than eight (8) feet in width. Any dead or damaged shrubs shall be replaced within 90 days. Shrubs/Trees to be used shall be approved on a site plan by the Zoning Officer. The buffer strip shall not be used for another use, paved or used for vehicle parking and be protected by either a curb or wheel stop. The buffer area shall be planted in grass, mowed on a regular basis and kept weed and litter free by the property owner. Vegetative or organic ground cover may be substituted for grass. No trash containers or accessory buildings may be placed in the buffer area. A minimum six (6) foot high solid wood opaque fence or masonry wall may be substituted for the buffer strip and evergreen hedge.

Examples of evergreen screen shrubs are in Figure 11.

B. Dumpster and Service Area Screen - Screen around service areas, including dumpsters, shall be accomplished with an opaque wood fence or masonry wall. The minimum height for said screen is six (6) feet, however, said screen must be high enough to conceal the entire service area. A closeable, opaque gate is required and must remain closed when service/dumpster area is not in use.

C. Parking Screen

In order to facilitate the mitigation of breaking up the parking area and providing a positive alternative to the visual impact of automobile parking, the following requirements shall be required.

Landscape Design Standards
Summary of Requirements
All Other New Construction and Change of Use Construction

Type of Landscaping and/or Screening Required	Summary of Plantings, Beds and/or Structures Required	Parameters/Conditions for Plantings/Structures
Street Parking Lot Screening	Minimum Planting Requirements: One (1) deciduous or evergreen tree per each 25 lineal feet of street frontage or fraction thereof; **AND** One (1) approved shrub planted for each required tree.	Required trees/shrubs may be planted anywhere along street frontage area provided that: • Total number of required trees and shrubs are planted; • A minimum planting bed of 25sf with no dimension less than 5ft is provided for each tree; • Each bed consists of at least one tree; • Distance between beds and open street areas do not exceed 90 lineal feet. • Does not interfere w/ easements or rights-of-way (see below); • All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10).
Perimeter Parking Lot Screening	Minimum Planting Requirements: One (1) deciduous or evergreen tree for each 35 lineal feet of interior parking lot frontage or fraction thereof; **AND** One (1) approved shrub planted for each required tree.	Required trees/shrubs may be planted anywhere along interior lot line frontage area provided that: • Total number of required trees and shrubs are planted; • A minimum planting bed of 25sf with no dimension less than 5ft is provided for each tree; Planting beds consist of at least 1 tree; • The distance between planting beds and open interior lot areas does not exceed 120 lineal feet; • Does not interfere w/ easements or rights-of-way (see below); • All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10 on pg.15).

Landscape Design Standards
Summary of Requirements

All Other New Construction and Change of Use Construction continued…

Type of Landscaping and/or Screening Required	Summary of Plantings, Beds and/or Structures Required	Parameters/Conditions for Plantings/Structures
Interior Parking Lot Screening for lots with greater than 75 parking spaces	One (1) additional planting bed for each additional 25 spaces or fraction thereof.	• Each planting bed shall consist of a minimum of 2 trees and 1 shrub; • Minimum planting area shall be not less than 80 sq ft w/no dimension less than 8 ft; • Planting beds may be consolidated; however, a minimum of 2 separate planting beds shall be provided where multiple beds are required; • All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10).
Buffer Landscaping (between different land use areas as determined by zoning ordinance)	A continuous planting bed on average of 10 feet in width and not less than 8 ft with provision for protection from vehicular damage such as a curb or wheel stop (see fig.10 for examples).	Shall consist of evergreen trees at least five ft in height with a ratio of height to spread no less than five to three and deciduous trees a minimum of eight feet in height with no more than 50% being deciduous planted at average intervals no greater than ten feet on center; **OR** Two rows of evergreen trees a minimum of 6 ft in height and an average of 8 feet in height, with a ratio of height to spread no less than five to three, planted at average intervals no greater than ten feet on center. **OR** A 6 foot wood or masonry opaque fence may be permitted instead of a planted buffer strip. Other opaque fencing may be allowed in Industrial Zones with written approval from the Zoning Officer

NOTE: Additional requirements may apply if there are easements and/or rights-of-way related to the property in question (for example, utility easements). More restrictive site triangles may be required due to speed and sight distances on given properties. Consult with the North Carolina Department of Transportation and/or the Stanly County Planning Department.

Landscape Design Standards
What do we mean when we say…?

1. Street Parking Lot Screening – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between a street or public right of way and a parking lot.

2. Perimeter Parking Lot Screening – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between an interior property line and a parking lot.

3. Interior Parking Lot Screening – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer to break up the large interior expanse of a parking lot. Under this definition, the term "interior parking lot" includes all on-site parking spaces including access roadways and parking aisles; the term "interior parking lot" does not include the first row of street perimeter parking or island extensions of street or perimeter landscaping.

4. Trash and/or Garbage Areas – are any exterior centralized areas that include dumpsters, garbage receptacles, bins and trash cans.

5. Screen – refers to the method of reducing the visual impact of vehicle use areas and garbage collection areas. Screens may consist of berms, approved plants, fences, walls or a combination thereof. Trash and garbage screens shall be at least 75% opaque.

6. Parking Lot Surface Improvement – applies to existing parking lots which are upgraded with a paved or chip asphalt surface.

7. Buffer Landscape – describes a continuous landscape area which separates and partially obstructs the view of two separate land uses or properties from one another (for example, a commercial property from a residential property). Buffer landscaping must provide year-round screening. Buffer landscaping may include berms and/or decorative fences in conjunction with required trees and shrubs.

8. Deciduous – describes a tree or shrub with foliage that is shed annually.

9. Evergreen – refers to a tree or shrub that retains its foliage throughout the year.

10. Shrub – refers to a trunk-less woody plant, smaller than a tree consisting of several stems growing from the base.

11. Tree – refers to a woody perennial plant that grows to a height of several feet and typically has a single erect main stem with side branches.

12. Berm – describes an earthen embankment or wall.

Landscape Design Standards
Approved Plant Materials and Ground Cover

The following are plants that have proven hardy in the Stanly County area. Other trees and shrubs may be used if approved by the Zoning Officer:

Trees, Buffer:
See Figure 12

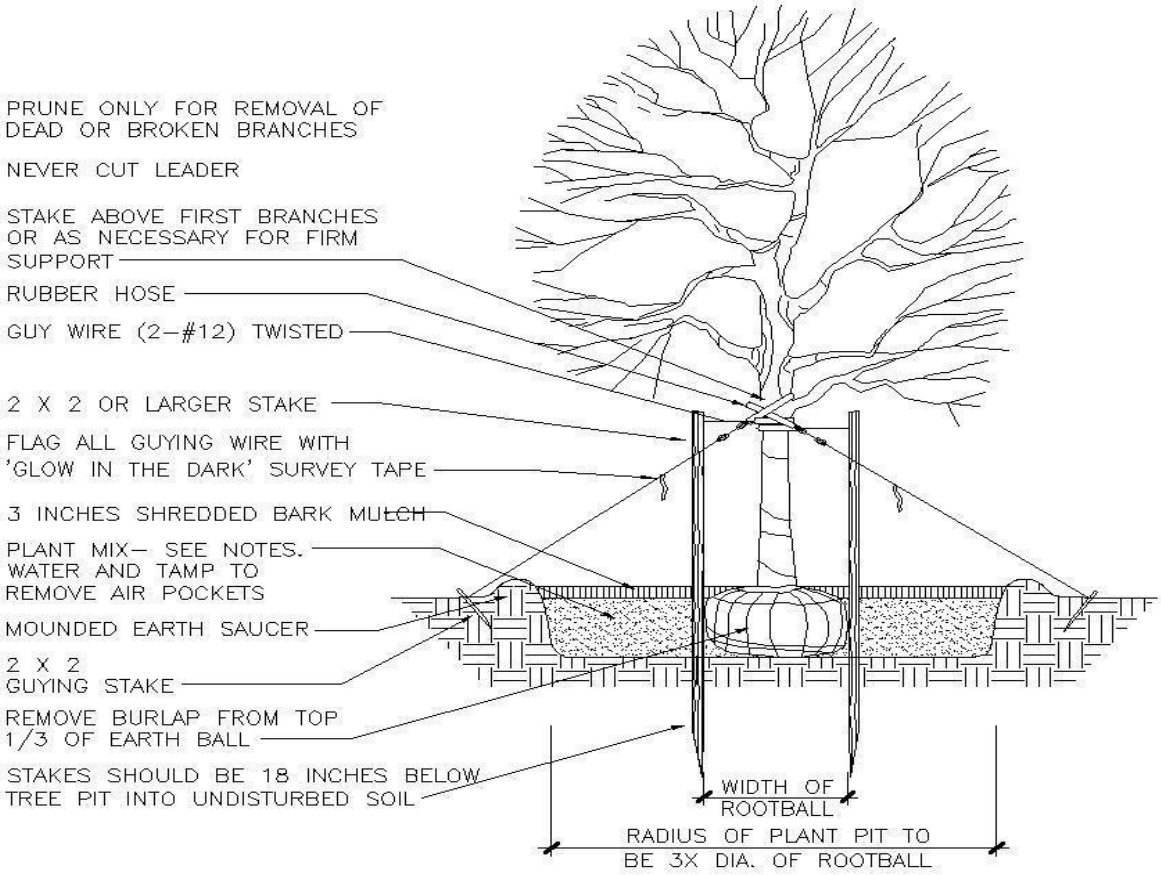
Shrubs:
See Figure 11

Ground Cover:
Grass, Boulders, Mulch, Wood or Bark Chips, Planted Berm, Screed Gravel, Annual Flowers.

Remember:
The species and method of planting you choose will greatly impact the survival of your plantings. We encourage you to consult with an expert for the "best planting methods" available for each individual species you choose to plant.

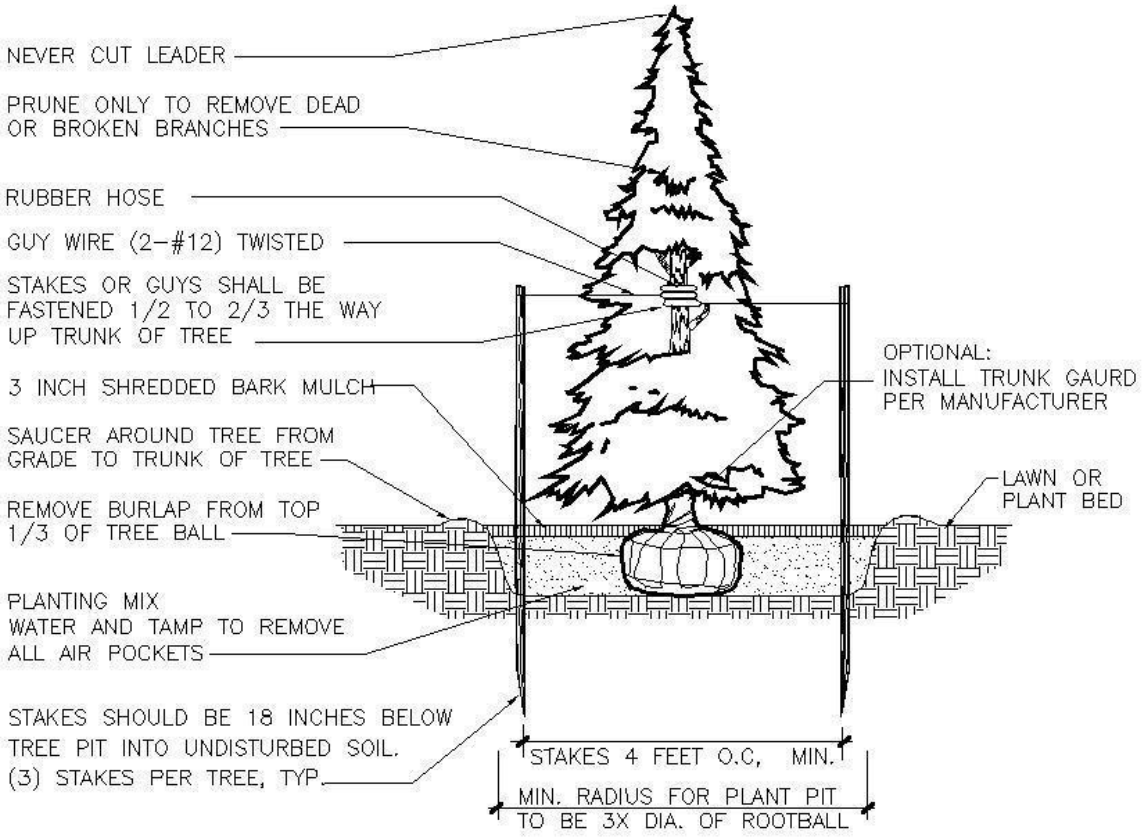
D. Exceptions to Buffer Landscape Requirements
Whenever the terms of this ordinance require provision of a buffer strip, said requirement may be excepted or modified by the authority approving permits for related development provided any condition below is met:
(1) Visual screening is provided by existing natural or manmade features; where installation of walls, fences, or natural plantings would serve no screening purpose.
(2) Existing development on an adjacent parcel of land is similar to the use proposed for development.
(3) A statement from affected adjoining property owner(s) is provided indicating that a buffer strip is undesirable.

Figure 1 – Planting Details / Deciduous



Deciduous Tree Planting Detail

Figure 2 – Planting Details / Evergreen



Evergreen Tree Planting Detail

Figure 3 – Planting Details / Perennial

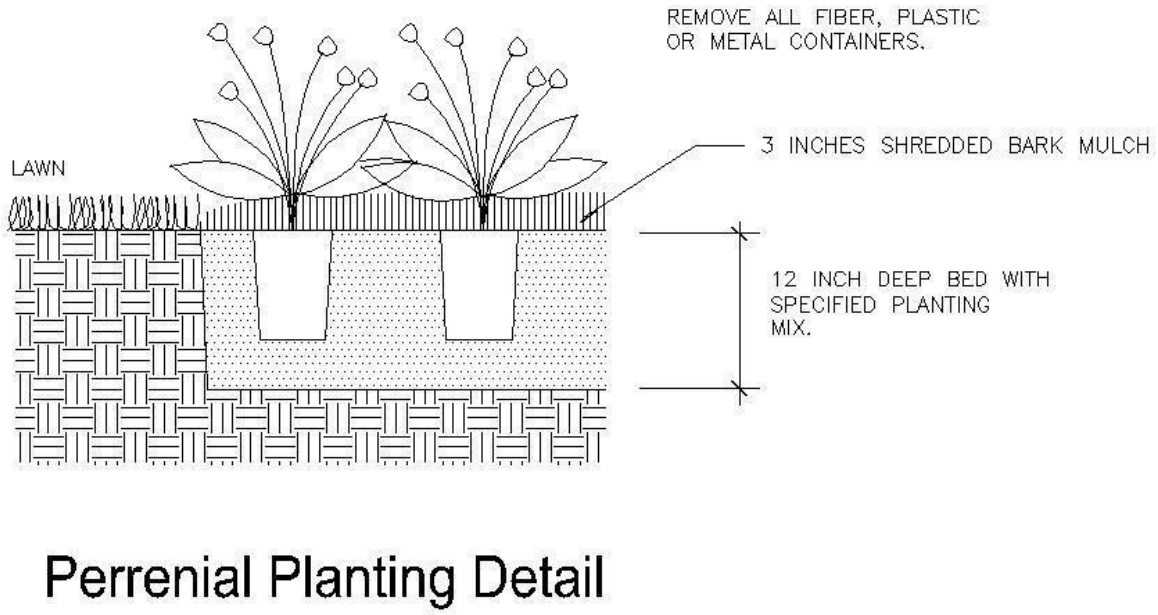
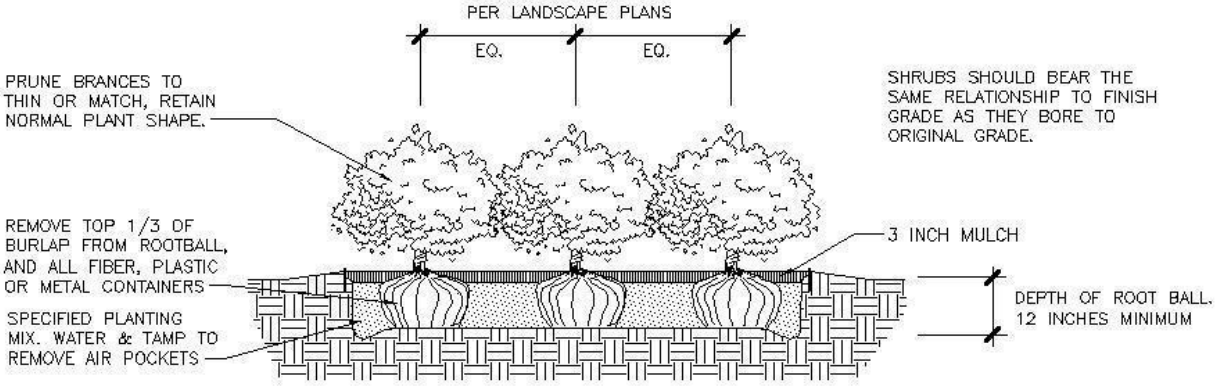


Figure 4 – Planting Details / Shrub



Shrub Bed Planting Detail

Figure 5 – Landscape Requirement Example

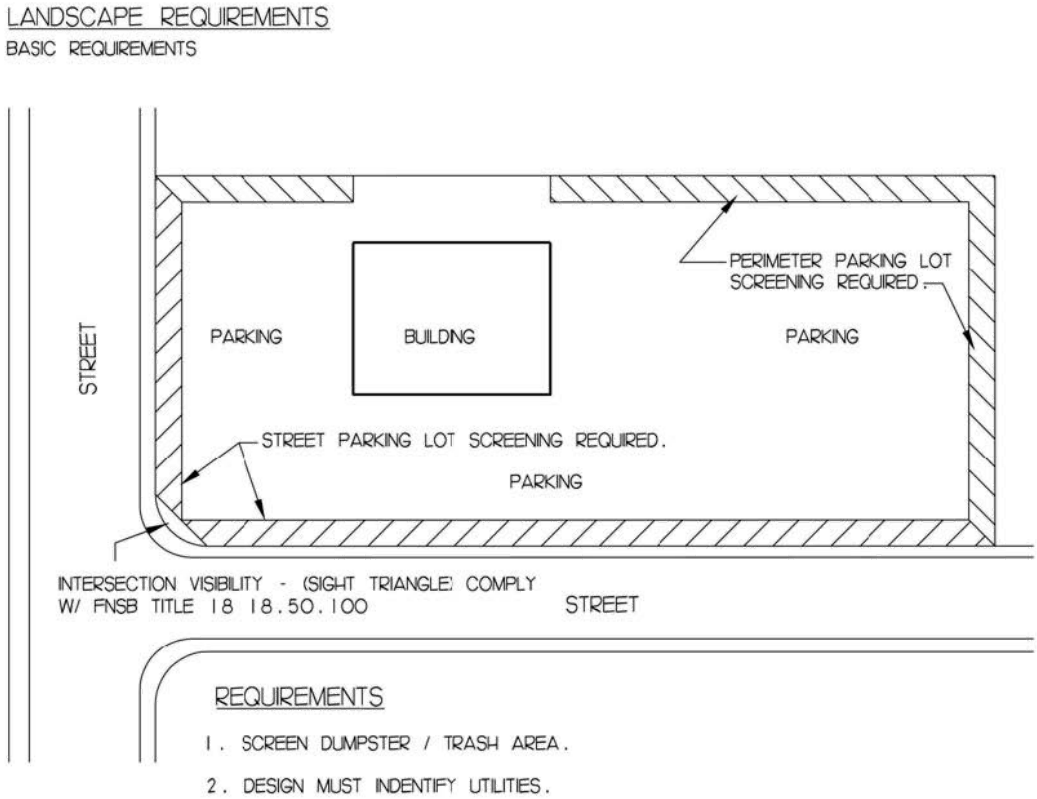


Figure 6 – Example Landscape Solution 1 / Continuous

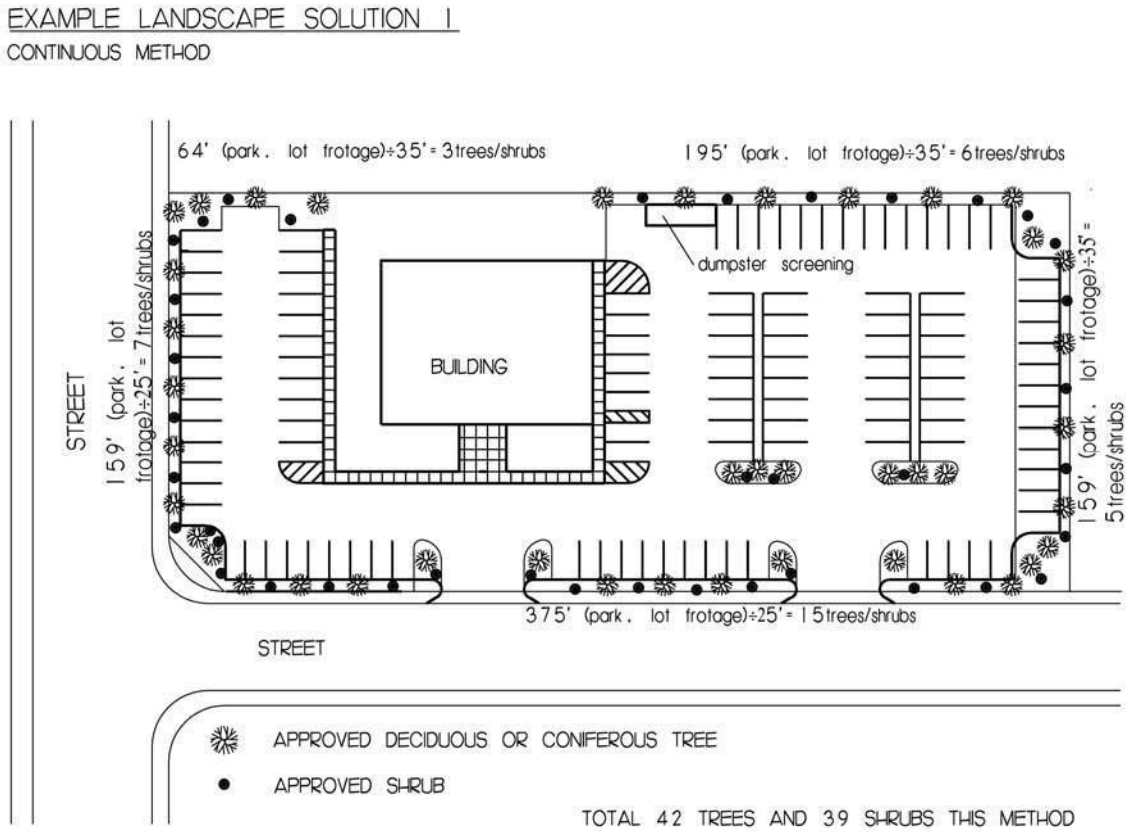


Figure 7 – Example Landscape Solution 2 / Discontinuous

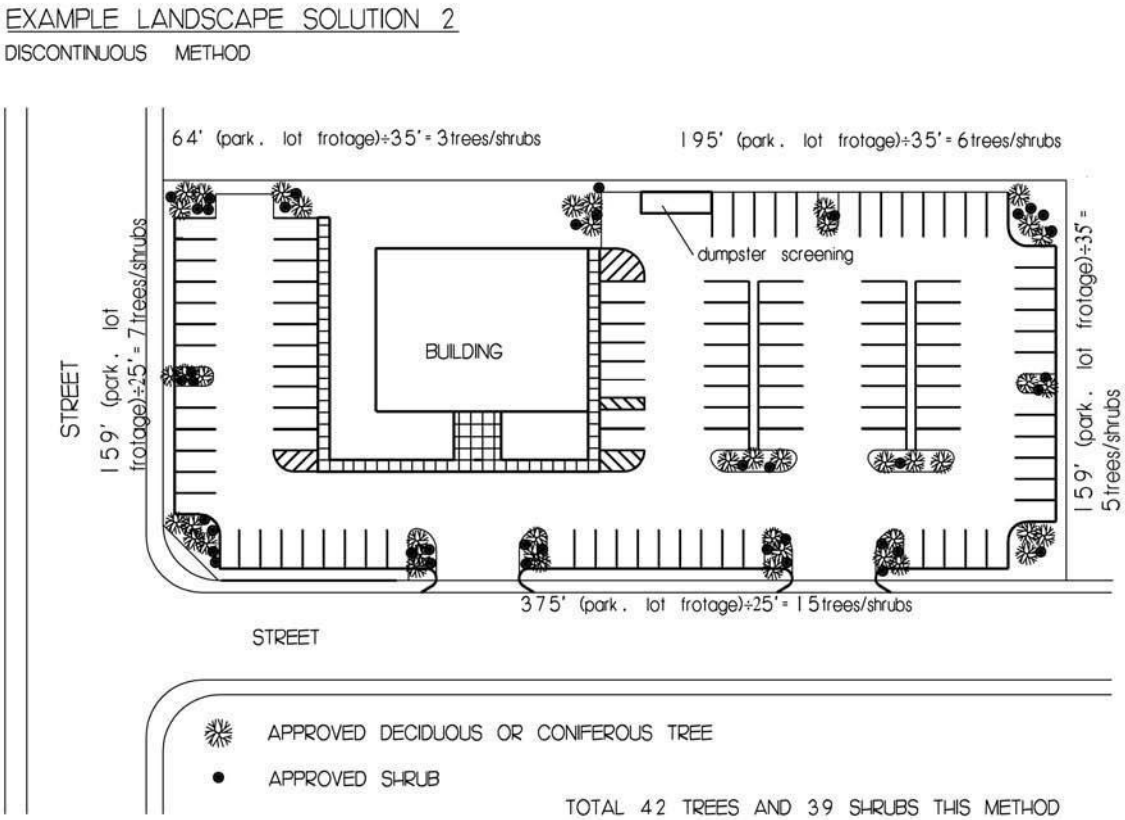


Figure 8 – Planter for Slopes Greater than 3:1 / Section

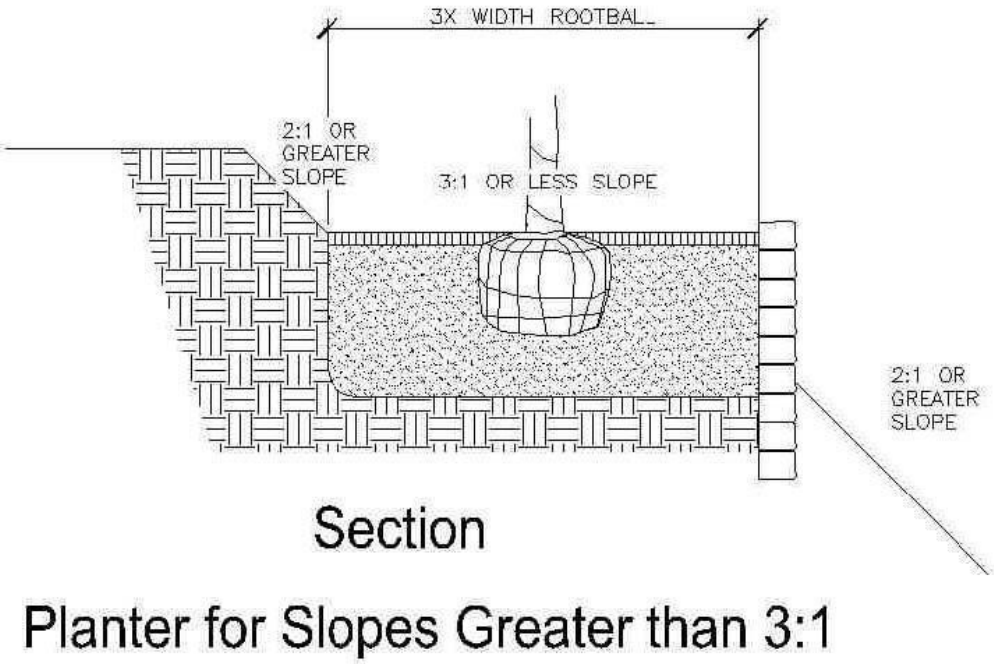


Figure 9 – Planter for Slopes Greater than 3:1 / Plan

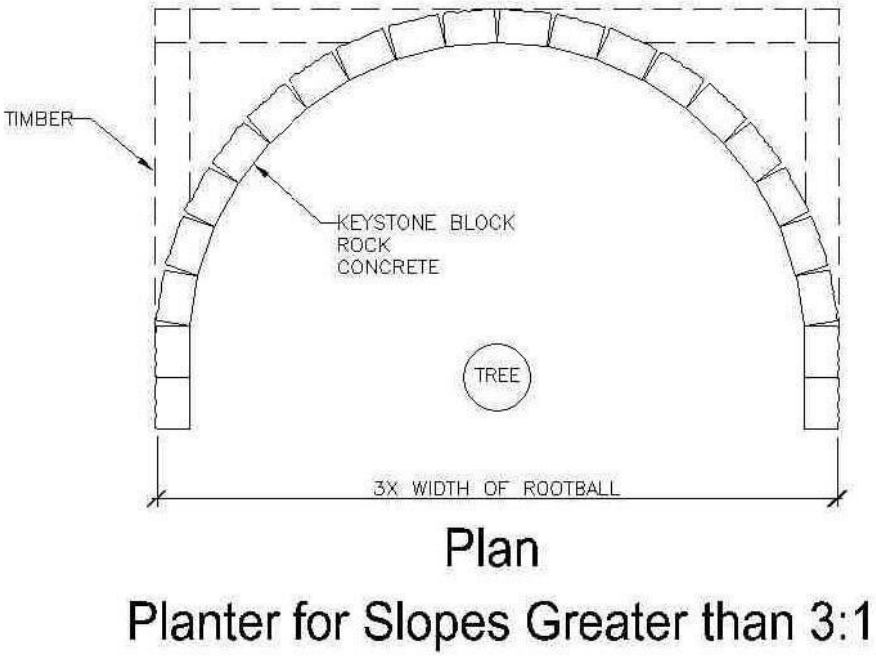


Figure 10 – Planting Bed Protection Options

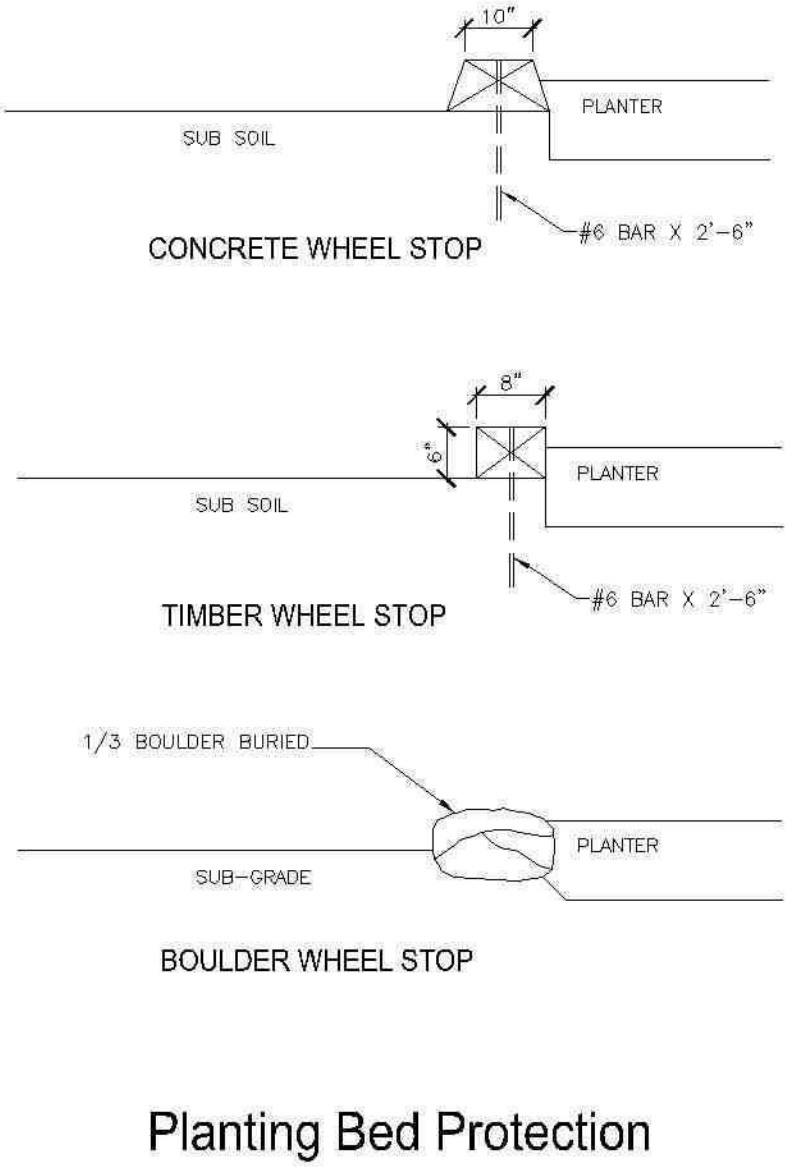


Figure 11-Evergreen Shrubs 6 – 12 ft

Common Name	Latin Name	Cultivars and Comments
Indian Azalea	Azalea indica	
Camellia	ɔonica or Camellia sasanqua	
Cleyera	Cleyera japonica	
Cotoneaster	Cotoneaster francheti	
Euonymus	Euonymus japonica	
Burford Holly	Ilex cornuta	
Japanese Holly	Ilex crenata	
Laurel	Laurus nobilis	
Japanese privet	Ligustrum japonicum	
Wax-Myrtle	Myrica cerifera	
Pittosporum	Pittosporum tobira	
Japanese Viburnum	Japanese yiburnum	

Figure 12-Trees for Buffers

Common Name	Latin Name	Cultivars and Comments
Amur Maple	Acer ginnala	
Eastern Redbud	Cercis canadensis	
Flowering Dogwood	Cornus florida	
Carolina Silverbell	Halesia carolina	
Crape Myrtle	Lagerstroemia indica	
Chinese Pistache	Pistacia chinensis	
Japanese Cherry	Prunus serrulata	
Yoshino Cherry	Prunus yedoensis	

Leyland Cypress	Cupressocyparis leylandii	
Eastern Red Cedar	Juniperus virginiana	
Ginkgo	Ginkgo biloba	
Little Leaf Linden	Tilia cordata	
Japanese Zelkova	Zelkova serrata	

Figure 13-Trees for Parking Lots and Paved Areas

Common Name	Latin Name	Cultivars and Comments
Hedge maple	Acer campestre	
Amur maple	Acer ginnala	
European hornbeam	Carpinus betulus	'Fastigiata'
Katsuratree	Cercidiphyllum japonicum	
Cornelian cherry	Cornus mas	
Cockspur hawthorn	Crataegus crusgalli	use thornless variety inermis
Arizona cypress	Cupressus glabra	'Blue Arizona'
Green ash	Fraxinus pennyslvanica	potentially large tree
Ginkgo	Ginkgo biloba	'Fastigiata', 'Princeton Sentry'
Honeylocust	Gleditsia triacanthos	use thornless variety/cultivar inermis 'Shademaster'
Foster's holly	Ilex x attenuata	'Fosteri'
Savannah holly	Ilex x attenuata	'Savannah'
Chinese juniper	Juniperus chinensis	'Torulosa' (Hollywood juniper)
Rocky mountain juniper	Juniperus scopulorum	'Pathfinder', 'Skyrocket', 'Wichita Blue'
Eastern redcedar	Juniperus virginiana	'Burkii'
Goldenraintree	Koelreuteria paniculata	
Japanese crape myrtle	Lagerstroemia fauriei	'Apalachee', 'Dynamite', 'Fantasy', 'Ludi', 'Wichita', 'Zuni'
Southern magnolia	Magnolia grandiflora	'Alta', 'Hasse', 'Little Gem'
Sweetbay magnolia	Magnolia virginiana	
Crabapple	Malus baccata	'Columnaris'
Crabapple	Malus x	'Sentinel'

American hophornbeam	Ostrya virginiana	
Persian parrotia	Parrotia persica	
Chinese photinia	Photinia serrulata	
Chinese pistache	Pistacia chinensis	
Sawtooth oak	Quercus acutissima	
Scarlet oak	Quercus coccinea	potentially large tree
Overcup oak	Quercus lyrata	potentially large tree
Swamp chestnut oak	Quercus michauxii	potentially large tree
Chinese evergreen oak	Quercus myrsinifolia	
English oak	Quercus robur	'Fastigiata'
Japanese pagodatree	Sophora japonica	
Pondcypress	Taxodium ascendens	potentially large tree
Arborvitae	Thuja occidentalis,	
Western Red Cedar	T. plicata	
Littleleaf linden	Tilia cordata	
Lacebark elm	Ulmus parvifolia	
Chastetree	Vitex agnus-castus	
Japanese zelkova	Zelkova serrata	
*Confirm mature height and spread, and cold and heat tolerance, for appropriateness for your geographic site and location before planting.		

Figure 14-Trees Unsuitable for Restrictive Paved Areas Due to Large Surface Roots

Norway maple	Acer platanoides
Red maple	Acer rubrum
Silver maple	Acer saccharinum
River birch	Betula nigra
Hackberries	Celtis spp
Beeches	Fagus spp.
Sweetgum	Liquidambar styraciflua
Southern magnolia	Magnolia grandiflora
London planetree	Platanus x acerifolia

American sycamore	Platanus occidentalis
Pin oak	Quercus palustris
Willow oak	Quercus phellos
Live oak	Quercus virginiana
Weeping willow	Salix babylonica
American elm	Ulmus americana

Section 420 Visibility at Intersections

On a corner lot in any district other than the C-B, Central Business District, no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the centerline of the street shall be placed or maintained within the triangular area formed by the intersecting street centerlines, and a straight line connecting points on said street centerlines, each of which is seventy-five (75) feet distant from the point of intersection.

Section 421 Accessory Dwelling Units to Single Family Dwellings

Where Required: All Residential (R) Districts.

General Provisions: The following requirements apply to all accessory dwelling units, whether attached or detached.

Design Standards:

- No more than one (1) accessory dwelling unit is permitted on the same zone lot with a principal dwelling unit.
- The accessory dwelling unit shall have an area no more than 800 square feet.
- The accessory dwelling unit shall not exceed fifty percent (50%) of the gross floor area of the principal building, excluding any garage area, carport, porches, decks, patios, crawl spaces and other non-living areas of the principal building.
- The accessory dwelling unit and principal dwelling unit shall have the same address and use the same mailbox.
- No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multifamily dwelling or family care home.
- Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from that of the primary residence.
- The accessory dwelling unit shall have a maximum of two (2) bedrooms.
- The accessory dwelling unit shall be designed to maintain the architectural design, style, appearance and character of the principal residence.

Dimensional Requirements:

- The principal residence must be located on a lot that meets the minimum area requirements of the zoning district.
- The accessory dwelling unit shall be subject to the provisions of the zoning district in which it is located. In the event there is a conflict between sections of the Zoning Ordinance, the more restrictive provision shall apply.

Utilities & Access

- The accessory dwelling unit shall have water, sanitary sewer, gas and electrical utilities as part of the principal building.

- The accessory dwelling unit shall not be served by a driveway separate from that serving the principal residence; unless the accessory dwelling is accessed from a right of way not used by the principal residence such as a rear alley or separate street access on a corner or through lot.

Accessory Dwelling Unit Within a Principal Single Family Building:

- The principal building shall not be altered in any way so as to appear from a public or private street to be multifamily housing. Prohibited alterations include, but are not limited to: multiple primary or front entrance ways. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the NC State Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.

Detached Accessory Dwelling Units Shall Be:

- A dwelling unit which is part of an accessory garage; or
- A freestanding dwelling unit meeting the NC State Building Code.

Section 422 Wind Energy System Requirements

- Compliance with FAA Regulations: Wind Energy Systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Evidence of compliances or non-applicability shall be submitted with the application.

- Utility Notification: No wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

- Appearance: Wind energy towers shall maintain a galvanized finish or be painted to conform the tower color to the surrounding environment to reduce visual obtrusiveness. No wind tower shall have any signage, or writing or pictures that may be construed as advertising at any time. In addition no flags, streamers or decorative items may be attached to the wind energy system tower or turbine.

- Setback: The base of the wind turbine shall not be closer to the surrounding property lines than the height of the wind turbine unless a NC Registered Professional Engineer certifies the fall zone of the wind turbine and appurtenances will be within the setback area proposed. In addition, no wind turbine shall be located closer to an inhabited structure on adjacent property less than 1.5 times the height of the wind turbine. A reduction in this requirement can be obtained through a permanent easement from the adjoining owners providing for a fall zone. Small wind turbines as accessories to a primary use shall meet required setbacks of an accessory structure.

- Removal of Defective or Abandoned Wind Energy Systems: Any wind energy system that is not functional shall be repaired by the owner or removed. In the event that the County becomes aware of any wind energy system that has not operated for a continuous period of six months, the County will notify the landowner by registered mail and provide 45 days for a written response. In response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, the County shall notify the landowner that he is required to remove the turbine within 120 days of receipt of said notice.

Large Wind Turbine System shall provide the additional information:

- State whether a certificate of public convenience and necessity for the system is required from the North Carolina Utilities Commission and, if so, the anticipated schedule for obtaining the certificate. The County may ask the Utility Commission to determine whether a certificate for public convenience and necessity is required for a particular wind power project for which the County has received a site permit application. The County shall not approve a project until such certificate has been obtained. Where no certificate is required, a discussion shall be required to show the intentions of the use of the power generated.

- Site plan prepared in accordance with Section 710 of the Zoning Ordinance including the proposed location and height of such structures.

Section 423 Short Term Rentals

Section 423.1 Purpose.

The purpose of this ordinance is to regulate short-term rentals (STRs), with the following goals recommended as key to preserving the health, safety, and general welfare of County Citizens, protection of neighborhoods and property values:

1. To clearly define short-term rental.
2. To clearly identify where short-term rentals are permitted.
3. To establish basic safety regulations for visitors renting short-term properties.
4. To protect neighborhoods from unwanted short-term rentals and problems that may arise as a result.
5. To maintain property values.
6. To have a local contact to quickly and effectively address issues that may arise during a rental stay.
7. To allow homeowners the opportunity to legally rent their dwelling units where permitted.
8. To regulate short-term rentals consistent with authority given by NC General Statutes.

Section 423.2 Scope of Article.

Unless otherwise specified, the requirements and provisions of this section shall apply equally to owners and operators of homestays and/or accessory and/or whole-house short-term rentals, collectively called "short-term rentals" or "STRs" herein. This section does not apply to other types of transient lodging such as hotels, motels, boarding houses, or rooming house establishments.

Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property.

Section 423.3 Permit Application.

A. Terms of STR Permit

1. Whole House, Accessory Dwelling and Homestay Short-Term Rentals are hereby recognized as an appropriate land use in the planning jurisdiction of Stanly County provided that specific controls are in place for regulating these properties. Whole House, Accessory Dwelling and Homestay STRs are a permitted use wherever a residential use is allowed per Article VI of the Stanly County Zoning Ordinance.

2. Properties being operated as short-term rentals prior to the effective date of this ordinance shall constitute a non-conformity pursuant to Section 406 of the Stanly County Zoning Ordinance and shall submit appropriate permit application to the Stanly County Planning Department within six (6) months of this ordinance's adoption.

3. A STR permit shall be assigned to each residential dwelling unit used as a short-term rental.

4. On or after September 2021, it shall be a violation of the Stanly County Zoning Ordinance to operate a short-term rental without having secured a valid STR permit.

5. Applications for STR permits shall be submitted with supporting documents and fees to the Stanly County Planning Department via hand delivery, U.S. Mail, or other delivery service.

6. An STR permit shall be obtained for each residential dwelling unit that is to be rented. Owners of properties with an accessory dwelling unit shall apply for one STR permit and may rent the primary residence and/or the accessory dwelling unit under one reservation.

7. If the STR use is discontinued for a consecutive period of 1 year, the permit shall automatically expire.

B. Application Process

(a) *Application*. In order to obtain a STR permit, the owner shall submit an application along with the required supporting documentation and non-refundable application fee. The application fee shall be the same as the Change of Use fee established annually by the Stanly County Board of Commissioners. The application shall be furnished on a signed form specified by the administrator. The application shall contain the following information:

1. Name and contact information of the property owner, including telephone number, mailing address, and email address. If the owner is a corporation, firm, partnership, association, organization or other group acting as a unit, the owner shall provide the name of the entity set forth exactly as shown on its articles of incorporation, mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number;

2. The address of the residential dwelling unit to be used as a short-term rental;

3. The addresses of each short-term rental property located within the Stanly County's planning jurisdiction for which the owner already holds an STR permit;

4. Applicants for whole-house STR permits who are not permanent residents of Stanly County shall provide the name, address, telephone number, and email address of the designated responsible party for the short-term rental, which shall constitute his or her 24-hour contact information. Homestay permit applicants are excluded from this requirement;

5. A site plan showing the number of bedrooms and the location of the improved parking area; and

6. A signed acknowledgment of the maximum occupancy requirements for short-term rental properties (see Section 423.4, Operational Requirements).

(b) *Supplemental Documentation*. Attached to and concurrent with the submission of the application described in this section, the owner shall provide:

1. Proof of general and public liability insurance affording coverage to the tenant of the property when used as a short-term rental. Limits of such coverage shall be noted. Notice shall be afforded to the Stanly County Planning Department in the event of said policy being terminated.

2. Proof that the owner is authorized to use the dwelling unit as a short-term rental. This may include: a copy of one of the following in the owner's name: (a) the deed to the property, (b) a recent mortgage statement (issued within the previous two months), or (c) the previous year's property tax assessment.

3. A signed statement by the STR owner attesting that the property owners within 100 feet of the parcel containing the STR were notified of the intended STR use. The sworn statement shall include a list of the names and addresses of the property owners who received notice. The notice from the STR owner to nearby property owners shall include:
   a. Street address of proposed short-term rental;
   b. A statement that the owner is applying for an STR permit.
   c. Name and contact information for the owner;
   d. Name and contact information for the designated responsible party if the owner is not a permanent resident of Stanly County; and
   e. Maximum allowable occupancy for the property.

(c) *Grounds for Denial.* The administrator may deny an application for an STR permit if any of the following has occurred:

1. The owner submitted an incomplete application; or
2. The proposed short-term rental fails to meet a specified requirement.

The owner may appeal the denial of an STR permit to the Board of Adjustment in accordance with the provisions set forth in Section 1004 of the Stanly County Zoning Ordinance. Owners have thirty (30) days from the date the denial was issued to appeal.

Section 423.4 Operational Requirements: The following operational requirements apply to all short-term rental properties:

1. Maximum Overnight Occupancy. The overnight occupancy of an STR shall not exceed two (2) persons per bedroom. The maximum number of guests in a short-term rental in a single-family home is limited to fifteen (15) persons, excluding children under three (3) years of age. Bedrooms used in calculating occupancy shall be taken from the permit application as affirmed by the owner. The occupancy limit shall be posted prominently within the short-term rental unit and the owner shall ensure that all online listings and advertisements clearly set forth the maximum number of overnight guests.

2. Special events, including weddings, receptions, and large gatherings, are not permitted in STRs. Operators of properties that have an overnight capacity of greater than fifteen (15) guests,

or operators who seek to advertise and use a dwelling unit for large events are required to apply for a special use permit or variance with the Board of Adjustment.

3. Designated Responsible Party: A property owner who is operating a whole-house STR within the County's planning jurisdiction, but who is not a permanent resident of Stanly County, shall designate a local responsible party who is available to respond to complaints or other issues arising from the STR use with 24-hour availability during all times that the property is rented or used on a transient basis. The name, telephone number, and email address of the designee shall be conspicuously posted within the short-term rental unit. The designee shall reside within twenty-five (25) miles of the short-term rental property and be available to respond to complaints within forty-five (45) minutes of their receipt. A designee's repeated failure to timely respond to complaints may result in the revocation of the STR permit. This provision does not apply to homestay operators.

4. Noise: The amount of noise generated by the STR use shall not disrupt the activities of the adjacent land owners. Guests shall abide by all noise ordinance rules and regulations set forth in the Stanly County Anti-Noise Ordinance

5. Trash and Recycling Disposal: The dates and instructions for trash and recycling collection shall be posted within the STR. Trash receptacles shall be the size and number authorized by existing refuse contracts. The STR operator shall ensure that all receptacles are set out for collection on the proper collection day and removed from the street or alley on the scheduled collection day. Waste may not be placed in trash bags at the curb; all trash is required to fit into trash receptacles.

6. Parking: The owner shall provide adequate on-site parking, to include a minimum of one (1) parking spot for every two (2) bedrooms on an improved parking surface. The owner may request satellite parking should there be a need for additional parking of more than that provided on-site. Vehicles may not be parked on the lawn or on other non-designated parking areas. No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the short-term rental use.

7. Minimum Duration: The operator shall not make the residential dwelling unit available to short-term rental guests for a period of less than overnight.

8. Simultaneous Rental Contracts: The simultaneous rental to more than one party under separate contracts shall be prohibited.

423.5 Miscellaneous Requirements

1. Advertisements. All advertisements or rental listings on online hosting platforms shall include the following information:
   a. Maximum occupancy requirement;
   b. Parking availability;

2. Taxes. Short-term rental owners are responsible for paying the state sales tax, personal property taxes, and the transient occupancy tax as established by state and local law.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

Section 501 Use Districts

In order to achieve the purposes of this Ordinance, the Stanly County zoning jurisdiction is hereby divided into nineteen (19) districts with the designation as listed below:

RA	Residential-Agricultural District - Low Density
RR	Rural Recreation District
R40	Single-Family Residential District – Low Density
R20	Single-Family Residential District – Medium/Low Density
R10	Single-Family Residential District - Medium Low Density
R-8	Multi-Family Residential District - High Density
RMHP	Residential Manufactured Home Park District – Medium/Low Density
NB	Neighborhood Business District
HB	Highway Business District
SC	Shopping Center District
CB	Central Business District
GB	General Business District
M1	Light Manufacturing District
M2	Heavy Manufacturing District
AO	Airport Overlay District
SEPGS	Solar Electric Power Generating System Overlay District
TO	Telecommunications Tower Overlay District
PUD	Planned Unit Development District
CD	Conditional Zoning District

Section 502 District Boundaries

The boundaries of these zoning districts are hereby established as shown on a map entitled "Official Zoning Map, Stanly County, North Carolina," as adopted and amended by the Board of County Commissioners and certified by the County Clerk. The location and boundaries of zoning districts established by this ordinance are shown and maintained as part of the Stanly County Geographic Information System (GIS) under the direction of the Mapping Department at the instruction of the County Planning Director. The Zoning GIS layer constitutes Stanly County's Official Zoning Map and is part of this ordinance. All notations, references and other information shown shall have the same force and effect as if fully set forth or described in this Zoning Ordinance.

Section 503 Interpretation of Zoning Map Boundaries

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the Zoning Map, the following rules shall be used to interpret the maps:

503.1. Where a map shows a boundary line located within a street or alley right-of-way, railroad or utility line right-of-way, easement, or navigable or non-navigable waterway, it shall be considered to be in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement, or waterway varies slightly from the location as shown on a map, then the actual location shall control.

503.2. Where a map shows a boundary line as being located a specific distance from a street line or other physical feature, that distance shall control.

503.3. Where a map shows a district boundary to approximately coincide with a property line or city, town or county border, the property line or city, town or county border shall be considered to be the district boundary, unless otherwise indicated.

503.4. Where a map shows a district boundary not coinciding or approximately coinciding with any street, alley, railroad, waterway, or property line and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the map.

503.5. In instances when a zoning case file contains detailed information regarding the boundary, that information will be used as the correct boundary location.

503.6. If it is alleged by any party that an error exists on the zoning maps with respect to any zoning district designation, zoning district boundary, special use permit or conditional district boundary, the lines showing the effective dates of zoning enactment or any other matter with respect to the provisions of this ordinance relating to zoning information, the party may request a review of the alleged error by the Board of Adjustment per Article 10.

503.7. Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line.

503.8. Where the exact location and/or size of a district boundary shown on the Official Zoning Map cannot be clearly determined and no clear written documentation supporting its exact location is available, the Planning director may examine the current and/or past land uses in that area and after conferring with the present property owner(s) of the location in question make a determination regarding the actual lines of the intended zoning district that:

a) Follows past or existing property lines; and
b) Conforms to the past or present uses on the property; and
c) Retains the original intent of the zoning of the district.

Each determination along with its justification shall be duly filed at the Planning Department and the Official Zoning Map shall be updated by the Mapping Department.

503.9 Where a parcel is located in two jurisdictions, the owner and the jurisdictions may agree for development regulations from one jurisdiction to apply to the entire parcel.

ARTICLE VI

USE REQUIREMENTS BY DISTRICT

Within the districts indicated on the zoning map, no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part, for any use other than those listed as permitted for that district in this article.

In no case shall the lot size in any district be less than the stated minimum requirements of this ordinance nor shall any use of the land not specifically permitted be allowed.

Section 601 RA Residential-Agricultural District

The regulations of this district are intended to encourage the continuance of agricultural uses as well as to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently lower density to provide a healthful environment.

Section 601.1 The following uses are **permitted**:

Accessory buildings or structures, provided such shall be permitted only in a side or rear yard and shall not be less than ten (10) feet from any property line, and further provided, that in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way line. In cases where the principal structure is located more than 50 feet behind the front yard setback, an accessory structure may be placed no closer than the normal principal building front yard setback. (ZA 15-04)

Accessory Dwelling Units to Single Family Dwellings (See Section 421) (ZA 06-06)

Barns/sheds – on parcels exceeding 3 acres in size, one barn or shed is permitted as a primary structure but may not exceed 2,500 square feet in size and must meet setbacks for a primary structure in the assigned zoning district. Barns and sheds are to be used for storage, farm or garden uses or for equipment to maintain the property. (ZA21-07)

Boarding and Rooming Houses

Camper Trailers in an annually inspected Manufactured Home Park whose parcel size exceeds 10 acres and was in existence prior to 1/1/2023 may utilize vacant existing manufactured home lots for a temporary use. All requirements of Section 407.5 A and B must be met with the exception of the recreational facilities required in Section 407.5.A(4). Tents and canvas sided pop-up campers are not permitted. All camper trailers and recreational vehicles used in this district must be certified by the RV Industry Association and meet National Fire Protection Association safety standards. Connections for water, electrical and sewer must meet all building codes and regulations including NEC, Utility and Environmental Health requirements. MHP owners allowing camper trailers are required to submit a report quarterly to the Planning Department which identifies the camper, owner and date of set up. Campers may be utilized for up to 10 months in the same Manufactured Home Park and occupants must provide proof that they are employed (affidavit, paycheck stub or similar). (3-6-2023)

Cemeteries - provided that a buffer strip be provided on all property lines abutting residentially zoned land, and further provided that no grave site be located closer than forty-feet (40) feet to any property line or fifty-feet (50) to any public right-of-way. (ZA-98-12)

Churches and customary related uses, provided that all accessory uses shall be at least twenty (20) feet from any property line.

Clubs and Lodges (non-profit only)

Farm-type enterprises when considered as being part of bona fide farms such as plant nurseries, commercial greenhouses, fruit or vegetable packing sheds, retail sale of products grown on premises, hatcheries, tobacco storage for sales, and similar commercial and processing activities.

Government owned buildings, facilities, and institutions. Unless otherwise included within the list of permitted or special uses of this district, these uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principle activity. In addition:

(a) These uses shall not create smoke, odor, dust, or noise, which would cause health hazard or nuisance to surrounding property.

(b) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

(c) The maximum height of any building shall be forty-five (45) feet, provided a fifty (50) foot setback from the road right-of-ways and property lines is maintained. Buildings not exceeding thirty-five (35) feet in height shall maintain setbacks as provided by section 417.

(d) These uses shall be limited to offices or to training, housing, incarceration, treatment, or care of individuals, unless otherwise included within the list of permitted or special uses of this district. (ZA 95-9)

Greenhouses and Truck Gardens (commercial and Non-commercial)

Group Homes

Home Occupation, Customary (Refer to Article IV, Section 411)

Home Occupation, Rural (Refer to Article IV, Section 412)

Hunting Clubs (non-profit)

Manufactured Homes on Individual Lots, Class A, B and E (Refer to Article XIII, Section 1302.23) (ZA 99-20 Eff. 2-21-2000)

Nursery Schools and Kindergartens

Nursing, Rest, or Convalescent Homes not used for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.

Public Safety Facilities such as fire and police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:

(A) Such facilities are essential to the service of the immediate area;

(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;

(C) All buildings shall (except public utility cabinets) (ZA 94-13) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line; (ZA-01-18)

(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

Recreational Uses: Community Centers, golf courses, libraries, parks playgrounds, swimming pools.

Short Term Rental (STR) meeting requirements of Section 423

Single-Family Dwellings, either site-built or modular.

Two-family dwellings, either site built or modular provided that they shall be located on a corner lot, with the following restrictions: (ZA 00-01)

1) One side of the corner lot shall be located on a NCDOT state maintained road;
2) Each front entrance shall face a separate public street;
3) Each front entrance shall be considered a front yard for setback purposes;

<u>Domestic Animals: (ZA 03-13)</u>

- <u>Poultry, Exotic Birds, and Rabbits,</u> provided that:
  Except where poultry, exotic birds, or rabbits are kept on a bona fide farm that is exempt from regulations under this ordinance, no person shall keep poultry, exotic birds, or rabbits in any structure within 50 feet from any lot line and said structure shall be at least 100 feet from the nearest building with human inhabitants, excluding residence of owner.
- <u>Livestock including Pigs, Goats, Cows, Sheep, but excluding Horses,</u> provided that:
  Except where livestock is kept on a bona fide farm that is exempt from regulations under this ordinance, no person shall keep livestock in any structure within 50 feet from any lot line and said structure shall be at least 100 feet from the nearest structure with human inhabitants, excluding residence of owner. All livestock shall be kept within a fenced area as follows:
  (a) At least one (1) acre pasture area provided for each cow;
  (b) At least one (1) acre pasture area provided for every six (6) goats or every six (6) sheep, or any combination thereof up to six (6) total per acre;
  (c) Pigs shall be limited to two pigs per one (1) acre.
- <u>Horses for personal use,</u> provided that:
  Except where horses are kept on a bona fide farm that is exempt from regulations under this ordinance, the tract must contain at least one (1) acre of fenced pasture area for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months. A barn shall be required to house the proposed horses as a use allowed under this section with the number of stalls equal to or exceeding the number permitted thereon. Any barn that houses a horse or horses under this section shall meet the following minimum setback requirements:
  (a) 50 feet from adjacent property lines;
  (b) 150 feet from pre-existing adjacent residences not resided in by the horse owner.

- Horses, Saddle Clubs, and Commercial or Personal and Private Stables, provided that: Except where horses are kept on a bona fide farm that is exempt from regulations under this ordinance, any stable that houses a horse or horses must meet the following minimum setback requirements:
  (a) 50 feet from adjacent property lines;
  (b) 150 feet from pre-existing adjacent residences not resided in by the horse owner.

Yard Sales, in accordance with Section 13.3, no zoning compliance required.

Wind Energy Systems, in accordance with Section 422 (ZA 10-8).

Section 601.2 The following **Special Uses** may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005, provisions listed below, or any other related requirements of this ordinance.

Animal Hospitals provided that:
(A) The facilities shall be maintained in neat and sanitary condition.
(B) Open kennels shall be located no closer than fifty (50) feet to any adjoining property line.

Agriculture Fairs, Carnivals, Recreational, and Entertainment Activities provided that:
1) The Board of Adjustment shall issue a Special Use Permit in accordance with procedures and requirements as given in Section 1005 Special Use of this Ordinance. (ZA 15-04)
2) The applicant for the Special Use Permit shall provide proposed location, intended activities, operation schedule, site plan layout, or any other information deemed necessary to evaluate impact on the neighborhood or community in general.
3) The Board may allow or disallow proposed activities, regulate the use and location of proposed buildings, set time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general (ZA 85-8)(ZA 08-02)

Commercial kennels or facilities for raising dogs and cats provided that: (ZA 03-13)
(a) The facilities shall be maintained in a neat and sanitary condition.
(b) Open kennels shall be located no closer than 50 feet to any adjoining property line.

Demolition landfills

Flea Markets (if operated in a completely enclosed building and meeting all requirements for a Rural Home Occupation) (ZA 90-14)

Public Safety Facilities, including Gun Ranges for the training of Law Enforcement, Correctional Officers and Military Personnel. (ZA 02-05)
(A) Applicant shall submit architectural drawings with each application along with a site plan.

Schools including colleges, universities, public elementary and secondary schools, and private schools having curricula approximately the same as ordinarily given in public schools. (ZA-15-04)

Raising of domestic animals that exceed density or setbacks as specified in Section 601.1 of this ordinance, or raising domestic or exotic animals that are not specified in Section 601.1 of this ordinance. (ZA 03-13)

Rural Based Business per section 415 (ZA 06-03)

Transmission Towers other than those used for telecommunication cell towers as defined in Section 13.3.

Section 602 RR Rural Recreation District

The regulations of this district are intended to create low-to-medium density recreational opportunities within the County, while ensuring protection of the nature and use of surrounding properties and general vicinity of the recreational areas. (ZA 99-20 Eff. 2-21-2000)

Section 602.1 The following uses shall be **permitted**:
Accessory buildings or structures provided such shall be permitted only in a side or rear year and shall not be less than ten (10) feet from any property line, and further provided, that in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way line.

Accessory Dwelling Units to Single Family Dwellings (See Section 421) (ZA 06-06)

Barns/sheds – on parcels exceeding 3 acres in size, one barn or shed is permitted as a primary structure but may not exceed 2,500 square feet in size and must meet setbacks for a primary structure in the assigned zoning district. Barns and sheds are to be used for storage, farm or garden uses or for equipment to maintain the property. (ZA21-07)

Board and Rooming Houses

Camper Trailers

Clubs and Lodges

Fishing Clubs

Group Homes

Hunting Clubs

Libraries and Museums

Public Safety Facilities such as fire and police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:

(A) Such facilities are essential to the service of the immediate area;

(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;

(C) All buildings shall (except public utility cabinets) (ZA 94-13) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line; (ZA-01-18)

(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

Recreational Uses: County Clubs, Golf Courses, Parks, Playgrounds, Swimming Pools.

Recreational vehicles

Short Term Rental (STR) meeting requirements of Section 423

Single-Family Dwellings, either site-built or modular

Tents

Wind Energy Systems, in accordance with Section 422 (ZA 10-8)

Yard Sales, in accordance with Section 13.3, no zoning compliance required.

Section 602.2 The following **Special Uses** may be allowed subject to approval by the Board of Adjustment, provided that a systematic plan showing, the proposed layout, including the location of existing and proposed buildings, driveways, off-street parking, signs, landscaping, and designation of existing uses on adjoining properties is submitted by the applicant. In issuance of a Special Use Permit, priority shall be given by the Board of Adjustment to the intent of this District, along with the provisions of Article X, Section 1005 and any other related requirements of this ordinance:

Boat Service Stations

Churches and accessory excluding cemetery (ZA 98-1)

Marinas

Multi-Family Dwellings, either site-built or modular

Restaurants

Retail establishments, such as novelty shops, camping and fishing supply stores, convenience shops, and similar supportive and convenience establishments that are directly related to rural recreation activities.

Saddle Clubs and Commercial Stables

Section 603 R20 Single Family Residential District

The regulations of this district are intended to insure opportunity for primarily residential development, protected from disruptive commercial or agricultural influences; and to insure that development not having access to public water supplies or public sewage disposal will occur at sufficiently low densities to provide a healthful environment.

Section 603.1 The following uses are **permitted**:

Accessory buildings or structures, provided such shall be permitted only in a side or rear yard and shall not be less than ten (10) feet from any property line, and further provided, that in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way line. In cases where the principal structure is located more than 50 feet behind the front yard setback, an accessory structure may be placed no closer than the normal principal building front yard setback. (ZA 15-04)

Accessory Dwelling Units to Single Family Dwellings (See Section 421) (ZA 06-06)

Barns/sheds – on parcels exceeding 3 acres in size, one barn or shed is permitted as a primary structure but may not exceed 2,500 square feet in size and must meet setbacks for a primary structure in the assigned zoning district. Barns and sheds are to be used for storage, farm or garden uses or for equipment to maintain the property. (ZA21-07)

Churches and their customary related uses, excluding cemeteries, provided that all buildings be set back at least twenty (20) feet from any property line.

Domestic Animals as permitted in Section 601.1 (R-A) Residential-Agriculture with a 5 acre minimum lot size. (ZA 05-11)

Greenhouses and gardens which are incidental to the residential use and conducted on a non-commercial basis only, provided that no greenhouse heating plant shall be located within sixty (60) feet from any front property line or within thirty (30) feet of any property line.

Group Homes

Home Occupation, Customary (Refer to Article IV, Section 411)

Public Safety Facilities such as fire and police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Short Term Rental (STR) meeting requirements of Section 423

Single-Family Dwellings, either site built or modular

Two-family dwellings, either site built or modular provided that they shall be located on a corner lot, with the following restrictions: (ZA 00-01)

1) One side of the corner lot shall be located on a NCDOT state maintained road;
2) Each front entrance shall face a separate public street;
3) Each front entrance shall be considered a front yard for setback purposes;

Wind Energy Systems, in accordance with Section 422 (ZA 10-8)

Yard Sales, in accordance with Section 13.3, no zoning compliance required.

Section 603.2 The following **Special Uses** may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005 listed below, and any other conditions necessary to assure the intent of this district.

Cemeteries, accessory to existing churches with the district only, provided that a buffer strip be provided on all property lines abutting residentially zoned land, and further provided that no grave site shall be located closer than forty-feet (40) to any property line or fifty-feet (50) to any public right-of-way. (ZA 98-12)

Colleges and Universities

Home Occupations, Rural, provided that:
(A) The property upon which it is located shall not be a part of any residential subdivision.
(B) The property consists of at least ten (10) acres.
(C) The provisions of Article IV, Section 412, can as a minimum requirement, be met.

Hospitals

Nursery Schools and Kindergartens

Nursing, Rest, or Convalescent Homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.

Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:
(A) Such facilities are essential to the service of the immediate area;
(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;
(C) All buildings shall (except public utility cabinets) (ZA 94-13) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line; (ZA-01-18)
(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

Raising of domestic animals that exceed density or setbacks as specified in Section 601.1 of this ordinance, or raising domestic or exotic animals that are not specified in Section 601.1 of this ordinance both with a 5 acre minimum lot size. (ZA 05-11)

Recreational Uses: Community Centers, Golf Courses, Libraries, Parks, Playgrounds, Swimming Pools.

Schools including colleges, universities, public elementary and secondary schools, and private schools having curricula approximately the same as ordinarily given in public schools. (ZA 15-04)

Section 604 R10 Single Family Residential District

This district is a medium-density neighborhood consisting of single-family residence along with limited home occupations and private and public community uses. This district will accommodate residences with access to public water and/or sewerage. (ZA 99-20 Eff. 2-21-2000)

Section 604.1 The following uses are **permitted**:

Accessory buildings or structures, provided they shall be permitted only in a rear yard and shall be not less than ten (10) feet from any property line, such building or structure shall be set back at least twenty-two (22) feet from any side yard street right-of-way line.

Accessory Dwelling Units to Single Family Dwellings (See Section 421) (ZA 06-06)

Barns/sheds – on parcels exceeding 3 acres in size, one barn or shed is permitted as a primary structure but may not exceed 2,500 square feet in size and must meet setbacks for a primary structure in the assigned zoning district. Barns and sheds are to be used for storage, farm or garden uses or for equipment to maintain the property. (ZA21-07)

Churches and their customary related uses, excluding cemeteries, provided that all buildings be set back at least twenty (20) feet from any property line.

Greenhouses and gardens which are incidental to the residential use and conducted on a non-commercial basis only, provided that no greenhouse heating plant shall be located within sixty (60) feet from any front property line or within thirty (30) feet of any property line.

Group Homes

Home Occupation, Customary (Refer to Article IV, Section 411)

Public Safety Facilities such as fire, police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Short Term Rental (STR) meeting requirements of Section 423

Single-Family Dwellings, either site-built or modular.

Two-family dwellings, either site built or modular provided that they shall be located on a corner lot, with the following restrictions: (ZA 00-01)

1.One side of the corner lot shall be located on a NCDOT state maintained road;
2.Each front entrance shall face a separate public street;
3.Each front entrance shall be considered a front yard for setback purposes;

Yard Sales, in accordance with Section 13.3, no zoning compliance required.

Section 604.2 The following **Special Uses** may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005, provisions listed below, and any other conditions necessary to assure the intent of this district.

Bed and Breakfast Inns provided: (ZA 96-01)
(A) Number of guest bedrooms may not exceed seven (7), and may be further limited following public comment, and site plan evaluation by the Board of Adjustment.
(B) A site development plan will be submitted demonstrating adequate parking, visual screening, and other similar project plans. Outdoor recreation facilities for guest, if any, should be included in the site plan for evaluation,
(C) Services and facilities shall be provided to current patrons only.
(D) Plans for sign size, design and location shall be evaluated by the Board of Adjustment. Signs may be more limited than Section 415 Rural Based Business Signs.

Cemeteries, accessory to existing churches with the district only, provided that a buffer strip be provided on all property lines abutting residentially zoned land, and further provided that no grave site shall be located closer than forty-feet (40) to any property line or fifty-feet (50) to any public right-of-way. (ZA 98-12)

Colleges and Universities

Nursery Schools and Kindergartens

Nursing, Rest, and Convalescent Homes

Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:
(A) Such facilities are essential to the service of the immediate area;
(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;
(C) All buildings shall (except public utility cabinets) (ZA 94-13) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line; (ZA-01-18)
(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

Recreational Uses: Community centers, libraries, parks, and playgrounds

Schools including colleges, universities, public elementary and secondary schools, and private schools having curricula approximately the same as ordinarily given in public schools. (ZA 15-04)

Section 605 R8 Multi-Family Residential District

The R-8 Residential District is established as a high density district in which the principal use of land is for single family, two family, and multi-family residences. Regulations of this district are intended to provide for persons desiring small residences and multi-family structures in relative high-density neighborhoods.

Section 605.1 The following uses are **permitted**:

All uses permitted in the R-10 Residential District as well as:

Accessory Dwelling Units to Single Family Dwellings (See Section 421) (ZA 06-06)

Boarding and Rooming houses

Multi-Family Dwellings (ZA 15-04)

Nursery Schools and Kindergartens

Yard Sales, in accordance with Section 13.3, no zoning compliance required.

Section 605.2 All **Special Uses** which may be allowed upon Board of Adjustment approval within the R-10 Residential District may also be allowed in the R-8 Multi-Family District, giving special consideration to safety factors related to the high density nature of the district, as well as the provisions of Article X, Section 1005.

Section 606 NB Neighborhood Business District

The regulations of this district are intended to provide for the retailing of goods and services for convenience to the nearby residential neighborhoods in such a way as to protect abutting areas from blighting influences.

Section 606.1 The following uses are **permitted**;

Accessory uses and structures when located on the same lot as the principal structure, excluding however, open storage.

Automobile parking lots

Automobile washing establishments

Bakeries, where the products are sold exclusively at retail on the premises.

Banks and other financial institutions including loan and finance companies.

Barber and beauty shops

Bicycle sales and repair shops

Churches and their related uses, except cemeteries

Clubs, lodges, social, civic and other similar organizations operating on a non-profit basis.

Convenience Store

Dairy bars and ice cream manufacturing for retail sales on the premises only.

Dry cleaning and laundry pick-up stations and dry cleaning plants operated in conjunction with a retail service counter, provided there is no processing of clothes collected at other stations; provided further, that only non-inflammable liquids are used in the cleaning process.

Flea Markets if operated in a completely enclosed building.

Floral and gift shops, but excluding commercial greenhouses.

Food stores, retail only but excluding the killing or dressing of any flesh or fowl.

Funeral homes and mortuaries

Jewelry repair shops

Launderettes and Laundromats

Libraries, museums and art galleries

Locksmiths

Medical and dental clinics and laboratories

Nursery schools and kindergartens
Offices, business, professional and public

Photographic studios, camera supplies

Physical Culture, reducing salons

Public Safety Facilities such as fire and police stations rescue squad headquarters and civil defense centers, provided that all vehicles are stored indoors.

Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:

(A) Such facilities are essential to the service of the immediate area;

(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;

(C) All buildings shall (except public utility cabinets) (ZA 94-13) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line; (ZA-01-18)

(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

Radio and TV repair shops, electric shops

Restaurants, including drive-in restaurants

Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores.

Service Stations, but not including major repair work, provided the gasoline pump islands shall be located at least fifteen (15) feet behind the property line, that on all sides where such stations abut residential districts, a six (6) foot high fence and suitable landscaping shall be provided.

Shoe repair and shine shops

Tailor, dressmaker and millinery shops

Taxicab stands

Theaters, housed in a permanent indoor structure

Section 607 HB Highway Business District

This commercial district is designed to serve the special needs of the traveling public, provide space for indoor and outdoor recreation and other limited commercial activities requiring large lots. They are located at intersections of major highways traversing the county in order to prevent spot or strip zones and resultant disruption to traffic patterns and residential areas along the highways.

Section 607.1 The following uses are **permitted**:

Accessory uses and structures when located on the same lot as the principle structures, however, all open storage of items for sale and display lots must have a Buffer Strip as provided in Section 419 on any side or rear lot line which abuts a residential district.

Alcoholic beverages, packaged, retail sales

Animal Hospital

Assembly halls, coliseums, ballrooms, and similar structures

Automobile parking lots

Automobile parts and supplies, new

Automobile/Truck Rental

Automobile sales and display lots, new and used, including related repair services conducted indoors only.

Automobile washing establishments

Banks

Barber and beauty shops

Boat works, sales, and display lots

Clubs and lodges

Convenience Store

Curio and souvenir shops

Dairy bars

Farm and Industrial supplies and equipment sales and display lots

Flea Markets (ZA 90-14)

Fruit stands and grocery stores housed in reasonably permanent structures

Government owned buildings, facilities, and institutions. Unless otherwise included within the list of permitted or special uses of this district, these uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principle activity. (ZA 95-9)

Greenhouses and horticultural nurseries

Mobile Home sales and display lots

Motels and motor lodges

Motel Supplies Sales and Display (ZA 84-4)

Nursery Schools and Kindergartens (ZA 03-10)

Offices, business, professional and public

Public Safety facilities

Public Works and Public Utility facilities

Recreational facilities operated on a commercial basis, both indoors and outdoors, provided all outdoor activities must have a buffer strip as provided in Section 419, on any side or rear lot line which abuts a residential district.

Restaurants

Retail Sales and businesses and professional, financial and personal services

Service Stations, including minor repair service conducted indoors only.

Storage Garage - enclosed, rental

Theaters, drive-in, subject to the following conditions:

(A) No part of any theater screen, projection booth, or other building shall be located closer than five-hundred (500) feet to any residential district or closer than fifty (50) feet to any property line or public right-of-way; and no parking space shall be located closer than one-hundred (100) feet to any residential district.

(B) The theater screen shall not face a major street or highway, and reservoir parking space off the street shall be provided for patrons awaiting admission in an amount of not less than thirty percent (30%) of the vehicular capacity of the theater.

Transmission Towers

Trucking Terminals

Wind Energy Systems, in accordance with Section 422 (ZA 10-8)

Section 607.2 Special Uses - The following Special Uses may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005, provisions listed below, or any other related requirements of this ordinance.

Adult Businesses

Churches and related uses except cemeteries (ZA 98-1)

Section 607.3 Adult Establishment requirements for Special Use Permit

1) **ADULT ESTABLISHMENTS** (ZA 99-03)

- Additional information required with petition:

Site plan shall show all surrounding land uses within 1000 feet of the proposed site's boundary lines.

- Predefined standards:

1) All windows, doors, openings, entries, etc. for all adult uses shall be located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible.

2) All parking areas shall be located in the front yard only.

3) No adult use shall be established within one thousand (1,000) feet of the proposed site's boundary from the following:
   a) Any residentially zoned land;
   b) Religious institutions, schools, parks, playgrounds, libraries or other areas where minors regularly congregate;
   c) Other adult establishments; and
   d) Residential dwellings.

- Additional information required with petition:

A) Site plan prepared by a NC registered land surveyor or engineer, containing:
   - Buffer areas, including planting schedule and layout
   - Subdivision preliminary plat and all related information including phasing, if any
   - Any outside storage areas
   - Roadway improvements, if any
   - All open space to remain, common or not
   - Signage limitations for common entrance and individual business(s)
   - Approved NCDOT driveway permit for all locations accessing a public road

B) Requirements listed to minimize any adverse impacts on the surrounding properties, not limited to the following:
   - Hours of operation
   - Driveway access(s)
   - Additional setbacks
   - Additional buffer areas
   - Lot size requirement(s)
   - Outdoor Lighting

Section 608 SC Shopping Center District

The purpose of a planned Shopping Center District is to provide an orderly arrangement of convenience and comparison shopping outlets, along with customer service establishments, where three or more permitted uses are housed within one principle structure on a single commercial lot. The regulations are meant to insure that such concentrated commercial activity can be carried on in such a manner as will not be physically harmful to area traffic patterns, residential development, or existing commercial establishments.

Section 608.1 The following uses are **permitted**:

In a planned shopping center district, land shall be used hereafter, and building when constructed, altered, extended or used, shall be used for one or more of the following uses, and according to the conditions herein specified for approval prior to use:

Accessory and related uses

Alcoholic beverages, packaged, retail sales

Automobile parking lots and structures

Bakeries, where the products are sold exclusively at retail on the premises only.

Banks and other financial institutions, including loan and finance companies.

Dairy bars and ice cream manufacturing for retail sales on the premises only.

Dry cleaning and laundry pickup stations and dry cleaning plants as described in Subsection 606.1 of Section 606.

Flea Markets if operated in an enclosed building.

Floral shops, but not commercial greenhouses

Food stores, retail only, but excluding the killing and dressing of any flesh or fowl.

Furriers

Jewelry repair shops

Launderettes and Laundromats

Libraries, museums, and art galleries

Medical and dental clinics and laboratories

Offices, business, professional and public

Office supplies and equipment, sales and service

Opticians and optical goods stores

Photographic studios and camera supply stores

Printing and reproduction establishments

Radio and TV repair shops

Recreation facilities, indoors only

Restaurants

Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores, but not excluding similar retail outlets.

Service Stations, but not including major repair work, provided that gasoline pump islands shall be located at least fifteen (15) feet behind the property line.

Shoe repair and shine shops

Tailoring, dressmaking, and millinery shops

Section 608.2 Shopping Center Area Requirements

(A) No S-C Shopping Center shall contain less than four (4) acres.

(B) No land in a S-C category shall be across a street from the commercially zoned land to which it is added.

(C) Where a planned shopping center is proposed for a location not already designated as a S-C District, the procedure for obtaining a rezoning of the area to S-C shall require the submission of a development plan as described in Subsection 608.3 of Section 608 as well as the regular amendment procedure set forth in Article XI.

Section 608.3 Development Plan

In an S-C Shopping Center district, the owner or developer shall submit a development plan at a scale of not less than one inch to one hundred (100) feet, to the Planning Board:

(A) Dimensions of the property and adjacent lots and streets.

(B) Location and proposed use of all buildings with dimensions and ground area thereof.

(C) The parking areas with spaces, channelization and ratios shown.

(D) Service areas, off-street loading facilities, service drives and dimensions thereof.

(E) All pedestrian ways and canopies.

(F) Title, giving the names of the developers, the date, scale of the plan, and the person or firm preparing the plan.

(G) Landscaping and proper buffers between adjacent uses.

Section 608.4 Building Permit

Actual construction shall begin within one (1) year from the final date approval is granted. In the event the Planning Board finds that the intent of this section has not been met or construction has not begun within one (1) year, resubmission of the development plan shall be required. It is not the intent of this section to prohibit a reasonable extension of the one (1) year limit by the County Commissioners.

Section 608.5 Reserved (ZA 00-08)

Section 608.6 Special Uses - The following Special Uses may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005, provisions listed below, or any other related requirements of this ordinance.

Churches and related uses except cemeteries (ZA 98-1)

Section 609 CB Central Business District

The regulations of this district are intended to permit the convenient performance of functions requiring a location near the transportation and population center of a trade area and to provide municipalities with a compact and efficient retail shopping, consumer services, financial and governmental center.

Section 609.1 The following uses are **permitted**:

Accessory uses and structures when located on the same lot as the principal structures, excluding, however, open storage.

Alcoholic beverages, packaged, retail sales.

Automobile parking lots and structures

Automobile parts and supplies, new

Automobile rental

Automobile sales and display lots

Bakeries, where the products are sold exclusively at retail on the premises.

Banks and other financial institutions, including loan and finance companies.

Barber and beauty shops

Bicycle sales and repair shops

Bus stations

Business colleges, barber and beauty colleges, art schools, music and dance studios, and similar uses, but excluding industrial trade schools.

Churches and their customary related uses, except cemeteries.

Clubs and lodges

Dairy bars and ice cream manufacturing for retail sales on the premises only.

Dry cleaning and laundry pickup stations and dry cleaning plants, having less than two-thousand (2,000) square feet of floor space, provided the emission of steam and other obnoxious by products is controlled.

Flea Markets if operated in an enclosed building.

Floral shops, but not commercial greenhouses.

Food stores and meat markets, retail only, but excluding the killing or dressing of flesh or fowl.

Furriers and fur storage

Hotels, inns, and motels

Jewelry repair

Libraries, museums, and art galleries

Locksmiths and gunsmiths

Medical and dental clinics and laboratories

Newspaper offices and printing plants incidental to such offices.

Offices, business, professional and public

Office supplies and equipment, sales and services

One and two family attached accessory residential units subject to the following conditions: (ZA 99-02)

1. No more than two (2) accessory dwelling units per building or business;
2. Shall be located at the rear or on the upper floor of a business;
3. Shall comply with all applicable fire and building standards.

Opticians and optical goods stores

Parks, excluding recreational playing fields or other extensive outdoor recreational uses.

Photographic studios and camera supply stores

Physical culture and reducing salons

Printing, publishing, and reproducing establishments

Public Safety facilities such as fire and police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:

(A) Such facilities are essential to the service of the immediate area;

(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;

(C) All buildings shall (except public utility cabinets) (ZA 94-13) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line; (ZA-01-18)

(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

Radio and TV repair shops, electric shops

Recreational facilities - indoor

Restaurants, but not drive-in restaurants

Retail establishments such as department, clothing, fabric, shoe, variety, notion, drug, hardware, furniture, appliance, floor covering, paint, antique, art goods, jewelry, gift, music, toy, sporting goods, book and stationery, magazine, candy, tobacco, pet and hobby and craft stores.

Second-hand stores, pawn shops

Service stations, but not including major repair work, provided that such service stations have a minimum lot area of six thousand (6,000) square feet and a frontage of not less than one-hundred (100) feet. No portion of the service station building nor any of its equipment shall be nearer than fifteen (15) feet to the street right-of-way; provided further, that a canopy may be erected over the pump island which may extend to the street right-of-way. Minor engine repairing; tune-up and tire repairing shall be permitted if conducted wholly inside a structure.

Shoe repair and shine shops.

Tailoring, dressmaking and millinery shops

Taxicab stands

Telephone and Telegraph offices

Theaters housed in a permanent indoor structure

Section 610 GB General Business District

These commercial districts are generally located on the fringe of highways leading out of urban commercial areas. They dispense retail goods and services to the community and provide space for wholesaling and warehousing activities.

Section 610.1 The following uses are **permitted**:

Accessory uses and structures, including open storage, provided the areas devoted to open storage are enclosed by a fence not less than eight (8) feet in height and providing a Buffer Strip in accordance with Section 419 on all sides abutting residentially zoned properties.

All uses permitted in the CB Central Business District except as excluded under the provisions of this section.

Animal Hospitals, provided there shall be no open kennels

Assembly halls, coliseums, ballrooms and similar structures

Auction Houses (ZA 86-02)

Automobile repair garages, including body works, but excluding open storage of wrecked cars.

Automobile sales, new and used

Automobile washing establishments

Boat works and sales

Bottling works

Building materials and equipment sales

Bus repair and storage terminals

Cabinet, woodworking and upholstery shops

Camper Trailers in campground facilities

Campground facilities on parcels of 12 acres or more which provide 20 or more campsites for RVs or camper trailers. Campground facilities in the GB district are exempt from recreational facilities requirements outlined in Section 407.5.A(4)

Contractors' offices and storage yards

Dairy products processing and distributing facilities

Dry cleaning and laundry plants

Electrical supplies and equipment, sales and service

Farm machinery assembly, sales and repairs

Feed and seed stores

Flea Markets (ZA 90-14)

Freezer lockers and ice plants

Funeral homes and mortuaries

Glass and mirror shops, venetian blind and awning shops, tile companies, and similar building specialty outlets.

Government owned buildings, facilities, and institutions. Unless otherwise included within the list of permitted or special uses of this district, these uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principal activity. (ZA 95-9)

Greenhouses and horticultural nurseries

Industrial supplies and equipment, sales and service

Industrial trade schools, research laboratories

Launderettes and Laundromats

Lumberyards, building materials storage and sales, including open storage when fenced.

Machine and welding shops

Mobile home sales display lots

Monument works and sales

Motorcycle, lawnmower, and power saw sales and service

One and two family attached accessory residential units subject to the following conditions:

1. No more than two (2) accessory dwelling units per building or business;
2. Shall be located at the rear or on the upper floor of a business;
3. Shall comply with all applicable fire and building standardsPlumbing and heating supply houses

Public works and public utility facilities, including service and storage yards.

Radio and TV stations

Railroad stations and yards

Recreational vehicles in campground facilities

Recreation equipment sales and display lots

Recreational facilities operated on a commercial basis, both indoors and outdoors, but excluding race tracks of any type; provided all outdoor activities must have a buffer strip as provided in Section 419, on any side or rear lot line which abuts a residential district.

Recycling Centers – Indoors (ZA 11-03)

Restaurants, including drive-in restaurants, provided such drive-in restaurants are fenced on all sides which abut residential districts. Such fences shall be solid from the ground to a height of six (6) feet.

Sheet metal, roofing, plumbing, heating and refrigeration shops.

Sign painting and fabricating shops

Storage Garage, enclosed rental

Theaters, drive-in, subject to the following conditions:

(A) No part of any theater screen, projection booth, or other building shall be located closer than five-hundred (500) feet to any residential district or closer than fifty (50) feet to any property line or public right-of-way; and no parking space shall be located closer than one-hundred (100) feet to any residential district.

(B) The theater screen shall not face a major street or highway, and reservoir parking space off the street shall be provided for patrons awaiting admission in an amount of not less than thirty percent (30%) of the vehicular capacity of the theater.

Tire recapping shops

Transmission towers

Trucking terminals, transfer companies

Vending companies

Warehousing and wholesale distribution facilities for retail goods.

Wholesale storage of gasoline and oil products, including bottled gas and oxygen.

Wind Energy Systems, in accordance with Section 422 (ZA 10-8)

Section 611 M1 Light Manufacturing District

The M1 Light Manufacturing District is designed to accommodate industries and warehousing operations which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential and business districts.

Section 611.1 The following uses are **permitted**:

Animal Hospitals (excluding large animals except for office visits) (ZA 95-11)

Auction Houses (ZA 11-09)

Automobile parking lots and structures

Automobile repair garages (excluding open storage of more than five (5) dismantled, wrecked, inoperable or unlicensed motor vehicles on any single parcel of property) (ZA 95-11)

Automobile, truck and other vehicles sales, new and used (ZA 17-03)

Bakeries and other establishments manufacturing prepared food products for wholesale distribution.

Boat works and sales

Bottling works

Building materials and equipment sales, including open storage when fenced.

Cabinet, woodworking and upholstery shops

Circuses and carnivals

Clothing and textile manufacturing

Contractors' offices and storage yards, provided open storage is enclosed by a fence of at least eight (8) feet in height.

Customary accessory uses and structures including open storage, provided the area devoted to open storage is enclosed by a fence at least eight (8) feet in height, and visually screened from adjoining residential uses.Dairy products processing and distributing facilities including dairy bars.

Dry cleaning and laundry plants

Electrical appliances and electronic equipment manufacturing, sales, service and assembly (ZA 01-04)

Electrical supplies and equipment, sales and service

Feed and Seed stores (ZA 95-11)

Fertilizer blender and distribution facilities (ZA 95-11)

Food Services including mobile and relate final preparation and packaging of food products (ZA-05-14)

Furniture manufacturing

Glass and mirror shops, Venetian blind and awning shops, tile companies, and similar building specialty outlets.

Government owned buildings, facilities, and institutions. Unless otherwise included within the list of permitted or special uses of this district, these uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principle activity. (ZA 95-9)

Greenhouses and horticultural nurseries

Ice and cold storage plants, freezer lockers (ZA 95-11)

Industrial supplies and equipment, sales and service

Leather products and luggage manufacturing

Light manufacturing or processing not otherwise named herein upon the review of the Planning Staff; provided no operations are carried on, or are likely to be carried on which will create smoke, fumes, noise, odor or dust which will be detrimental to the character of the district or to the health, safety or general welfare of the community.

Lumberyards, building materials storage and sales, including open storage when fenced.

Machine and welding shops provided that they are conducted in a structure, which is enclosed except for movable doors (ZA 95-11)

Machine tool manufacturers provided that they are conducted in a structure, which is enclosed except for movable doors (ZA 95-11)

Metal fabrication plants provided that they are conducted in a structure, which is enclosed except for movable doors (ZA 95-11)

Monument works and sales including outside display area provided that they are conducted in a structure which is enclosed except for movable doors (ZA 95-11)

Paper goods manufacturing and distributing

Pharmaceutical manufacturing and distributing

Plumbing and heating supply houses, including open storage when fenced.

Pool, manufacture, supply, sales and service. (ZA-01-04)

Precision instrument manufacturing

Public Safety facilities, subject to the conditions listed under Subsection 609.1 of Section 609.

Public Works and Public Utility facilities subject to the conditions listed under Subsection 609.1 of Section 609.

Railroad stations and yards, including rail spurs (ZA 01-04)

Sheet metal, roofing, plumbing, heating, and refrigeration shops provided that they are conducted in a structure, which is enclosed except for movable doors (ZA 95-11)

Sign painting and fabricating shops

Tire recapping shops provided that they are conducted in a structure, which is enclosed except for movable doors (ZA 95-11)

Trucking terminals, transfer companies

Vending companies

Wholesale and warehousing establishments, except for the storage of dangerous or offensive items such as uncured hides and explosives.

Wholesale storage of gasoline and oil products, including bottled gas and oxygen.

Wind Energy Systems, in accordance with Section 422 (ZA 10-8)

Section 611.2 Special Uses - The following Special Uses may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005, provisions listed below, or any other related requirements of this ordinance.

Churches and related uses except cemeteries (ZA 98-01)

Indoor Shooting Ranges and related sales provided that:
1. An architect is employed to design and supervise building construction.
2. Must have U. L. approval
3. Must meet safety standards as shown in the model code in case file ZA 91-3 Bill Tobias Gun Shop Inc. (ZA-91-3)

Section 611.3 (Reserved 7/8/02)

Section 612 M2 Heavy Manufacturing District

The M2 Heavy Manufacturing District is designed to accommodate all but the most obnoxious industries. However, it is expected that industries permitted here by right will minimize their emission of smoke, dust, fumes, glare, noise, and vibrations.

Section 612.1 The following uses are **permitted**:

Any uses permitted in the M1 Light Manufacturing District

Airports

Animal hospitals

Automobile junkyards and scrap metal dealers, provided that the premises are enclosed by a solid fence not less than ten (10) feet in height.

Automobile repair garages, including body works, but excluding open storage of wrecked cars unless they are enclosed by a solid fence not less than ten (10) feet in height.

Bedding and carpet manufacturing and cleaning establishments

Brick, tile and pottery yards

Bus repair and storage terminals

Chemical manufacturing, household or industrial

Coal and wood yards, pole treating plants

Cotton gins, cotton waste and rag processing

Customary accessory uses and structures, including open storage.

Feed and seed stores

Fertilizer manufacturing

Flour and feed mills

Foundries producing iron, steel, copper, brass and aluminum products.

Government owned buildings, facilities, and institutions. Unless otherwise included within the list of permitted or special uses of this district, these uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principle activity. (ZA 95-9)

Hatcheries

Ice and cold storage plants, freezer lockers

Livestock sales barns

Machine and welding shops

Machine tool manufacturing

Manufacturing uses not otherwise named herein, upon the review by the Planning Staff provided that no use shall be permitted in this district which is likely to be dangerous, offensive or detrimental to the health, safety, welfare or general character of this zoning district, or of the community by reason of the emission of dust, smoke, gas, noise, fumes, odors, vibration, glare, or usual threat of fire or explosion. However, such potentially obnoxious uses may be allowed in this district, provided the applicant submits detailed plans indicating proposed control methods.

Meat packing and poultry processing plants

Metal fabricating plants, including boiler and tank works

Mixing plants for concrete or paving materials, the manufacture of concrete products.

Monument works and sales

Plastics, rubber and glass products manufacturing

Public Works and Public Utilities facilities, including service and storage yards.

Sawmills, planing mills and wooden box factories

Sheet metal, roofing, plumbing, heating and refrigeration shops.

Tire recapping shops

Wind Energy Systems, in accordance with Section 422 (ZA 10-8)

Section 612.2 Special Uses - The following Special Uses may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005, provisions listed below, or any other related requirements of this ordinance.

Indoor Shooting Ranges and related retail sales provided that:
1. An architect is employed to design and supervise building construction.
2. Must have U. L. approval
3. Must meet safety standards as shown in the model code in case file ZA 91-3 Bill Tobias Gun Shop Inc. (ZA-91-3)

Churches and related uses except cemeteries (ZA 98-01)

Extraction of Earth Products (see Section 612.3)

Landfill (see Section 612.4)

Research Facilities (ZA 04-06)

Power Generation Facilities except solar and wind (see Section 618 and 808)(ZA 07-11)

Section 612.3 Extraction of Earth Products requirements for Special Use Permit

A) Site plan, prepared by a North Carolina registered land surveyor or engineer, containing:

1) North arrow, scale and date.
2) Extent of area to be excavated or mined.
3) Locations, width and elevation of all easements and rights-of-way within or adjacent to the extraction site.
4) Location of all existing or proposed structures on site.
5) Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils map.
6) Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
7) Existing topography at a contour interval of two (2) feet based on mean sea level datum.
8) Proposed handling and storage areas for overburden, by-products, and excavating materials.
9) Proposed fencing, screening and gates, parking, service and other areas.
10) Any areas proposed for ponding.
11) Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site.

B) An operation plan including:

1) The date operations begin and their expected duration.
2) Proposed hours and days of operation.
3) Estimated type and volume of extraction.
4) Description of method of operation, including the disposition of topsoil, overburden, and by-products.
5) Description of equipment to be used in the extraction process.
6) Any phasing of the operation and the relationship among the various phases.

C) A Rehabilitation plan which shall include:

1) A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
2) A map showing the final topography, after rehabilitation, to the same scale as the site plan. It shall also depict any water areas and methods for preventing stagnation and pollution, landscaping and groundcover proposed to be installed and the amount and type of backfill, if any, to be employed.
3) A phasing and timing plan, related to the phasing and timing portion of the Operations Plan, showing the progression of the rehabilitation and the date to be completed.
4) The methods of disposing of all equipment, structures, dikes and spoil piles associated with the operations.
5) The name, address and signature of all landowners and applicants.
6) A written legal description or survey of the property, prepared by a North Carolina registered land surveyor or Professional Engineer.
7) A fee, as set forth by the Stanly County Board of Commissioners.
8) A traffic study based on ITE (Institute of Transportation Engineering) rates or other comparable source analyzing the proposed site's impact on the existing road network. Proposed roadway improvements, if any, serving the site should also be detailed.

D) Predefined standards

1) All operations associated with extraction shall conform to the following performance standards:

a) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
b) Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:
   - Between 7:00am and 7:00pm 60 DBA
   - Between 7:00pm and 7:00am 55 DBA
c) Vibration levels at the boundaries of the extraction site shall not exceed the following standards:
   - Maximum Peak Particle Velocity

Steady state	1.0 inches/second
Impact	2.0 inches/second

NOTE: The maximum particle velocity shall be the product of two times the frequency in cycles per second the sum of three mutually perpendicular displacement components recorded simultaneously. For purposes of this Ordinance, steady state vibrations are vibrations that are continuous, or vibrations in discrete impulses more frequent that sixty per minute. Discrete impulses, which do not exceed sixty per minute, shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the zoning lot containing the extractive use, shall be one hundred and twenty five decibels on the linear scale.

1) The rehabilitation plan shall be referred to the Stanly County Soil and Water Conservation District for review and recommendation. In particular, its review should focus on the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and, the acceptability of the proposals for the handling of lakes, ponds, etc. The District's report is not necessarily binding upon the Commission.

1) The permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust free material such as soil cement, bituminous concrete or Portland Cement concrete from the nearest public road to the yard area. Also, all permanent roads located within three hundred (300) feet of a residentially zoned land shall be treated the same.

2) Roads other than the permanent roads shall be treated with dust inhibitors, as specified in the operations plan, to reduce and minimize dust generation from road surfaces from either wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.

3) Where the proposed extraction shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least ~~six~~eight (8) feet high shall be installed. Barbed wire shall be installed on top of the fence for an additional 12" in height

4) Spoil piles and other accumulations of by-products shall not be created to a height more than forty (40) feet above the original contour and shall be so graded, so that the vertical slope shall not exceed the material's natural angle of repose.

5) The operations plan and rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum, constant with good practices, and so that rehabilitation proceeds simultaneously with extraction.

6) The facility is required to implement a buffer strip about its perimeter as specified in Section 1302 of this ordinance.

7) The Board of Commissioners shall require a performance guarantee, in a form approved by the County Attorney, to insure that the provisions of this rehabilitation plan are met. The amount of such guarantee shall cover the cost of rehabilitation. The applicant's engineer shall certify and seal the cost of rehabilitation on a per acre basis. If the cost exceeds the amounts required by the State, then the difference shall be made up in a bond to Stanly County.

Section 612.4 Landfill Requirements to receive Special Use Permit

- **Landfill requirements:**

  a) Except for reclamation landfills of less than one acre for noncommercial use and on-site demolition landfills, any private or commercial landfill over one acre in size must satisfy the following requirements in addition to complying with the county health regulations and the county solid waste ordinance.

- **Additional information required with petition:**

  a) Sedimentation/Erosion Control - Before any permit is issued or any work commences, the operator shall file with the Zoning Administrator a copy of the approved sedimentation/erosion control plan and letter of approval from the North Carolina Department of Environmental Quality.

● Predefined standards:

(1) Screening- Existing trees and vegetation must be maintained within one hundred feet of adjoining property lines and any public street right-of-way. Where the natural growth within one hundred feet of the adjoining property line or right-of-way does not comply with the standard of Section 1302.7 to effectively screen the landfill site from the view from adjoining properties or right-of-way, then natural screening in accordance with the requirements of Section 1302.7 shall be provided. Access to the site may cross this 100 foot area.

(2) Hours or Operation -Landfills may only operate from 8:00 a.m. until sunset. Sunday operation is prohibited.

(3) Yard Requirement -Unless a written waiver is granted by the adjacent property owner, no portion of any landfill may be located within 100 feet of any exterior property line. This includes, but is not limited to, structures, offices, equipment storage, parking areas and fill areas, except that access drives may cross this area. Operation within l00 feet of an exposed body of water or mine shaft opening shall be prohibited with no exceptions.

(4) Access -Vehicular access to the landfill site shall be provided from a state maintained road, but in no instance shall such road qualify as a residential local or residential collector street, as defined by the North Carolina Department of Transportation. Access from the state maintained road must be paved with asphalt or concrete for the first 25 feet and to a minimum width of 20 feet. If a shared easement, right-of-way, or driveway provides access, such roadway shall be surfaced with asphalt or concrete to a minimum width of 20 feet in order to provide protection against potholes, erosion and dust, and shall be maintained by the landfill operator up to such landlocked parcel. Although not required to be paved, all other roads within the site must be maintained so as to minimize airborne particles.

(5) Fencing, Gates, Signage, Staffing - A metal fence and gate, sufficient to block access to the site, shall be located at the entrance(s) to the landfill site and shall be locked when the landfill is not in operation. A sign not exceeding 32 square feet shall be placed at the entrance(s) detailing the name, hours of operation, and types of waste allowed. An attendant must be on-site during all hours of operation.

(5) Flood Area -No filling of any type shall be allowed in any portion of a regulatory floodway.

(6) Capacity -The landfill site shall permanently close when the reclamation area or landfill site has been filled or reached capacity.

(7) Sedimentation/Erosion Control -Before any permit is issued or any work commences, the operator shall file with the Zoning Administrator a copy of the approved sedimentation/erosion control plan and letter of approval from the North Carolina Department of Environmental Quality.

(8) Health Permits -Landfill operations must maintain a valid permit from and comply with the standards of the Stanly County Health Department and the State of North Carolina as applicable.

(9) Site Recordation -A plat map and/or metes and bounds legal description designating the lot and landfill boundary area shall be recorded in the Stanly County Register of Deeds prior to the issuance of a zoning compliance permit by the Zoning Administrator.

(10) Violations -Violators shall be penalized under Section 905 of the Stanly County Zoning Ordinance.

(b) On-site demolition landfills and reclamation landfills less than one acre for noncommercial use shall be permitted in all zoning districts subject to the following provisions:

(1) Landfill operations must maintain a valid permit from and comply with the standards of the Stanly County Health Department and the State of North Carolina, as applicable.

(2) No such site may be operated for more than 24 months, after which time it must be closed in an approved fashion.

(3) The location of any such site must be indicated on any required final subdivision plat. Further, even where no subdivision plan is required, the owner of any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the site from the developer. Such site must be recorded by metes and bounds legal description as part of the deed for the lot or parcel and/or be recorded by a plat map. The zoning compliance permit shall not be issued until proof of recordation is presented to the Zoning Administrator.

(4) No portion of any such site may be located within 15 feet of any exterior property line of a subdivision or any un-subdivided parcel.

(5) Any on-site demolition waste disposal site which is located in an industrial district or industrial park shall be exempt from the 24 month closing requirement provided that no portion of the site is located within 100 feet of any adjoining existing residence or residentially zoned property. (ZA 03-17)

Section 613 Airport Overlay District

A. Purpose and Intent

The Stanly County Airport Overlay District is established to set height and land use limitations for airport safety within the vicinity of the Stanly County Airport in accordance with the Stanly County Airport Approach and Vicinity Plan. The intent of the Stanly County Airport Overlay District is to promote the health, safety, and general welfare of the residents of Stanly County, to protect the public investment and economic viability of the Stanly County Airport, and to prevent loss of airport utility due to incompatible development.

The following requirements pertain to the compatibility of land uses within the vicinity of the Stanly County Airport, as well as height considerations of structures and natural vegetation, such as trees. All applicable requirements meet the General Statutes of the State of North Carolina, as amended, and are adopted under authority granted by North Carolina General Statute 153A and 160D, as amended.

All applicable requirements also are in accordance with the 1) Federal Aviation Administration, Advisory Circular 150/5300-13A – Airport Design, as amended; 2) Code of Federal Regulations, Title 14, Aeronautics And Space, Chapter I, Federal Aviation Administration, Department of Transportation, Subchapter E, Airspace Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace, as amended; 3)Federal Aviation Administration, Order 8260.3D – United States Standard for Terminal Instrument Procedures (TERPS), as amended; 4) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and 5) Federal Aviation Administration, Advisory Circular 150/5100-17 – Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects, as amended.

B. District Boundaries and Applicability

This ordinance shall be applicable to the area designated with Stanly County in the vicinity of the Stanly County Airport as shown on the Official Zoning Map of Stanly County as maintained by the Stanly County Mapping Department as approved by the Stanly County Board of Commissioners.

C. Permitted Uses and Determinations of Compatibility

As an overlay, the Stanly County Airport Overlay District supplements standards established elsewhere in the Stanly County Zoning Ordinance. Any use permitted in the underlying zoning district, set forth in Stanly County Zoning Ordinance, shall be permitted in the Airport Overlay District provided it complies with the provisions of Section E, Height Restrictions and Limitations, and Section F, Land Use Restrictions and Limitations. However, if a use is compatible with the Airport Land Use Compatibility Guidance, but is not permitted in the base zoning district, such use is not allowed.

D. Interpretations

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) Airport means the Stanly County Airport.

(2) Airport Elevation means the highest point of an airport's usable landing area measured in feet (tenths) from mean sea level.

(3) Airport Obstruction means any living or man-made structure or tree, which obstructs the aerial approaches of the airport exceeding the maximum height of structures permitted in the airport operation area or is otherwise hazardous to its use for landing or taking off.

(4) Airport Operation Area refers to all zones established in this Ordinance.

(5) Avigation Easement means ownership of the right of imposition upon such property of overflight, excessive noise, vibration, smoke, dust, vapors, and particulates due to the operation of aircraft to and from the airport. Also includes the right to remove Airport Obstructions on said property.

(6) Special Use Permit: A permit issued by the Stanly County Board of Adjustment that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance, as well as any additional requirements imposed by the Board of Adjustment (refer to 'CU' Uses with Conditions in Land Use Matrix Table).

(7) Enforcement Officer shall mean an individual of the Stanly County Planning and Zoning Department with authority to enforce this ordinance.

(8) FAA means Federal Aviation Administration.

(9) FAR means Federal Aviation Regulation.

(10) Dimensional Nonconformity means a situation that occurs when the lot line does not conform to the regulations applicable to the zone in which the property is located.

(11) Height means the vertical distance from the ground elevation to the highest point of a structure or tree, including any appurtenance thereon expressed as feet above mean sea level (MSL).

(12) Height limitations means no structure or tree shall be erected, altered, allowed to grow or maintained in any airport surface zone, with a height in excess of the height established for such zone. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

(13) Land Use Compatibility means the use of land adjacent to the Stanly County Airport that does not endanger the health, safety, or welfare of the owners' occupants, or users of the land.

(14) Lot means a portion of a subdivision, plat or parcel with boundaries established as a separate legal entity recorded with the County Register of Deeds.

(15) Nonconforming Structure means any structure or tree, which does not conform to this Ordinance as of the effective date of these regulations.

(16) Nonconforming Use means any structure or use of land, which is inconsistent with the provisions of this Ordinance as of the effective date of these regulations.

(17) Open Space means an area, land or water, generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

(18) Permitted Use means the associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'Y' Uses with Conditions in Land Use Matrix Table).

(19) Precision Instrument Runway means a runway end having an instrument approach procedure utilizing air navigation facilities with horizontal and vertical guidance, or area type navigation equipment, for which a straight-in precision instrument approach procedure has been approved or planned.

(20) Prohibited Use means the associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use (refer to 'N' Conditional Use in Land Use Matrix Table).

(21) Property Owners means those listed as owners of property on the records of the Stanly County Tax Department.

(22) Runway End means the existing physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation.

(23) Structure means any object, constructed or installed by human labor, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines. The primary structure on a lot, or a building that houses a principal use.

(24) Use means the principal activity or function that actually takes place or is intended to take place on a parcel.

(25) Variance means a grant of permission by the Stanly County Board of Adjustment that authorizes a person, owing to conditions peculiar to the property, in which a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

(26) Zoning Permit means a permit issued by the Stanly County Planning and Zoning Department that authorizes the recipient to make use of property in accordance with the requirements of the Ordinance.

E. Height Restrictions and Limitations

In order to carry out this ordinance, certain zones are hereby created and established by FAR Part 77, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the Stanly County Airport. The zones are shown on the Airport Overlay District map. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

Airport Overlay Zones: In order to carry out this Ordinance, certain airport overlay zones are hereby created and established by Federal Aviation Regulation (FAR) Part 77 – *Safe, Efficient Use, and Preservation of the Navigable Airspace*, FAA Order 8260.3D – *United States Standard for Terminal Instrument Procedures (TERPS*, as amended), and FAA Advisory Circular 150/5300-13A – *Airport Design*, Table 3-2 (as amended). These zones include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface, and conical surface as they apply to the Stanly County Airport as per the Stanly County Airport Approach and Vicinity Plan approved by the FAA.

(1) Primary Zone: This is an area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. The width of the primary zone for Runway 04L/22R is 500 feet for a utility or visual runway. The width of the primary zone for Runway 04R/22L is 1,000 feet for precision instrument runways having visibility minimums of less than ¾ statute mile.

(2) Horizontal Zone: This is the area around a civilian airport with an outer boundary perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by line tangent to the arcs. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. The radius of each arc is:

i. Runway 04R/22L Ends: 50,000 feet for precision instrument runways having visibility minimum of less than ¾ statute mile.
ii. Runway 04L/22R Ends: 5,000 feet for all runways designated as utility or visual.
iii. The height of the Horizontal Zone is 150' above the elevation of the established airport elevation (609.0 MSL).

(3) Conical Zone: This is the area extending outward and upward from the periphery of the horizontal zone for a distance of 4,000 feet.

(4) Approach Zone: This is an area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designed for each runway end based upon the type of approach available or planned for that runway end.

i. The inner edge of the approach zone is the same width as the primary zone (i.e., 1,000 feet for runway 04R/22L and 500 feet for runway 04L/22R) and it expands uniformly to a width of:

1) Runway 04R/22L Ends: 16,000 feet for precision instrument runways having visibility minimum of less than ¾ statute mile.

2) Runway 04L/22R Ends: 1,500 feet for visual utility runways.

ii. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end. The approach surface extends for a horizontal distance of:

1) Runway 04R/22L Ends: 50,000 feet for all precision- instrument runways other than utility.

2) Runway 04L/22R Ends: 5,000 feet for all non-precision-instrument runways other than utility.

(5) Transitional Zone: This is the area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 10,000 feet from the side of the part of a precision approach zone that extends beyond the conical zone.

No structure or tree shall be erected, altered, allowed to grow or maintained in the airport zones to a height in excess of the height limit as determined by the aerial contours appearing on the Stanly County Airport Approach and Vicinity Plan referred to in Section E of this Document. The property owner of an obstruction, determined to be an airport hazard, shall be responsible for bringing such obstruction into conformance with this ordinance.

F. Land Use Restrictions and Limitations

Land Use Restriction Zones Established

In order to carry out this Ordinance, certain zones are hereby created and established, which include land lying beneath the Airport Land Use Zones as they apply to the Stanly County Airport. Such zones are shown on the Stanly County Airport Approach and Vicinity Plan. An area located in more than one (1) of the zones described herein is considered to be only in the zone with the more restrictive limitation. There are hereby created and established the following Airport Land Use Zones:

(1) *Zone A.* Zone A is the Runway Protection Zone, as defined in the Federal Aviation Administration Advisory Circular 150/5300-13A, Section 310, or in successor FAA advisory circulars.

(2) *Zone B1.* Zone B1 is that area underneath the Approach Zone to where each approach surface is 150 feet of height above their respective runway end elevations, not including Zone A.

(3) *Zone B2.* Zone B2 is that portion of the area underneath the Approach Zone, from the outer edge of Zone B1 to the end of the Approach Zone, or 10,000 feet from inner edge of the Approach Zone, whichever it reaches first.

(4) *Zone C1.* Zone C1 is an area formed by offsetting the primary surface edge outward by 1,050 feet, and extending each of its ends to its respective runway end's Approach Zone, or extended and squared off at the outer edge of Zone B1, whichever that extension reaches first.

(5) *Zone C2.* Zone C2 is the same width as Zone C1, extending from the end of Zone C1 to the end of Zone B1.

(6) *Zone D.* Zone D is those areas underneath the Transitional and Horizontal Zones not part of Zones A, B1, B2, C1 or C2.

(7) *Zone E.* Zone E is identical in area, dimensions, and location to the area underneath the Conical Zone.

Land Use Limitations

Such applicable land use limitations are hereby established for each of the Airport Land Use Zones in order to prevent incompatible land uses which would compromise aeronautical activity at the Stanly County Airport, to protect people and property on the ground in case of an accident, to limit population and building density in the runway approach areas, and to restrict those uses which may be hazardous to the operational safety of aircraft operating at the Chester-Catawba Regional Airport. The following land use limitations within Zones A, B1, B2, C1, C2, D, and E shall apply to those portions of the parcel contained within the underlying zones as indicated on the attached Stanly County Airport Approach and Vicinity Plan.

Other Land Use Requirement

New residential subdivisions located within Airport Land Use Zones B1, B2, C1, and/or C2 requires a Residential Fair Disclosure statement in the purchase contract or rental agreement upon the selling of a residential structure. Residential Fair Disclosure should state:

> "This subject property and residential structure considered for purchase or rental located at [insert physical address] is located within 10,000 feet of the Stanly County Airport. Information regarding Stanly County Airport can be received from the Stanly County Planning and Zoning Department, upon request."

Future applications made to Stanly County requesting approval of manmade structures, which also require filing a notice with the FAA as per Part 77, §77.9, of Title 14 of the Code of Federal Regulations, or in successor federal regulations, shall first submit a FAA form 7460-1, "Notice of Proposed Construction or Alteration", to the FAA for a review of impacts to airspace in the vicinity of the Airport, prior to placing of the request on the Planning Commission meeting agenda. If the FAA determines an adverse impact to the Airport's airspace may occur, including but not limited to increased instrument procedural minima, FAA decision should serve as governing height limitation for such a man-made structure.

Table Key (Abbreviations)
(Y) Permitted Use: The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.
(CU) Uses with Conditions: The associated land use groups are at a level of intensity or density, or location, which is not considered to present a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use, contingent upon attainment of conditions presented (See Conditional Uses Below). 1 - Allowed only if use does not interfere with normal Airport operations (as defined by the FAA). 2 - Prohibits uses that constitute a hazard to flight, including but not limited to tall physical objects, glare, dust, or other visual or electric interference to a pilot and aircraft, and uses that may attract hazardous wildlife. 3 - Use intensity restricted to 5 or less persons per acre. 4 - Use intensity restricted to 15 or less persons per acre; or equivalent per household. 5 - Use intensity restricted to 25 or less persons per acre in structures/buildings; and 50 or less persons per acre outdoors. 6 - Use intensity restricted to 100 or less persons per acre. 7 - Residential land uses permitted, with Residential Fair Disclosure required. 8 - No more than 1 dwelling unit per acre. 9 – Allowed only when a property owner signs and provides a hold harmless agreement prepared by Stanly County Attorney.

(N) Prohibited Use: The associated land use groups are at a level of intensity or density, or location, which presents a significant risk to the safety of persons on the ground or to persons in aircraft over flying the proposed use.

* Note: Reference Stanly County Airport Approach and Vicinity Plan for Location of Zones.

Stanly County Airport Overlay District Uses Regulated Land Use Guidance for Zones A, B1, B2, C1, C2, D, E *						
Airport Land Use Zone Designation	Zone A	Zone B1, C2	Zone B2	Zone C1	Zone D	Zone E
Agriculture, Farming & Animal Keeping						
Crop Production - Dry and Irrigated Farming	CU 1,2	Y	Y	CU 1,2	Y	Y
Specialty Crops, Nurseries/Greenhouses, Landscape Materials	N	Y	Y	N	Y	Y
Row-Crop Processing and Packaging, Wineries	N	Y	Y	N	Y	Y
Animal Processing and Packaging	N	CU 2,3	Y	N	Y	Y
Truck Farming, Roadside Stands, Farmers Markets	N	CU 2,3	Y	N	Y	Y
Pasture and Rangeland Grazing	N	Y	Y	CU1, 2	Y	Y
Animal Feed Lots (Commercial Hogs, Dairies)	N	Y	Y	N	Y	Y
Animal Feed Lots (Commercial Poultry)	N	N	CU 9	N	Y	Y
Game Preserves, Fish Farming	N	N	CU 2	N	Y	Y
Feed Lots, Stockyards, Animal Commodity Sales Yards	N	CU 2	CU 2	N	Y	Y
Animal Hospital, Veterinary Clinic, Kennels, Pet Boarding	N	CU 3	CU 5	N	Y	Y
Equestrian Facilities	N	CU 9	CU 9	N	Y	Y

Exotic Animals	N	N	N	N	CU 3	CU 5
Public Use Facilities, Institutions & Utilities						
Civic-Use Convention Center, Auditorium, Concert Hall	N	N	N	N	CU 1,2	Y
Schools, Hospitals, and Correctional Facilities	N	N	N	N	CU 1,2	Y
Libraries, Museums, Churches, Day-Care, Social/Civic Clubs	N	N	N	N	CU 1,2	Y
Parks, Athletic Fields, Playgrounds, Picnic Areas	N	N	N	N	CU 1,2	Y
Cemeteries	N	Y	Y	N	Y	Y
Public Utilities (Excludes Electric Power Plants, Lines)	N	CU 1,2	CU 1,2	N	CU 1,2	CU 1,2
Electric Power Plants and Overhead Transmission Lines	N	CU 1,2	CU 1,2	N	CU 1,2	CU 1,2
Solid-Hazardous Waste, Landfills (Excludes Transfer Stations)	N	N	N	N	N	N
Recycling	N	CU 2,3	CU 2,5	CU 1, 2	CU 2	CU 2
Residential						
Single-Family Residential	N	CU 3,8	C7	CU 3,8	CU 7	Y
Multi-Family Residential, Mobile Home Units / Parks	N	N	N	N	CU 2,6,7	Y
Group Homes, Convalescent Facilities, Nursing / Family Care	N	N	N	N	CU 2,6,7	Y
Apartments, Duplexes, Townhomes, Condominiums	N	N	N	N	CU 2,6,7	Y
Temporary Housing	N	N	N	N	CU 2,6,7	Y

*(Y) Permitted Use (CU) Use with Conditions (N) Prohibited Use *See Table Key on page 8*

Stanly County Airport Overlay District Uses Regulated Land Use Guidance for Zones A, B1, B2, C1, C2, D, E *						
Airport Land Use Zone Designation	Zone A	Zone B1,C2	Zone B2	Zone C1	Zone D	Zone E
Commercial Recreational						
Swimming Pools, Water Park, Water Slides	N	N	Y	N	Y	Y
Gyms, Health Spas, Indoor Theaters, Auditoriums	N	N	CU 5	N	CU 6	Y
Bowling Alleys, Skating Rinks, Dance and Pool Halls, Arcades	N	N	CU 5	N	CU 6	Y
Outdoor Theaters, Amusement Parks, Carnivals, Fairs	N	N	N	N	CU 6	Y
Golf Courses, Tennis Courts	N	N	Y	N	Y	Y
Commercial Business, Retail & Services						
Aeronautical Businesses	N	N	Y	Y	Y	Y
General Retail Stores/Complexes, Restaurants, Convenient Stores	N	N	Y	N	Y	Y
General Offices, Executive Offices, Research Facilities	N	CU 3	CU 5	CU 4	Y	Y
Vehicle Sales, Building & Lumber Materials, Food-Beverage Sales	N	N	CU 5	N	Y	Y
Appliance-Equipment Repair Facilities, Vehicle Wash	N	CU 3	CU 5	CU 4	Y	Y
Shopping Malls, Shopping Centers, Home Improvement Centers	N	N	CU 5	N	CU 6	Y
Banks, Financial Institutions	N	N	CU 5	N	CU 6	Y
Gasoline Service Stations	N	N	Y	N	Y	Y

Modular Self-Storage Facilities, Mini Storage Units	N	CU 3	CU 5	CU 2	Y	Y
Personal Health Clinics, Well-Being & Care Facilities	N	N	CU 5	N	Y	Y
Motels, Hotels, Bed & Breakfast	N	N	CU 4	N	CU 6	Y
RV Parks, Camping Areas	N	N	CU 4	N	Y	Y
Mass Transit Facility / Depot	N	N	CU 2	Y	CU 6	Y
Broadcast Studios	N	N	Y	N	Y	Y
Commercial Industrial, Manufacturing & Warehousing						
Manufacturing Facilities, Industrial Plants, Warehousing	N	N	CU 2	CU 4	CU 6	Y
Warehouse, Wholesale, Distribution	N	CU 3	CU 2	CU 4	CU 6	Y
Heavy Industrial/Manufacturing	N	N	CU 2	N	CU 6	Y
Light Industrial/Manufacturing	N	CU 3	CU 2	CU 4	CU 6	Y
Petroleum and Chemical Product Dealers-Bulk Storage	N	N	CU 1,2	N	CU 6	Y
Mining- Sand, Gravel, Fill Dirt	N	N	CU 1,2	N	CU 1,2	CU 1,2

*(Y) Permitted Use (CU) Use with Conditions (N) Prohibited Use *See Table Key on page 8*

G. Nonconformities

Nonconforming Uses – Regulations Not Retroactive

This regulation shall not be construed to require the alteration of any lot or removal, lowering, or other change or alteration of any manmade structure not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, or intended use of any property or structure for which the construction or alteration was started or for which a building permit was acquired prior to the effective date of this ordinance.

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure is hereby required to allow the installations

operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Stanly County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Stanly County Airport.
Reference FAA Advisory Circular 70-7460-1K, or successor advisory circulars, for further guidance.

Existing Structures

Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in an increase in the total amount of space devoted to a nonconforming use or greater nonconformity with respect to land use limitation.

Abandoned Structures: Whenever the Stanly County Zoning Enforcement Officer determines that a nonconforming structure has been abandoned or more than 80 percent torn down (or damaged more than 80 percent of the current County tax value), physically deteriorated, or decayed, no permit shall be granted that would allow such structure to otherwise deviate from the height and land use regulations.

Temporary Structures: Temporary structures constructed or erected incidental to a development, and solely used for the designated purpose, can only remain while needed and for a maximum of one year.

H. Permit Requirements

Permits Required – Existing Uses

Before any existing use or structure may be replaced or substantially altered within any area of the Airport Height or Land Use Restriction Zones, a permit shall be secured authorizing such replacement, change or repair. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use when the application for a permit is made. Except as indicated, all applications for a permit for replacement change or repair of an existing structure shall be granted.

Permits Required – Future Uses

No change shall be made in the use of land or increasing or establishing a structure or tree unless a permit therefore shall have been applied for and granted by the County Zoning Officer. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use or structure would conform to the regulations prescribed in this article.

No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section I Legal Provisions.

A building permit shall not be issued for the construction of any new structure within the Airport Height Restriction or Land Use Zones established in Sections E and F, and as depicted on the Stanly County Airport Approach and Vicinity Plan unless approved by the Stanly County Planning and Zoning Department with the issuance of a Certificate of Zoning Compliance.

No permit of any type shall be issued for any development, building permit or activity subject to parcel areas underlying Airport Land Use Zone A and Zone B1 herein defined, until the Stanly County Airport Authority, in a form prescribed by the Airport Director, and as recorded in a form acceptable to Stanly County Airport has an opportunity to be awarded an avigation easement by the property owner(s).

Violations

Permits shall be valid until revoked. The Zoning Enforcement Officer may periodically inspect the structure(s) and land use to determine continued compliance with this ordinance. If the land use or obstruction is in violation, the Zoning Enforcement Officer shall advise the owner in writing of the violations and of action necessary to bring the obstruction or land use into compliance. Failure by the owner to correct violations shall constitute grounds for revocation of the permit. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by Article IX of the Stanly County Zoning Ordinance.

Revocation of Permit

Valid permits may be revoked by the Zoning Enforcement Officer for any of the following reasons:

(1) Incorrect or misrepresented information on the permit application.

(2) Failure to construct structure in accordance with application and permit.

(3) Any other violation of this ordinance.

In the event the permit is revoked, the Zoning Enforcement Officer shall advise the owner in writing of the status of the permit, the action necessary to correct the violation and of the enforcement techniques available to the County to remedy continued violation. When the Zoning Enforcement Officer determines that the structure or land use has been brought back into compliance with this ordinance, the Zoning Enforcement Officer shall reinstate the permit.

I. Legal Provisions

Enforcement

The ordinance may be enforced by any one or more of the remedies authorized by the Stanly County Zoning Ordinance and NCGS 153A and NCGS 160D.

Complaints

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Enforcement Officer stating the cause and basis for the complaint. The Zoning Enforcement Officer shall record the complaint, investigate and take such action as may be necessary to enforce this ordinance.

Severability

Should any section or provision of this ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Amendment

Petitions for amendment may be filed with the Stanly County Planning and Zoning Department by utilizing the amendment process as described in Section XI of the Stanly County Zoning Ordinance.

Variance and Exception

Any person with standing who desires to erect or increase the height of any structure, or permit the growth of any tree or use property, not in accordance with the regulations prescribed in this Section may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient us of navigable airspace. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards as it deems necessary to preserve the intent of this ordinance. In granting a variance or exception to this ordinance, the Board of Adjustment must determine the following:

(1) Special conditions and circumstances exist which are peculiar to the land or buildings involved and which are not applicable to other land or buildings.

(2) The literal interpretations of the provision of this ordinance would deprive the applicant of rights commonly enjoyed by other properties.

(3) Special conditions and circumstances do not result from

the actions of the applicant.

(4) Granting the variance required will not confer on the applicant any special privilege that is denied by this ordinance to other lands or buildings.

(5) Any request for a variance to the Height Restrictions and Limitations portions of this Ordinance shall be accompanied by a finding from the Federal Aviation Administration as to the impact the variance may have on the safe, efficient use of the airport and its airspace.

Issuance of a variance shall not set precedence and each case shall be reviewed independently of others.

Appeal

The Board of Adjustment shall hear and decide appeals and review any orders, requirements, decisions or determinations made by the Enforcement Officer responsible for administration or enforcement of this ordinance. The Board of Adjustment decision is subject to review by the Superior Court for Stanly County, as per NCGS 160D.

Section 614 Telecommunications Towers, Antennae and Facilities Overlay District

Section 614.1 In recognition of the Telecommunications Act of 1996, it is the intent of Stanly County to allow communication providers the opportunity to locate telecommunications towers and related facilities within the County in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of Stanly County citizens. Wireless towers may be considered undesirable with other types of uses, most notably residential; therefore special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.

Accordingly, the Stanly County Board of Commissioners finds that regulations related to telecommunications towers are warranted and necessary:

A. To direct the location of communication towers in Stanly County;

B. To protect residential areas and land uses from potential adverse impacts of telecommunications towers;

C. To minimize adverse visual impacts of telecommunications towers through careful design, siting, landscape screening, and innovative camouflaging techniques;

D. To accommodate the growing need for telecommunication towers to residents and businesses in the County;

E. To promote and encourage shared use/co-location of existing and new communication towers as a primary option rather than construction of additional single-use towers;

F. To consider the public health and safety of telecommunication towers; and to avoid potential damage to adjacent properties from tower failure through structural standards and setbacks.

G. To avoid potential damage to adjacent properties from tower failure through engineering and careful siting of telecommunication towers.

Section 614.2 Telecommunications towers and facilities are allowed only in the telecommunications tower overlay district. A telecommunications tower overlay district rezoning must be requested by the applicant or property owner for any property with an underlying zoning of R-A, R-R, R-20, R-10, R-8, NB, HB, SCD, CB, GB, M-1, and M-2, and all the supplemental regulations of Section 614 shall be met. Once the Board approves a site for a telecommunications tower overlay designation, the applicant shall obtain a Zoning Compliance Authorization as per Section 614.3 below.

Section 614.3 No telecommunications tower, antennae, or facilities shall be erected, moved, extended in height, or enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any tower or facility be commenced until the Zoning Enforcement Officer or his designated agent has issued a zoning clearance for such work, in the form of a Zoning Compliance Authorization. Such authorization will only be provided once a property is rezoned to the telecommunications tower overlay district. When a rezoning to the overlay district designation is approved, the proposed tower type, tower height, setbacks, easements, as well as other specifics presented to the County Commissioners shall be included in the Zoning Compliance Authorization. The telecommunications provider must abide by the specifics they presented to the Board when they obtained their rezoning. If, at a later date, the provider wishes to modify those specific conditions, an amendment to telecommunications tower overlay district must be obtained through a new review and public hearing by the Stanly County Board of Commissioners.

Section 614.3.1 Each application to the Zoning Enforcement Officer for Zoning Compliance Authorization shall be accompanied by plot plans showing:

a) The actual dimensions of the lot to be built upon or leased. If leased, then also the dimensions of the lot on which the leased portion is located.
b) The size and height of the tower to be erected.
c) Tower type (i.e. monopole or lattice).
d) The location of any existing structures on the lot, if any.
e) The distance to the nearest residential structure.
f) Setbacks or the collapse zone. If a collapse zone is used, documentation verifying the collapse zone dimensions.
g) Other information as may be essential for determining whether the provisions of this ordinance are met.

Section 614.3.2 Any Certificate of Zoning Compliance issued shall expire and be canceled unless the work authorized by it shall have begun within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year. Written notice thereof shall be given to the persons affected, including notice that further work as described in the canceled permit shall not proceed unless and until another zoning compliance clearance has been obtained.

Section 614.4 Telecommunication tower overlay rezoning requests can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. As per the Telecommunications Act of 1996, the Stanly County Board of Commissioners must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis, which in essence denies the tower.

The following factors may be used to evaluate a tower for aesthetic reasons:

1. To protect the view in scenic areas, unique natural features, scenic roadways, etc.
1. To prevent the concentration of towers in one specific area.
2. The height, design, placement, and other characteristics of the tower can be modified to have a less intrusive visual impact on the County.

Section 614.5 Supplementary Regulations for new Telecommunications Towers, Antennae, and Facilities

If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-locating on an existing telecommunications tower, 2) locate on an existing Duke Power transmission tower or similar structure, or 3) locate camouflaged antennae within an existing structure, then telecommunications towers and facilities will be allowed when property is rezoned by the County Commissioners to a telecommunication tower overlay district, subject to the following regulations in addition to applicable requirements set forth in each underlying zoning district and elsewhere in this Ordinance:

(A) In all Residential underlying zoning districts (R-A, R-R, R-20, R-10, and R-8,) and in all Business underlying zoning districts (N-B, C-B, SCD, G-B, and H-B), all telecommunication towers shall be of a monopole design and construction. All monopoles must be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible.

In the Industrial (M-1 and M-2) underlying zoning districts, a monopole or lattice construction steel structure tower is acceptable. Monopoles must be designed to “telescope” or collapse inward; lattice towers must be designed to collapse inward upon itself.

(B) It is the intent of Stanly County to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Stanly County. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. This will assist Stanly County in reducing the total number of towers in the County. Stanly

County requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the overlay district rezoning process.

(C) The maximum allowable height of a tower is 199.9 feet in the R-A, R-R, R-20, R-10, R-8, N-B, C-B, SCD, HB, and G-B underlying zoning districts. The maximum height of a tower located in the M-1 and M-2 underlying zoning district is 300 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

(D) Where a telecommunication tower is to be located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve (12) feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.

(E) Stanly County encourages stealth tower locations. Telecommunications towers which can locate in or on existing structures or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Or towers which are located in a stand of trees, rather than in an open field, are preferred.

(F) Towers are prohibited on the top of buildings or structures in all the Residential and Business underlying zoning districts. In the Industrial underlying zoning districts, towers may be permitted on roofs or walls after submission of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated, for review by the County Commissioners.

Towers on roofs may be allowed when the tower height 1) does not exceed more than 30% of the height of the building, or 2) is no more than 50 feet above the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

(G) Stanly County recognizes that telecommunications facilities (both towers and co-locators) cannot be prohibited, nor can a rezoning for a telecommunications tower overlay district be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards. Stanly County requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.

(H) All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the underlying zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

(I) A minimum eight-foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The County Board of Commissioners may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

Note: Applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

(J) Landscape screening shall be required along the outside area of the perimeter-fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall consist of evergreen shrubs planted with a twenty (20) foot screen/buffer with twelve (12) trees [1/3 shall be evergreen] and twenty (20) shrubs required per one-hundred (100) feet of buffer strip. Evergreen shrubs should be of a size expected to reach a minimum of 6' in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be xeriscape (drought) tolerant or irrigated to ensure good health and vitality.

Screening requirements shall not apply to telecommunications providers who have camouflaged (stealth towers) towers or who have located antennas within another structure (such as a steeple), or who have co-located on an existing tower. Nor shall screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

The Board of Commissioners may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Board of Commissioners may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site, i.e. a floodplain, etc.

(1) Plant Standards and Plant Installation Standards.

(A) Minimum tree caliper measured 6" above ground on all trees shall be 2 ½" and the minimum height shall be 8 feet.

(B) Shrubs must be at least 2 feet tall when planted and shall be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 3 years of planting.

(C) All plant material installed shall be free from disease.

(D) Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.

(E) All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

(2) Landscaping Maintenance.

(A) The plantings that constitute a required landscaping shall be properly maintained in order for the landscaping to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris and to keep plantings healthy. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies.

(K) Minimum setback requirements for free-standing towers located with the R-A, R-R, R-20, R-10, R-8, N-B, C-B, SCD, H-B and G-B underlying zoning districts shall be one (1) foot for every one (1) foot of actual tower height (i.e. a 199.9 foot tower would require a 199.9 foot setback on all sides), or the documented collapse zone, whichever is less. Minimum setbacks for free standing towers located in the Industrial (M-1 and M-2) underlying zoning district shall be determined by the underlying zoning district. These setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent icefall materials and/or debris from tower failure or collapse from damaging off-site property. For the purpose of establishing-setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, unless the tower is located in a leased

area. Setbacks for towers located on leased parcels shall be measured to the edge of the parcel in which the leased area is located.

The Stanly County Board of Commissioners may reduce minimum setback requirements, if warranted, or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

(L) All towers shall be a minimum of 300' from the nearest residential dwelling unit.

(M) Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain written a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.

(N) Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period greater than ninety (90) consecutive days. Such removal (clearing from the site) shall take place within six (6) months of the first day the tower was abandoned, and be completed within this same six (6) month period. It shall be the responsibility of the applicant to notify Stanly County Zoning Enforcement Administrator when the tower has been abandoned for greater than ninety (90) days.

(O) Towers having a height of 199.9 feet or less shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare *onto adjacent properties.* It is recognized that towers over 200 feet in height require night time strobe lights as per the Federal Aviation Administration.

(P) Freestanding telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.

(Q) Any planned increase in tower height to an existing approved telecommunication tower located within an overlay district requires the provider to apply for a zoning amendment to the telecommunication tower overlay district. Once such an amendment has been approved by the County Commissioners, a Zoning Compliance Authorization can be issued to permit the increase in tower height.

Normal maintenance and repair of the structure can be completed without the issuance of Zoning Compliance at the discretion of the Zoning Enforcement Officer.

Planned height increases for towers which were constructed prior to the adoption of these regulations shall require the provider or owner to apply for a rezoning to the telecommunications tower overlay district, which includes a review and approval by the County. Once such rezoning is approved, the Zoning Enforcement Officer will review a Zoning Compliance Authorization application. Required information for this application is described in Section 614.3.1.

(R) Applications by providers to use co-location space on an existing tower, within an approved telecommunications tower overlay district shall be permitted by right provided that the tower height is not increased. The issuance of a Zoning Compliance Authorization form shall be required.

If the co-locator or owner proposes to increase the tower height in an established telecommunications tower overlay district, this would require a zoning amendment of the telecommunications tower overlay district which includes review and approval by the County Commissioners, prior to the issuance of a Zoning Compliance Authorization.

(S) Freestanding signs are prohibited. Wall signs shall be limited to 1) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in size and 2) "No trespassing" signs, "Danger - High Voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.

(T) The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a Zoning Compliance Authorization. Once such authorization is approved, documentation of adequate insurance must be provided to the Stanly County Zoning Administrator every twelve (12) months.

(U) Outdoor storage of equipment or other related items is prohibited.

(V) Associated telecommunications equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(W) All applications for a telecommunications tower overlay district, or any amendment to the overlay district must include the following information in addition to any other applicable information contained in the Zoning Ordinance:

1.Identification of intended provider(s);

1.Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.

2.A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;

3.Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to the overlay district.

4.Documentation that the telecommunication equipment complies Federal Radio Frequency Emission Standards;

5.Documentation that towers over 199.9 feet are necessary for a minimal level of service;

6.A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking co-location on an existing tower within an approved telecommunication tower overlay district, when the equipment building is to be located within the existing fenced area.

7.Documentation of monopole tower or lattice tower collapse area, if applicable.

8.Expert testimony that demonstrates to the satisfaction of the Stanly County Board of Commissioners that the provider has explored all means for stealth tower locations and co-location opportunities, if applicable. Evidence may consist of the following:

a. Existing or approved telecommunications towers with available co-location space are not located within the search area.

b. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.

c. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.

d. The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the spacing requirement between antennae cannot be met).

e. Existing or approved towers lack co-location space.

f. If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower can not be structurally strengthened to accommodate an additional user.

(X) Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.
(Y) The following requirements apply for Telecommunications Tower Overlay District rezoning:

1) Decisions by the Stanly County Board of Commissioners to approve or deny a telecommunications tower overlay district for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law.

2) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Stanly County Board of Commissioners at the public hearing, as suggested by federal law.

3) The decision of the Stanly County Board of Commissioners must be based upon substantial evidence, which must be recorded in the Minutes, as per federal law.

4) In determining if a telecommunications tower should be approved/denied, through the rezoning to a telecommunication tower overlay district, the Planning Board and Stanly County Board of Commissioners may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties. The aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics may be used to evaluate the telecommunications tower overlay district rezoning. In reaching a decision, the Stanly County Board of Commissioners may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

Section 614.6 Supplementary Regulations for Telecommunications Antennae and Associated Equipment Locating on Existing Towers and Structures.

(A) Applications by providers to use co-location space on an approved existing telecommunications tower in an approved telecommunications tower overlay district shall be allowed with an approved Zoning Compliance provided that the tower height is not increased. Any co-location which will result in an increase to the tower height, shall require the co-locator or applicant to apply for an amendment to the telecommunications tower overlay district, allowing an increase in tower height if the tower existed prior to the adoption of these regulations, a rezoning to the telecommunication tower overlay district status is required.
(B) Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennae and its associated equipment buildings may locate on any Duke power transmission tower, water tank/tower, or similar structures by right in all underlying zoning districts so long as the addition does not increase the original height of the existing structure or tower, when Zoning Compliance authorization has been approved. Such antennae shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.
(C) The County requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
(D) Screening requirements shall not apply to telecommunications providers who camouflage antennas within another structure (stealth locations) such as a church steeple, or co-locate on an existing tower. Nor shall any screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.
(E) Outdoor storage of equipment or other related or non-related items are prohibited.
(F) The associated telecommunication antennae equipment buildings located in all underlying zoning districts shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.

(G) Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

(H) An annual inspection shall be performed on all pre-existing and approved telecommunication towers to ensure the following: Adequate insurance, signage for owner and emergency contact, screening as required, access for emergency response, vegetation removal from within the tower area, and adequate safety fencing. An annual inspection fee may be required per the county fee scheduled as adopted by the County Commissioners.

Section 616 R40 Single Family Residential District (ZA 99-20)

The regulations of this district are intended to insure opportunity for primarily residential development, protected from disruptive commercial or agricultural influences; and to insure that development not having access to public water supplies or public sewage disposal will occur at sufficiently low densities to provide a healthful environment.

Section 616.1 The following uses are **permitted**:

Accessory buildings or structures, provided such shall be permitted only in a rear yard and shall be not less than ten (10) feet from any property line, and further provided, that in the case of corner lots, such buildings or structures shall be set back at least twenty-five (25) feet from any side street right-of-way line.

Accessory Dwelling Units to Single Family Dwellings (See Section 421) (ZA 06-06)

Barns/sheds – on parcels exceeding 3 acres in size, one barn or shed is permitted as a primary structure but may not exceed 2,500 square feet in size and must meet setbacks for a primary structure in the assigned zoning district. Barns and sheds are to be used for storage, farm or garden uses or for equipment to maintain the property. (ZA21-07)

Churches and their customary related uses, excluding cemeteries, provided that all buildings be set back at least twenty (20) feet from any property line.

Greenhouses and gardens which are incidental to the residential use and conducted on a non-commercial basis only, provided that no greenhouse heating plant shall be located within sixty (60) feet from any front property line or within thirty (30) feet of any property line.

Group Homes

Home Occupation, Customary (Refer to Article IV, Section 411)

Public Safety Facilities such as fire and police stations, rescue headquarters, ambulance service, and civil defense centers, provided that all vehicles are stored indoors.

Schools including public elementary and secondary schools, and private schools having curricula approximately the same as ordinarily given in such public schools.

Short Term Rental (STR) meeting requirements of Section 423

Single-Family Dwellings, either site built or modular

Two-Family Dwellings, either site-built or modular provided that if they are located within a residential subdivision, they are located only on a corner lot.

Yard Sales, in accordance with Section 13.3, no zoning compliance required.

Section 616.2 The following **Special Uses** may be allowed subject to approval by the Board of Adjustment according to the provisions of Article X, Section 1005 listed below, and any other conditions necessary to assure the intent of this district.

Cemeteries, accessory to existing churches with the district only, provided that a buffer strip be provided on all property lines abutting residentially zoned land, and further provided that no grave site shall be located closer than forty-feet (40) to any property line or fifty-feet (50) to any public right-of-way. (ZA 98-12)

Colleges and Universities

Home Occupations, Rural, provided that:

(A) The property upon which it is located shall not be a part of any residential subdivision.

(B) The property consists of at least ten (10) acres.

(C) The provisions of Article IV, Section 412, can as a minimum requirement, be met.

Hospitals

Nursery Schools and Kindergartens

Nursing, Rest, or Convalescent Homes not used primarily for the treatment of contagious diseases, alcoholics, drug addicts, or psychotics.

Public Works and Public Utility Facilities such as transformer stations, transmission lines, pumping stations, water towers, and telephone exchanges, etc, provided that:

(A) Such facilities are essential to the service of the immediate area;

(B) No vehicles or materials shall be stored on the premises, and no offices shall be permitted;

(C) All buildings shall (except public utility cabinets) (ZA 94-13) be set back at least twenty (20) feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area. All structures not intended for human habitation are allowed to be placed with a minimum 30 foot front, zero side, and zero rear setback as measured from the street right of way or property line; (ZA-01-18)

(D) All dangerous apparatus shall be enclosed by a chain link fence at least eight (8) feet in height.

Recreational Uses: Community Centers, Golf Courses, Libraries, Parks, Playgrounds, Swimming Pools.

Section 617 R-MHP Residential Manufactured Home Park District (ZA 99-20 Eff. 2-21-2000)

The purpose of the regulations expressed herein is to guide and regulate the development of Manufactured Home Parks within Stanly County in order to preserve the public health, safety and welfare, and to require preparation and approval of a plan whenever a Manufactured Home Park is created or expanded. Specifically, these regulations are designed to provide for an adequately planned street system; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic and other dangers; to provide for adequate water and sewage systems; to insure against erosion, water and flood damage; to facilitate an orderly system for the design, layout, use of land. In order to achieve these goals Stanly County shall not approve any Manufactured Home Park, where it has been determined through a proper investigation that such a development will include or cause excessive flooding, poor drainage, soil slippage, inadequate soil conditions or other potentially dangerous, unhealthy conditions.

Section 617.1 The following uses are **permitted** with conditions:

Yard Sales, in accordance with Section 13.3, no zoning compliance required.

Manufactured Home Parks

1) **Manufactured Home Parks** with site plan approval by the Stanly County Planning Board. A fee as specified by the county shall accompany each Manufactured Home Park application. This fee shall be in addition to any other applicable fees, such as the fee for a rezoning application.

A) The Planning Board shall consider a site plan and application only after a completed application has been submitted to the Zoning Officer. (Note: Prior to submission of the site plan and application, and prior to any disturbance of any land or vegetation it is recommended that the applicant consult with the Zoning Officer in order for the applicant to be briefed on the requirements of this Ordinance and that consideration be given to natural features of the site.) Prior to the formal submission of the site plan and application, the applicant is encouraged to submit a preliminary sketch plan for review by the Planning Department.

The formal site plan and application shall, as a minimum, include the following items:

1. The name of the Manufactured Home Park, the names and addresses of the owner(s) and the designer of the park, date, approximate north arrow, and scale, and the boundary line survey of the tract with accurate linear and angular dimensions drawn to scale by a professional surveyor or engineer.

2. The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, known grave site areas, water mains, sewers, culverts, drainpipes and any utility easements, both on the land to be developed as a Manufactured Home Park within 200 feet of land immediately adjoining the proposed Manufactured Home Park.

3. The names, proposed location and approximate dimensions of proposed streets, entrances, exits, walkways, easements, recreation areas, parking areas, parks and other spaces, reservations, manufactured home spaces (with area calculations shown) and building lines (with setback distances shown). See Section 2(C)(5) for staking requirements where individual septic tanks will be used.

4. Plans of proposed utility layouts (sewer lines, water lines, hydrants, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plans for electric lighting; and the location and number of trash dumpsters and mail boxes.

5. Proposed screening, including walls, fences or planting areas as well as treatment of any existing natural features.

6. Delineation of areas within the regulatory flood plain as shown on the official Flood Hazard Boundary Maps.

7. Proposed number and location of signs including both park identification signs and space identification numbers.

8. Proposed phasing, if any, and approximate completion time of the project.

9. Topographic lines at intervals of no greater than two (2) feet, unless the Zoning Officer in writing approves a greater interval.

10. The above items (1) through (9) shall be submitted on a plan drawn to a scale of one (1) inch equals fifty (50) feet or one (1) inch equals one hundred (100) feet on sheet(s) not exceeding twenty-four (24) inches by thirty-six (36) inches. Ten (10) complete copies of the application plus fifteen (15) copies of the scaled site plan shall be submitted. In addition, one reproducible copy shall be submitted. The Zoning Officer may require additional copies if outside agency review is deemed appropriate.

11. A management plan describing at a minimum how the common facilities will be maintained and how the park will be maintained in accordance with Section AA of this Ordinance.

12. Sedimentation control plan information in accordance with State regulations.

B) All completed applications for a Manufactured Home Park shall be submitted to the Zoning Officer at least thirty (30) days prior to the Planning Board meeting. If individual septic tanks are to be used in the park, the minimum submittal period shall be increased to forty-five (45) days to allow outside agencies additional time for review prior to the meeting. The Zoning Officer shall have an opportunity at the meeting to present any written comments made by outside agencies concerning the proposed park.

C) The Planning Board shall have a maximum of forty-five (45) days from the date of the meeting to approve or deny the proposed plan. Failures to approve or deny the proposed plan within the 45 days shall constitute approval unless a written extension from the applicant is granted. Decisions of the Planning Board may be appealed to the Board of County Commissioners, under County policy.

D) When dealing with the application review process, it may be desirable to request additional information in order to evaluate the project and its relationship to the surrounding area. Therefore, the Zoning Officer, and/or Planning Board may request needed additional information as they deem necessary which the applicant should furnish within seven (7) days of the request, or the approval process may be delayed beyond the 45 day limit.

E) The applicant shall address requirements of the County Zoning Ordinance in obtaining a proper zoning for a Manufactured Home Park. The Planning Board approval of a park plan shall not constitute approval of zoning district changes. These changes shall be governed under guidelines in the Stanly County Zoning Ordinance.

2) Standards

This section sets forth the standards required for all new Manufactured Home Parks and expansions of existing Manufactured Home Parks. Where the intent of the standards herein contained can be met by other means not specifically listed, the Planning Board may approve other methods and designs to solve unique problems associated with individual developments, on an individual basis. In no case may the Planning Board approve a design of less than the minimum standards herein contained.

A) Occupancy

There must be at least four (4) improved manufactured home spaces at first occupancy. No manufactured home space shall be occupied, nor may a certificate of compliance be issued unless the requirements of this Ordinance have been met. The requirement of a minimum four (4) spaces at first

occupancy shall apply only to the first four (4) spaces of a new Manufactured Home Park. In all other situations a Manufactured Home Park may increase in any increments.

B) Minimum Park Area

All Manufactured Home Parks shall have a gross land area of at least ten (10) acres outside of any street right-of-way. Park additions shall have at least 10 acres in gross area (including old and new) for any expansions.

C) Space Sizes and Staking

All manufactured homes within the park shall be located in designated manufactured home spaces. Minimum space sizes shall be as follows:

1. Where a well and septic tank are on the same space - Twenty thousand (20,000) square feet.

2. Where one of either public or a state regulated and monitored community water service, or public or state regulated and monitored community sewer service are provided to each space, a minimum of fifteen thousand (15,000) square feet shall be required.

3. Where both public or state regulated and monitored community water and sewer services are provided to each space - Ten thousand (10,000) square feet.

4. The above space sizes are to be deemed the minimum size requirements and may be increased by the Planning Board due to requirements for placement of well and septic tank systems (such as soil conditions and separation distances), the topography of the land or other factors. The applicant shall indicate on the application the specific number of bedrooms per manufactured home for which the septic tank system should be evaluated.

5. Where individual septic tanks are used, each manufactured home space shall have all corners marked during the application review and construction phase of the project. Failure to do so will slow the review process.

D) Availability of Land for Spaces

Each manufactured home space shall be located on ground not located within the one hundred (100) year floodplain as established by maps published by the Federal Emergency Management Agency. No manufactured home shall be placed on land having excessive slope (1:1) or other characteristics making the land unsuitable for placement of manufactured homes. Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.

E) Space Widths

Each manufactured home space shall be at least thirty (30) feet in width at the interior street right-of-way line and forty-five (45) feet in width at the front yard setback line.

F) Setbacks

Minimum separation distances between manufactured homes within a Manufactured Home Park shall be observed. In addition, setbacks of manufactured homes from property lines and publicly maintained street right-of-way lines shall also be observed as herein required.

1. The minimum setback for any structure within a Manufactured Home Park from a publicly maintained street right-of-way line or any property line shall be fifty (50) feet. This setback may be reduced on a one to one basis to meet one of the buffering requirements in Section 1302. Where a required screen area lies between a manufactured home space and a property line or street right-of-way

line, all required setbacks shall be measured from the edge of the required screen nearest the manufactured home. In addition to these requirements, a thirty-(30) foot minimum front setback from any interior street right-of-way line shall be observed.

2. All manufactured homes within a Manufactured Home Park shall be located no closer than twenty (20) feet from each other.

G) Location of Accessory Structures and Common Structures

Accessory structures belonging to a particular manufactured home shall be located only on the lot containing that manufactured home. All such structures shall be (1) residential in character; (2) located only in the side or rear yards; (3) no closer than (5) feet from the Manufactured home space boundary and no closer than ten (10) feet from any Manufactured home on another space within the park. However, for detached carports having a capacity not exceeding two (2) car spaces, the only requirements shall be that such structures observe the same front yard setback as required for the Manufactured home and that such structures be located no closer than five (5) feet from any property line.

Accessory structures of benefit to all residents of the Manufactured Home Park shall be permitted within the park. Said structures (i.e., community pools, laundry facilities, game rooms, club houses, etc.) shall be located at least twenty (20) feet from any interior street line and thirty (30) feet from any manufactured home located within the park. Outdoor vending machines and public phones may be located in the Manufactured Home Park. All vending machines and public phones must be located indoors or, if outdoors, under a covered surface adjacent to a common building (i.e., administrative office) or facility (i.e., community pool). Vending machines or phones of any type on individual Manufactured home spaces shall be prohibited. No retail establishments (other than customary home occupations) may be allowed within the Manufactured Home Park.

H) Manufactured Home Standards

No manufactured home shall be placed in a Manufactured Home Park unless it is a Class A, Class B, or Class C Manufactured Home. In addition, a Class D Manufactured Home shall be permitted within any Manufactured Home Park only when it has been located and set up ("set up" shall mean having its own permanent electric utility connection) at another manufactured home park site in Stanly County as of the effective date of the adoption of this ordinance and prior written notice of moving the unit is given to the Zoning Officer a minimum of seven days prior to moving the manufactured home. The written notice requirement shall also apply to moving an existing Class D Manufactured Home from one space to another within the same Manufactured Home Park.

I) Stand, Underpinning and Tie down

The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous brick, cinder block, concrete block, stucco, stone, or other masonry-type underpinning or other non-reflective skirting specifically manufactured for manufactured homes, or pressure treated wood (except plain standard-surface, pressure treated plywood shall not be considered acceptable), unpierced except for required ventilation and an access door. Such underpinning or skirting shall be installed under all elements of the manufactured home. Each manufactured home in the park shall conform to the North Carolina Department of Insurance Standards for tie-down requirements.

J) Steps and Patios

All manufactured homes within the park shall have steps that comply with the NC Building Codes. All manufactured home spaces shall contain a patio. The patio shall be constructed of four (4) inch thick concrete and shall be at least thirty five (35) square feet in area and shall be located at the front entrance to each manufactured home. In lieu of a patio, a deck that is at least twenty four (24) square feet may be permitted. (ZA 15-04)

K) Space Numbers

Each manufactured home space shall have a space number assigned by the County E-911 Department. Such space number shall use numerals at least four (4) inches in height and shall be of a color that contrasts with the background material on which it is placed. The numerals shall be placed on the side of the manufactured home which lies in closest proximity to the manufactured home space's point of ingress and egress with the interior road.

L) Public Road Frontage

All Manufactured Home Parks shall abut and have at least fifty (50) feet of frontage on a road maintained by NCDOT. Alternatively, a Manufactured Home Park may be developed on a lot that was recorded at the effective date of this Ordinance which does not abut a NCDOT-maintained street, provided that the park is given access to a NCDOT-maintained street by an easement, at least fifty (50) feet in width, for the exclusive use of persons traveling to and from the Manufactured Home Park. Such easement shall be maintained in a condition passable for automobiles, service, and emergency vehicles. This easement may not be extended to provide access to any other lots not having frontage on a NCDOT-maintained street. Said easement shall be paved to a minimum width of twenty (20) feet and shall be maintained by the manufactured park owner in the same manner as any other interior road within the Manufactured Home Park.

M) Ingress and Egress

The number of points of ingress and egress onto a public road in a Manufactured Home Park shall be as follows:

Number of Manufactured Home Spaces	**Point of Ingress and Egress**
Less than 50	1
50 - 100	2
over 100	2 plus one per 100 spaces over 100 spaces

No two points of ingress and egress onto a public road shall be closer than two hundred (200) feet as measured from their nearest right-of-way.

N) Park Identification Signs

All Manufactured Home Parks shall have one ground-mounted park identification sign at each point of ingress and egress on a public road, provided that only one sign shall be required for any two points of ingress and egress onto the same public road located within three hundred (300) feet of each other. Such signs shall not exceed 32 square feet in sign face area nor be greater than 10 feet in height. Each Manufactured Home Park shall be named, and the name of the park shall be shown on the identification sign. The sign shall show the park name in letters at least three inches in height and the address in numerals at least five inches in height.

O) Interior Streets, Drainage, and Markings

No structure within a Manufactured Home Park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the Manufactured Home Park shall be made using internal two-way streets. All internal streets within a Manufactured Home Park shall be privately owned and maintained. All such streets shall be constructed to minimum NC DOT subdivision road standards. Two-way streets shall be paved to a minimum width of twenty (20) feet located within a thirty (30) foot right-of-way. Such area shall be used for street maintenance, underground utility and drainage purposes. The developer may be required to increase the width of said area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way width of less than specified above may be approved.

Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named and all street signs shall be in accordance with the Stanly County ROAD NAME AND ADDRESS DISPLAY ORDINANCE (adopted January 20, 1981, as amended). Upon completion of the construction site, the Planning Department will install these signs following the developer submitting any related fees for such signs as specified on the county fee schedule. It shall be the developer's responsibility to maintain these signs including the cost of replacement by the County. The developer will be responsible for advising tenants of the property address assignments for respective manufactured home spaces and instructing them in the purpose of these addresses.

Permanent traffic control signs shall be installed within the park. Such signs shall include, as a minimum the following:

1. Stop sign(s) where park streets access public roads;

2. Stop sign(s) at the intersection of interior streets, (it is recommended that all four-way intersections be controlled by four-way stop signs);

Roads in Manufactured Home Parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the Manufactured Home Park.

Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

All dead-end internal streets that provide access to three (3) or more manufactured home spaces shall be provided with a permanent turnaround. All such turnarounds shall have a minimum paved surface diameter of seventy (70) feet.

Streets and roads within the Manufactured Home Park shall intersect as nearly as possible at right angles, and no street shall intersect at an angle of less than seventy (70) degrees. Where streets intersect with a State maintained road, the design standards of NC DOT shall apply.

Maintenance of all internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the Manufactured Home Park. Such streets shall be maintained in a manner to be free from potholes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.

Street jogs ("T" intersections with a street or road, on opposite sides of said road) of less than one hundred twenty five (125) feet within and abutting the Manufactured Home Park shall be prohibited.

P) Parking

At least two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material (such as concrete, asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall be located outside the roadway, shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any Manufactured Home Park. Such areas shall be separate from any manufactured home space, roadway, drainage facility, buffer or required open space and recreation areas.

Utility lots designated for the storage of the residents' unoccupied campers or boats may be located within the Manufactured Home Park in designated areas. No vacant manufactured homes shall be stored on said lot(s). All such lots shall be screened from all manufactured home spaces within the park with a minimum buffer strip as shown in Section 1302.

Q) Trash Facilities

At least one (1) fly tight, water-right and rodent proof garbage or trash container with a twenty-four (24) gallon minimum container and fifty five (55) gallon maximum container capacity, shall be provided for each occupied manufactured home space. Containers shall be placed on racks and such racks shall be located within the Manufactured Home Park at a point, which is readily accessible for collection. All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the Manufactured Home Park. In lieu of cans and racks, covered roll out trash/garbage containers may be provided. In lieu of requiring individual garbage and trash containers, the Planning Board may approve any other alternate trash removal process.

Only where collection service is not available from municipal or private agencies, the Manufactured Home Park operator shall provide this service. All solid waste shall be collected and transported in covered vehicles or containers and disposed of in accordance with the Stanly County Solid Waste Ordinance.

The owner or operator shall also be responsible for hauling and disposing of said trash in accordance with all County and State regulations. The burning of refuse within the Manufactured Home Park is not permitted.

R) Lighting

Manufactured Home Parks which contain over five (5) manufactured home spaces or contain more than one internal street shall contain street lights throughout the Manufactured Home Park. Such lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of three hundred (300) feet intervals.

S) Electric, Telephone and Cable Television Utilities

Each manufactured home space shall have individual electric and telephone service connections provided.

All electric, telephone, and cable television, and other utility lines shall be placed underground unless unsuitable underground conditions (i. e., rock, swamp, etc.) exist. In such cases, above-ground utility lines may be provided.

Each manufactured home must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be a buried underground cable in conformance with the North Carolina Electrical Code. Each meter box shall be properly and distinctly identified with either paint or indelible ink.

T) Mailboxes

Spaces for mailboxes within the Manufactured Home Park shall be provided in accordance with United States Postal Services Standards. At least one (1) mailbox per manufactured home space shall be provided. Where twenty (20) or more mailboxes are provided in one centralized location, the owner of the Manufactured Home Park shall provide at least two (2) parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.

U) Administrative Office

One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home that is used as a residence by the resident manager. An administrative office is not required.

V) Water Service

An accessible, adequate, safe and potable supply of water shall be provided in each Manufactured Home Park.

Adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Stanly County Health Department. Any water supply must be capable of providing three hundred (300) gallons of water per day per manufactured home space.

Each space shall be provided a minimum three-fourths (3/4)-inch size water service line that complies with the NC Building Codes.

W) Sewage Facilities

a. Adequate and safe sewage disposal facilities shall be provided in all Manufactured Home Parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of the County Health Department's Sewage Disposal Regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank, unless permitted by the Stanly County Health Department.

   Each manufactured home space shall be provided with at least a three (3) inch PVC or ABS, Schedule 40 or equivalent sewer riser.

   The sewer riser pipe shall be located on each space so that the sewer connection is located a distance of at least one hundred (100) feet or greater from any ground water supply.

   All material used for sewer connections shall be semirigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.

   A clean-out shall be provided at each space. Surface drainage shall be diverted away from the sewer connection. The sewer connection shall extend at least four (4) inches above ground elevation.

b. Community sewage disposal systems (commonly referred to as package plants), as permitted by the State of North Carolina, shall be an acceptable method of disposal of residential sewage for Manufactured Home Parks within the jurisdiction of this Ordinance. The following information must be submitted when a sewage package plant is proposed.

   The developer shall indicate on the plans that a sewage package plant is being proposed for the Manufactured Home Park, and show on the preliminary plan the following:

   1. Size and location of the package treatment plant.

   2. All proposed sewer lines, including:

      -location and line size of gravity lines
      -location and line size of force mains
      -location and size of pump stations

   3. Location of discharge point into surface water stream.

   4. All associated easements and rights-of-way.

c. The developer shall provide a copy of the State Permit Application to the Zoning Officer and the County Health Department at the time of application.

d. The developer shall submit, at the time the application for a permit is submitted to the State, the

following information:

1. Name of owner and licensed operator of the plant and name of the licensed firm that will operate the package plant, if different from the owner.

2. Amount of liability insurance required for operation of the system.

3. Name of owner and responsible party for the package plant.

4. Other pertinent information.

e. The developer shall submit the following, upon completion:

1. A set of as-built plans and drawings certified by the project engineer for the package treatment plant and all sewer lines, pump stations and other devices used in the sewer system.

2. Operation and maintenance agreements for:

-the package treatment plant
-the sewer lines and other devices which are a part of the sewer system

3. Copy of the executed and notarized agreement(s) for the ownership and maintenance of the package plant and sewer lines.

4. Copy of insurance liability riders, required by the State, pertaining to the operation of the package plant.

5. Copy of the approved State Permit, along with any and all conditions set forth in the operating permit.

6. Copies of other agreements and information for plans pertaining to the maintenance and operation of the sewer system.

X) Screening

All Manufactured Home Parks shall be screened from all adjoining properties and public streets. Such screening shall be located within the Manufactured Home Park and shall materially screen all structures within the Manufactured Home Park from all adjacent properties and public streets. All manufactured home setbacks shall be measured from the edge of the buffer strip area nearest the manufactured home, except when a screen indicated in Section 1302 is used. When such a buffer strip is used, the width of said buffer strip may be included within the required setback area. All required buffer strip areas shall contain either option listed in Section 1302.

Required screening shall be installed and maintained in conformance with the standards set forth in Section 1302 of the County Zoning Ordinance. If a wall, fence or planted berm is used as a supplement to the required screening, it shall be installed in accordance with Section 1302 of the County Zoning Ordinance.

Y) Interior Landscaping

Landscaping inside the Manufactured Home Park shall be provided at locations within the park as follows:

At least one large or small tree shall be planted and maintained on each manufactured home space within the Manufactured Home Park.

Z) Open Space Areas

Open space areas are required as follows for parks having manufactured home spaces smaller than 20,000 square feet:

a. None of the following may be counted as an open space area:

1. Any portion of a manufactured home space;

2. Any parking areas or any area used as a utility lot as set forth in Section 2(P);

3. Any area designated for street purposes, except that traffic medians and islands designated as special landscape areas may be counted as open space areas; (Refer to Section Z (b)(5));

4. Any land occupied by a building, swimming pool, tennis court or other structure;

5. Any minimum screen area required by Section X;

6. Any area designated for common trash facilities;

7. Drainage ditches, structures or facilities.

b. Open space areas may consist of one or more of the following:

1. Screen areas in addition to any minimum screen areas required in this ordinance;

2. Natural wooded areas;

3. Open fields or lawns;

4. Community garden plots;

5. Special landscaped areas containing plant material such as traffic islands, medians and flower gardens;

6. Ponds or perennial streams (the aggregate area of which within any Manufactured Home Park may constitute up to fifty (50) percent of the required open space).

c. The amount of required open space area shall be calculated as follows:

For Each Manufactured Home Space In The Following Space Size Category:	**Amount of Area to Be Designated For Open Space:**
15,000 to 19,999 square feet	500 square feet
10,000(or less) to 14,999 square feet	1000 square feet

EXCEPTION: Where the total open space area required for the Manufactured Home Park totals less than 2,000 square feet according to the above formula, no open space area shall be required.

d. Open space areas shall be well-maintained by the park owner to prevent the overgrowth of plant material and or other conditions which could create unsafe or unhealthy conditions for park residents or adjoining property owners.

e. The designated open space area within a Manufactured Home Park may consist of a single area or multiple areas. Except as provided in Section Z (b)(5), any required open space shall consist of a contiguous area of at least two thousand (2,000) square feet.

AA) Maintenance

The grounds of a Manufactured Home Park shall be kept free of trash, litter, debris, noxious weeds, open sewage or other unhealthy matter. Any septic tanks that fail shall be immediately repaired or replaced by the Manufactured Home Park owner. Grounds, buildings and storage areas shall be properly maintained. The Manufactured Home Park owner or operator shall take all necessary steps to prevent infestation by rodents, vermin and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the Manufactured Home Park owner or operator to maintain the Manufactured Home Park in accordance with these standards at ***all*** times.

3. **Operating Permits**

A. When the developer has completed the construction of the entire park or any phase, he shall make an application to the Zoning Officer for an Operating Permit Inspection. Any variance from the approved plan shall be noted. The Zoning Officer and representatives of any consulting agencies shall make an on-site inspection to verify the proper installation of the improvements.

1. If the construction conforms to the approved park plan, the Zoning Officer shall issue the developer an Operating Permit.

2. If the construction does not conform to the approved plan, the Zoning Officer shall delay issuance of the Operating Permit until it comes into conformity. The Zoning Officer shall inform the developer in writing of deficiencies in the construction and advise as to actions needed to be in compliance with the approved plan.

B. The Operating Permit issued to the developer shall constitute authority to lease or rent spaces in the Manufactured Home Park.

C. When a Manufactured Home Park is to be developed in stages, the proposed park plan may be submitted for the entire development, and application for Operating Permits may be made for each stage of development upon completion.

D. The County Health Department, Zoning Officer, and/or other County personnel designated by the Board of Commissioners are hereby authorized, and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. It shall be the duty of the owners or occupants of the Manufactured Home Park to give these agencies free access to such premises at reasonable times for the purpose of inspection.

4. Enforcement and Appeals

a. Enforcement of this section shall be regulated through ARTICLE IX of the Stanly County Zoning Ordinance.
b. A decision of the Planning Board under this section may be appealed to the County Commissioners.

5. Reserved for future use

6. Interpretation of Terms and Words; Definitions

a. The term "Private Road" shall mean any right-of-way having a width of twenty (20) feet for two-way traffic or greater for purposes of motor vehicle travel which has not been accepted for maintenance or ownership purposes by a public entity.
b. The term "Street gravel" shall mean three inches of crushed stone or other suitable material on a well compacted sub-base to a continuous width of 20 feet, exclusive of required parking spaces or drainage ditches.

Section 618. Solar Power Generation System Overlay District

Section 618.1 Solar Energy Power Generation System

The regulations of the Solar Energy Power Generation Systems (SEPGS) Overlay District are intended:

A. To direct the location of SEPGS facilities within Stanly County (hereinafter referred to as "County" or "Stanly County").

B. To protect residential areas and land uses from impacts of SEPGS facilities.

C. To minimize visual impacts of SEPGS facilities through careful design, placement, and landscape screening.

D. To accommodate the growing need for SEPGS facilities to provide alternative sources of power in the County and region.

E. To promote economic development by placing SEPGS facilities in locations that do not ~~to~~ impair conventional manufacturers and industries and in locations where municipal type services are not located or planned.

Section 618.2 Minor and Major SEPGS

Minor SEPGS and related facilities are allowed in all zoning districts by right, and a major SEPGS and related facilities are allowed only by a rezoning to a SEPGS Overlay District. Legislative approval of a SEPGS Overlay District by the Board of County Commissioners is required before a zoning compliance can be issued for construction of a major SEPGS. In addition, all regulations of Section 618 shall be met before the SEPGS receives final approval.

A. A minor SEPGS shall include any privately used solar power system that generates up to two times the amount of power used on the same property over the course of one year, and is permitted by right in any zoning district. These shall include solar photovoltaic systems built and integrated into the primary structure or accessory to the structure.

B. A major SEPGS shall be a SEPGS that does not meet the standards of a minor SEPGS and may be located in a current zoning district containing the letters of R, M or B upon the approval of a SEPGS Overlay District.

Section 618.3 Site standards

A. Setbacks – A minor SEPGS not integrated into or placed onto a structure shall meet the setbacks for an accessory structure in the underlying zoning district. A minor SEPGS that is integrated into a structure shall meet the setbacks required for the structure. With respect to a major SEPGS, all structures and fencing associated with a major SEPGS shall meet a minimum front, rear, and side property line setback of 250 feet. A major SEPGS shall also meet the buffer requirements set out in Section 618.3.E.

B. Power transmission lines to any building, structure, or utility connection shall be, to the fullest extent possible, located underground. Existing above ground utility lines shall be allowed to remain in the current location(s).

C. Height – A ground or pole mounted SEPGS shall not exceed twenty (20) feet in height as measured from grade at base of the racking and module structures to its highest point.

D. Fence - A six (6) foot high fence shall be installed for all major SEPGS ground mounted systems to protect from damage and vandalism, prevent trespassing, and provide for safety and security. No fencing is required for a minor SEPGS.

E. Buffer - The entire perimeter of a major SEPGS shall be screened from the adjacent properties by a one hundred (100) foot wide buffer yard. The buffer yard shall be a continuous vegetative screen buffer designed by a North Carolina licensed landscape architect or contractor and approved by the Zoning Administrator that provides a visual buffer of at least 80% opacity to a height of 10 feet within four (4) growing seasons the vegetation shall comply with Section 419 of the Stanly County Zoning Ordinance.

F. Landscaping – Areas around the solar panels should be planted in native grasses or in pollinator friendly habitat or a combination thereof. The use of sheep or other grazing animals to maintain the landscape is encouraged.

G. Electrical – All electrical components and wiring must be Underwriter Laboratories ("UL") certified, carry the UL trademark label, and meet National Electrical Code requirements.

H. Dielectric coolants used in any power transformers, voltage regulators, sectionalizing switches, transformer rectifiers, electromagnets, and voltage supply circuits installed on the SEPGS shall be a fire resistant natural ester dielectric coolant specifically formulated from edible vegetable oils and food grade performance enhancing additives for use in distribution and power transformers. All dielectric coolants used at the site shall be free of petroleum, halogens, silicones, or any other materials not specified above.

Section 618.4 Operation

A. The major SEPGS owner shall be responsible for the operation and decommissioning of the facility.

B. The owner of a major SEPGS shall keep and maintain adequate liability insurance for the facility and supply proof of effective liability insurance to the Stanly County Zoning Officer (hereinafter referred to as "Zoning Officer") on an annual basis. The owner of the major SEPGS shall minimally obtain Commercial general liability insurance of not less than $2,000,000 General Aggregate Limit (other than Premises and Products-Completed Operations), $2,000,000 Premises and Products-Completed Operations Aggregate Limit, $1,000,000 Personal and Advertising Injury Limit, $1,000,000 Each Occurrence Limit, and $100,000 Fire Damage Limit. For SEPGS that include battery storage the Fire Damage Limit shall be $500,000. All insurance companies must be licensed in North Carolina and be acceptable to Stanly County. Insurance Policies shall be endorsed (1) to show Stanly County as additional insured, as their interests may appear and (2) to amend cancellation notice to 30 days, pursuant to North Carolina law. Certificates of insurance shall be signed by a licensed North Carolina agent and be amended to show "thirty (30) days' notice of change or cancellation will be given to Stanly County by certified mail." Failure of the County to demand such certificates or other evidence of full compliance with these insurance requirements or failure of the County to identify a deficiency from evidence provided shall not be construed as a waiver of the SEPGS owner's obligation to maintain such insurance.

C. An annual inspection shall be performed by the Zoning Officer or a designated 3rd party inspection firm to insure compliance with the requirements of this ordinance and an inspection fee shall be charged to the major SEPGS owner as set out in the official fee schedule approved by the Stanly County Board of Commissioners. Any deficiencies noted shall be corrected upon receipt of notice from the Zoning Officer, either following the annual inspection or when the deficiency becomes known to the Zoning Officer or major SEPGS owner.

D. The Stanly County Planning Department and the Stanly County Fire Marshal shall be notified prior to any addition or change to a major SEPGS, including a change in the type of panels, battery storage used, or cessation of power production for a continuous period of more than one month. If no electricity is generated for a continuous period of 12 months, the major SEPGS owner is required to begin the decommissioning process in accordance with the SEPGS decommissioning plan submitted pursuant to Section 618.5, B., 5. below.

E. Landscape buffers, ground cover, security fences, gates, and signage must be maintained in good condition until the major SEPGS is decommissioned, dismantled and removed from the site. Ground cover, grass, and other non-buffer vegetation shall be maintained and not exceed a height of 36 inches at any time except as required for management of pollinator-friendly vegetation.

F. Failure to comply with the requirements of this section may result in civil penalties.

Section 618.5 Approval Requirements for Major SEPGS

A. A preliminary plan and proposal for a major SEPGS site must include the following in order to be considered for recommendation by the Planning Board and approval by the Board of County Commissioners:

1. A narrative describing the proposed major SEPGS, including an overview of the project and the estimated megawatt output of the project.

2. A plat of the property(ies) showing:

(a) The proposed location and dimension of solar panels, inverters, existing and proposed structures, fencing, property lines, turnout locations, ancillary equipment, transmission lines, construction staging and parking areas, vegetation and landscaping, waterways, streams, and flood zones, storm water drainage and sanitary sewer where applicable, buffer areas, name of project, size and location of signs and lighting, boundaries, the location of any residences within 300 feet of the perimeter of the facility, the zoning classifications and uses of adjacent parcels, and the acreage of the proposed major SEPGS.

(b) Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels.

(c) Proposed parking and access areas.

(d) Location of any proposed access and utility easements.

(e) Location where wiring is to be brought together for inter-connection to the system components and/or the local utility power grid, and location of disconnect switch.

(f) Location of any proposed onsite battery storage systems/units.

(g) Location(s) and nameplate voltage of proposed transformer(s).

3. A copy of the lease agreement with each property owner and any access and utility easements. Lease agreements shall have a provision that describes how the agreement may be renewed. Identifying information, as defined in North Carolina General Statute §14-113.20(b), and proprietary information may be redacted.

4. Evidence that the electrical utility provider has been informed of the major SEPGS owner's intent to install an interconnected system. Any customer-owned generator (off grid systems) shall be exempt from this requirement~~)~~.

5. Signature(s) on "Petition for Zoning Change" of the property owners, and the owners of the proposed major SEPGS, if different from the property owners.

6. Material specifications showing horizontal and vertical (elevation) to scale drawings with dimensions of proposed solar collector panels, inverters and energy storage structures.

7. Solar panels used in the project must be shown to be manufactured in their as-installed form to be free from any perfluoroalkyl substances ("PFAS"). This includes, but is not limited to, certification that no polytetrafluoroethylene (PTFE) films were applied to panels after their manufacture. The County may request proof of this provision at its discretion before, during, and after the installation of the photo-voltaic panels.

8. Documentation regarding the type and quantity of battery storage units and configurations, if onsite battery storage systems are to be used. Any battery storage technology that contains PFAS must be noted in the application. If the project intends on using PFAS-containing battery storage technology, a containment plan and a separate decommissioning plan from the plan described below must be submitted for approval. If the battery decommissioning plan includes recycling as a method for disposing of the spent batteries, the name of the recycling facility permitted to accept PFAS-containing batteries must be provided. If the project does not intend to use PFAS-containing batteries, certification from the battery manufacturer must be provided stating that the batteries used do not contain PFAS.

9. Fire Prevention and Emergency Response facilities shall be installed by the SEPGS owner and approved by the Stanly County Fire Marshal to include, at a minimum, the following:

(a) Confirmation that the fire department located in the same fire district as the major SEPGS has or will acquire equipment to contain and extinguish any fire at the major SEPGS. Any new equipment requested by the fire district shall be paid for by the major SEPGS owner.

(b) Sufficient fire hydrants, ponds or other water sources approved by the County Fire Marshal, to be installed by and at the sole expense of the major SEPGS owner. The major SEPGS owner shall ensure all hydrants, if any, are connected to a water supply and that the capacity of the water delivered to each hydrant meets all applicable fire code standards and the water supply is deemed reliable by the County Fire Marshal.

(c) Chemical fire suppressants shall be located and properly stored at each battery storage area and transformer as directed by the County Fire Marshal.

(d) An Emergency Response Plan consistent with all applicable Federal Emergency Management Agency guidelines shall be prepared by the major SEPGS owner and approved by the County Fire Marshal.

10. A Phase 1 Environmental Site Assessment prepared by a duly licensed professional in the State of North Carolina.

11. Other relevant studies, reports, certifications, information, documents and approvals as may be reasonably requested by the County to ensure compliance with this ordinance. Recognizing the unique environmental challenges of major SEPGS, studies that may be required under this paragraph may include but are not limited to the following:

(a) Field surveys for all State or Federal listed species that are protected under State or Federal Law;

(b) Geologic reports mapping and describing geological resources such as bedrock outcrops, groundwater recharge zones, seeps, springs and general characterization of groundwater resources;

(c) Surface water resources including wetlands;

(d) Site specific soil surveys to include information on prime farmland soils as classified by the USDA Natural Resources Conservation Service, hydric soils and hydric components of non-hydric soil series, soil erodibility, agricultural suitability and site index for growing timber;

(e) Environmental constraints analysis;

(f) Other studies of the project site, receiving waters, and adjacent or nearby natural and environmental resources as may be requested by any County agency.

B. Certificate of Zoning Compliance and Expiration

1. Following approval of a SEPGS Overlay District by the Board of County Commissioners, the SEPGS owner will need to acquire a Certificate of Zoning Compliance by submitting the Preliminary Plan or a plan with any updates and revisions which meet the requirements of the ordinance currently in effect to the Planning Department.

2. Based on NCGS 160D-108, the application for a Certificate of Zoning Compliance with a site specific preliminary plan will be valid for a period of three (3) years from the date of application. If no substantial commencement of work has occurred during this time, the Certificate of Zoning Compliance will expire. Subsequent evidence of work on the project will be required within one year and each year thereafter following the initial evidence of work review and approval.

C. Final Site Plans, written, drawn and stamped by a North Carolina licensed Surveyor and a North Carolina licensed Engineer, shall be submitted to the Zoning Officer and approved by the Zoning Officer prior to the major SEPGS becoming operational and shall include the following:

1. A narrative describing the major SEPGS, including an overview of the project and the actual megawatt output of the project.

2. A plat of the property(ies) showing:

(a) The location and dimension of solar panels, inverters, all structures, fencing, property lines, turnout locations, ancillary equipment, transmission lines, construction staging and parking areas, vegetation and landscaping, waterways, streams, and flood zones, storm water drainage and sanitary sewer where applicable, buffer areas, name of project, size and location of signs and lighting, boundaries, the location of any residences within 300 feet of the perimeter of the facility, the zoning classifications and uses of adjacent parcels, and the acreage of the major SEPGS.

(b) Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels.

(c) Parking and access areas.

(d) Location of any access and utility easements.

(e) Location where wiring is brought together for inter-connection to the system

components and/or the local utility power grid, and location of disconnect switch.

(f) Location of any onsite battery storage systems/units.

(g) Location(s) and nameplate voltage of proposed transformer(s).

3. A copy of the lease agreements with each property owner and any access and utility easements. Lease agreements shall have a provision that describes how the agreement may be renewed. Identifying information, as defined in North Carolina General Statute §14-113.20(b), and proprietary information may be redacted.

4. Evidence that the electrical utility provider has established an agreement/contract with the major SEPGS owner to install an interconnected system. Any customer-owned generator (off grid systems) shall be exempt from this requirement~~)~~.

5. A decommissioning plan shall be prepared by a North Carolina licensed third party professional engineer and shall include terms/provisions that state or include the following minimum requirements:

(a) an estimated cost of decommissioning, as described in Section 618.5, B., 17. below;

(b) if the facility does not generate electricity for 12 consecutive months, decommissioning shall be initiated no later than the first calendar day following the 12 consecutive months of non-generation;

(c) decommissioning shall be totally completed no later than twelve (12) months after the date decommissioning is initiated in accordance with Section 618.5, B., 5., (b) above;

(d) additional conditions upon which decommissioning will be initiated; said additional conditions must include but shall not be limited to abandonment of the project and expiration/termination of the land lease(s);

(e) decommissioning shall be totally completed no later than twelve (12) months after the date of occurrence of abandonment of the project, expiration/termination of the land lease(s), or any additional condition upon which decommissioning is to be initiated as specified in the decommissioning plan;

(f) all non-utility owned equipment, conduits, structures and foundations to a depth of at least three feet below grade shall be removed;

(g) the property shall be restored to a condition reasonably comparable to that which existed prior to development of the major SEPGS including the replacement of topsoil removed or eroded;

(h) all graveled areas, fences and access roads shall be removed unless an agreement is presented, in writing, in which the property owner(s) agrees for this to remain.

(i) revegetate any cleared or damaged areas with warm season grasses native to the Piedmont region of North Carolina, unless landowner requests in writing not to revegetate due to plans to produce agricultural crops;

(j) the owner of the major SEPGS is responsible for the decommissioning;

(k) the owner(s) of the property and the owner of the major SEPGS shall sign off on/acknowledge the decommissioning plan;

(l) prior to issuance of the building permit, the decommissioning plan shall be recorded by the major SEPGS owner in the Stanly County Registry of Deeds.

6. Material specification showing horizontal and vertical (elevation) to scale drawings with dimensions of solar collector panels, inverters, and energy storage structures.

7. Solar panels used in the project must be shown to be manufactured in their as-installed form to be free from any perfluoroalkyl substances ("PFAS"). This includes, but is not limited to, certification that no polytetrafluoroethylene (PTFE) films were applied to panels after their manufacture. The County may request proof of this provision at its discretion before, during, and after the installation of the photo-voltaic panels.

8. Documentation regarding the type and quantity of battery storage units and configurations, if onsite battery storage systems are to be used. Any battery storage technology that contains PFAS must be noted in the application. If the project intends on using PFAS-containing battery storage technology, a containment plan and a separate decommissioning plan from the plan described below must be submitted for approval. If the battery decommissioning plan includes recycling as a method for disposition of the spent batteries, the name of the recycling facility permitted to accept PFAS-containing batteries must be provided. If the project does not intend to use PFAS-containing batteries, certification from the battery manufacturer must be provided stating that the batteries used do not contain PFAS.

9. An erosion and sedimentation control plan shall be prepared by a North Carolina licensed engineer and shall meet the storm water requirements of the NC Department of Environmental Quality ("NCDEQ") and shall provide for ongoing monitoring of storm water runoff.

10. A site maintenance plan shall be provided that specifies the scheduled maintenance of the property (trimming of vegetation, routine maintenance of equipment, etc.).

11. A certificate or proof of liability insurance adequate to cover the cost of repairs to the major SEPGS and any damage to adjacent properties caused by failure of the system or natural disasters. The owner of the major SEPGS shall minimally obtain Commercial general liability insurance of not less than $2,000,000 General Aggregate Limit (other than Premises and Products-Completed Operations), $2,000,000 Premises and Products-Completed Operations Aggregate Limit, $1,000,000 Personal and Advertising Injury Limit, $1,000,000 Each Occurrence Limit, and $100,000 Fire Damage Limit. For SEPGS that include battery storage the Fire Damage Limit shall be $500,000. All insurance companies must be licensed in North Carolina and be acceptable to Stanly County. Insurance Policies shall be endorsed (1) to show Stanly County as additional insured, as their interests may appear and (2) to amend cancellation notice to 30 days, pursuant to North Carolina law. Certificates of insurance shall be signed by a licensed North Carolina agent and be amended to show "thirty (30) days' notice of change or cancellation will be given to Stanly County by certified mail." Failure of the County to demand such certificates or other evidence of full compliance with these insurance requirements or failure of the County to identify a deficiency from evidence provided shall not be construed as a waiver of the SEPGS owner's obligation to maintain such insurance.

12. Standard drawings of the solar collection system components.

13. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire perimeter of the major SEPGS.

14. Installation of the required buffer vegetation or a bond established for installation of the buffer in order to plant in an appropriate season.

15. Outside lighting shall be shielded to prevent glare to surrounding properties and to direct light onto the major SEPGS's premises, and shall be of sufficient intensity to ensure security to the major SEPGS's premises.

16. In case of emergencies, a sign stating the major SEPGS's owner's contact information including name, address and phone number shall be located at the entrance of the major SEPGS. Typical warning signs at the entrance shall also be required.

17. A letter of certification from a North Carolina licensed engineer indicating that inverter noise shall not exceed the lower of 3dBA Leq (1 HR) above preconstruction background or 40 Leq (1 HR) dBA, measured at any property line during output that exceeds 95% of rated capacity from the facility.

18. A North Carolina licensed engineer or professional geologist shall be contracted by Stanly County whose fees and costs shall be reimbursed to the County by the owner of the major SEPGS to do the following: (1) develop and implement a groundwater monitoring

program for constituents of concern which shall include but not be limited to Sr, Li, Ni, Ba, Se, nitrates, and perfluoroalkyl substances, and any other constituents recommended by state or Federal law (2) to establish through testing baseline levels for constituents of concern, and (3) to oversee mandatory monitoring to be done at least quarterly in locations to be determined by the independent third party engineer or geologist and consistent with the baseline levels determined in (2).

The results from testing required by the groundwater monitoring program shall be provided to the County no later than 30 days after sample analysis by an independent certified laboratory. If testing determines that constituents of concern attributable to the construction or operation of the project have increased above governmental established standards for public health and safety, the major SEPGS owner will be responsible for remediation and mitigation of such constituents of concern as required by the governmental agency exercising jurisdiction over the project. Groundwater monitoring shall continue for a period of at least two years after decommissioning and reclamation have been completed at the SEPGS. Decommissioning of the SEPGS shall include groundwater monitoring wells as required by state law.

19. The owner of the major SEPGS is required to establish and maintain a financial assurance in favor of the County for the decommissioning of the major SEPGS as outlined in Section 618.5.B.5. above in the form of certified funds, cash escrow, bond from a financial institution acceptable to the County, or irrevocable letter of credit in an amount at least equal to the greater of (1) $106,000 per installed (nameplate) MW or (2) one hundred fifty percent (150%) of the estimated cost of decommissioning the major SEPGS as prepared by a professional third-party engineer licensed in North Carolina with experience in preparing decommissioning estimates. This engineer shall be selected by Stanly County, and the cost of creating the decommissioning analysis shall be reimbursed to the County by the major SEPGS owner. Such estimated cost shall equal the total projected cost of decommissioning plus at least a ten percent (10%) allowance for estimated administrative costs related to a default of the major SEPGS owner and at least a three percent (3%) annual inflation factor. Said financial assurance shall ensure that sufficient funds are available for decommissioning the facility and reclamation of the property to its condition prior to commencement of activities on the site, even if the owner of the major SEPGS becomes insolvent or ceases to reside in, be incorporated in, do business, or maintain assets in North Carolina. Said financial assurance must be provided to the County prior to the issuance of any permits for the construction and installation of a major SEPGS. Should the major SEPGS owner elect to use a bond, it must renew automatically, and be from a company on the U.S. Department of Treasury's Listing of Certified Companies. Should the major SEPGS owner elect to use an irrevocable letter of credit, it must be for the entire estimated life of the major SEPGS and be issued by a federally chartered bank with a branch in Stanly County in favor of Stanly County. The institution issuing the guarantee shall provide to the County a notice no less than 90 days in advance of any renewal, cancellation, termination or expiration of the guarantee. The bond or other guarantee shall be held by Stanly County or in escrow with a financial institution designated as an official depository of the County and shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition reasonably comparable to that which existed prior to the creation of the SEPGS Overlay District. In the event the major SEPGS owner fails to properly decommission the major SEPGS pursuant to the requirements of this ordinance, the proceeds from the bond or other guarantee shall be used by the County to decommission the major SEPGS.

20. Five (5) years after the major SEPGS is activated and every fifth (5th) year interval thereafter, or upon change of ownership of either the property or the major SEPGS, a review of the decommissioning plan and a cost analysis shall be updated by a North Carolina licensed engineer in accordance with the procedure provided in Section 618.5, B., 18. above and the amount of the financial assurance held by the County shall be adjusted to the greater of (1) the inflation adjusted value of $106,000 per installed (nameplate) MW or (2) 150% of the updated cost of decommissioning . Any changes or updates to the decommissioning plan shall be recorded with the Stanly County Registry of Deeds.

21. Failure to comply with any requirement in subsections 618.5, B., 18. and 618.5, B., 19. shall result in the immediate termination and revocation of all prior approvals and permits; further, the County shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for the decommissioning and/or removal of the major SEPGS, even if still operational.

22. Other relevant studies, reports, certifications, information, documents and approvals as may be reasonably requested by the County to ensure compliance with this ordinance.

618.6 Decommissioning

If the facility does not generate electricity for 12 consecutive months, decommissioning shall be initiated no later than the first calendar day following the 12 consecutive months of non-generation, and such decommissioning shall be totally completed no later than twelve (12) months after the date decommissioning is initiated. If the facility is abandoned or if the land lease(s) expire/terminate, decommissioning shall be totally completed no later than twelve (12) months after the date of abandonment or date of expiration/termination of the land lease(s). The major SEPGS owner shall be responsible for proper decommissioning of the project upon cessation of activities and reclamation of the property to its condition prior to commencement of activities on the site, including all costs associated therewith, in accordance with the schedules set out above. At a minimum, a major SEPGS owner shall take all of the following steps in decommissioning a project:

(1) Disconnect the solar project from the power grid.

(2) Remove all non-utility owned equipment, including panels, conduits, structures and foundations to a depth of at least three feet below grade, and collect and dispose of in a manner consistent with State and Federal law.

(3) Remove all graveled areas, fences and access roads unless an agreement is presented, in writing, in which the property owner(s) agrees for these to remain.

(4) Restore the property to a condition reasonably comparable to that which existed prior to development of the major SEPGS, including restoration of land surface to approximate original contour, the replacement of topsoil removed or eroded and the revegetating of any cleared or damaged areas with a mixture of trees, shrubs, warm season grasses, herbs and legumes native to the Piedmont region of North Carolina, unless landowner requests in writing not to revegetate due to plans to produce agricultural crops.

(5) Upon completion of decommissioning and reclamation activities the site shall be inspected by a third-party professional engineer licensed in North Carolina with experience in the decommissioning of SEPGS sites. This engineer shall be selected by Stanly County, and the cost of creating the decommissioning analysis shall be reimbursed to the County by the major SEPGS owner. No financial

assurances shall be released by the County until the engineer has certified that all decommissioning actions have been completed as described in the plans submitted pursuant to Section 618.5.B.5. and in accordance with all State and Federal law in force at the time of decommissioning.

(6) Post-decommissioning monitoring of the SEPGS site shall be conducted by a third-party environmental consultant with experience in the restoration of drastically disturbed sites. This environmental consultant shall be selected by Stanly County, and the cost of monitoring the decommissioned site shall be reimbursed to the County by the major SEPGS owner. Monitoring shall be conducted for a period of at least three (3) years after decommissioning and shall include, but not be limited to, groundwater as provided in Section 618.5.B.18, vegetation health, density and vigor, and overall landscape stability. No financial assurances shall be released by the County until the environmental consultant has certified that all reclamation actions have been completed as described in the plans submitted pursuant to Section 618.5.B.5. and in accordance with all State and Federal law in force at the time of decommissioning.

Section 619 Planned Unit Development District-PUD

Section 619.1 Purpose and Intent

The Planned Unit Development (PUD) District is designed to: encourage the master planning of development for larger tracts of land and to coordinate such development so as to manage the impacts of the development on the provision of County and Municipal services and infrastructure; encourage creativity and innovation in the design of developments, including the layout of land uses and open space that promote high standards in design and construction, and further the purposes of the Land Use Plan; provide for more efficient use of land including the reduction of land area disturbed for utility lines and motor vehicle access; permit special consideration of property with outstanding natural or topographical features such as rock outcroppings, areas of special flood hazard, slopes, major tree groupings, significant vegetation, or important view corridors and scenic vistas; facilitate use of the most appropriate construction techniques in the development of land; and, to provide for any individual land use not otherwise specified elsewhere in the Stanly County Zoning or Subdivision Ordinances.

The PUD District is not intended for use with subdivisions or projects which can be developed under the General Use Districts of the County Zoning Ordinance, other than the PUD District, as a matter of right or by requesting approval of a development plan.

Section 619.2 Permitted Uses, Development Standards and Minimum Requirements

A. Permitted Uses

1.
Permitted Uses - None

2.
Uses permitted with condition - Uses in the PUD District shall be any use or range of uses specified in the PUD Master Plan filed with the petition for zoning map change. These uses, by way of example, may include any residential, commercial / mixed use or industrial use, or any individual use or combination of uses deemed appropriate for the real estate.

Accessory uses, home occupations or temporary uses, unless otherwise specified in the PUD Master Plan, shall be permitted consistent with the General Regulations applicable to the residential, commercial / mixed use or manufacturing districts.

B.
Development Standards.

Every PUD Master Plan shall specify development standards applicable to each permitted use in the PUD. Development standards applicable to a PUD shall be either:

1. Those development standard specified in the PUD Master Plan filed with the petition for zoning map change; or,
2. If a development standard has not been specified in the PUD Master Plan, the applicable development standard shall be that which is specified in the district in which the use is first permitted as a primary use, according to the intensity of districts listed in the Stanly County Zoning Ordinance.

If the petitioner does not want a development standard from the first district in which a use is permitted to be applicable, then the PUD Master plan shall contain a statement to such effect.

C. Minimum Requirements.

1. Open Space.

Each PUD shall include a minimum of ten (10) percent of the total acreage of the project as playground, plaza, close, square, park or parkway open space developed in compliance with Section 66-84 – Open Space Regulations of the Stanly County Subdivision Ordinance.

2. Landscape Buffer or Stream Buffers.

No portion of a greenbelt, landscape buffer or stream buffer required as part of a PUD shall be included as part of any lot or used to comply with the open space requirements of Section 619.2, C., 1., above. Such greenbelt, landscape buffer or stream buffer shall be indicated on the final plat, which shall include information regarding ownership, maintenance and use limitations.

3. PUD Criteria.

Each PUD shall represent a use or development pattern which is not available under any individual district as a matter of right or by requesting approval of a development plan.

By way of example, a PUD shall represent a use or development pattern not attainable under the provisions of the Stanly County Zoning or Subdivision ordinance as a permitted use district or normal development standards. In all cases the standard for a PUD shall be higher than any development by right.

Section 619.3 Procedure for Approval of a Planned Unit Development

The general review and approval process for a PUD consists of the following elements:

-Pre-Application Concept Plan Meeting; and,

-TRC meeting and approval; and,

-Zoning Map Change to a PUD District and PUD Master Plan Approval after review by Planning Board and approval by Board of Commissioners.

A. Pre-Application Concept Plan Review

Before filing a petition for a zoning map change to a PUD District accompanied by a PUD Master Plan, the Petitioner shall contact Staff and schedule a pre-application conference to discuss the proposed planned unit development. The Petitioner shall provide the following information for the proposed planned unit development at the pre-application conference:

-Site and location of the parcel proposed for development.

-Proposed gross density of the planned unit development and net density of the individual parcels within the planned unit development.

-A concept plan showing the general land uses proposed, including approximate location and acreage.

-A schematic description of utility and transportation related improvements.

At the pre-filing conference, Staff will outline the applicable requirements and approval procedures of the County.

After meeting with Staff and obtaining any comments Staff may have to offer, the Petitioner may modify the proposed Concept Plan and either schedule a second pre-application meeting with Staff, or file a petition for zoning map change accompanied by a PUD Master Plan.

Notwithstanding anything contained in this Ordinance to the contrary, neither the Staff's review of the proposed Concept Plan submitted for review, nor Staff's comments to the Petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Concept Plan.

B. Filing Petition for Zoning Map Change and PUD Master Plan

All petitions for zoning map change to the PUD District shall contain a PUD Master Plan that satisfies the requirements set forth in the Stanly County Subdivision Ordinance, and shall specify the development standards that will apply to the real property that is included in the petition. The review procedure for a PUD District zoning map change request consist of:

1. File a petition for zoning map change to a PUD District along with a PUD Master Plan.
2. Initial review by staff.
3. Developers conference with staff at which time basic comment will be shared with the developer and a review schedule will be established.
4. Additional review and comment by staff.
5. Review, recommendation and determination as set forth in the Zoning Ordinance for a rezoning request.

C. Review Procedures and Recommendation by the Planning Board.

1. Procedures.
   Except as supplemented by this Section 619 – Planned Unit Development District, the procedures to be followed for the review, recommendation and approval or disapproval of a zoning map change to the PUD District and the approval or disapproval of a PUD Master Plan shall be the same as those specified in Zoning Ordinance for the filing of a zoning map change.

2. Conditional PUD District Zoning Map Change Procedures

   Prior to a PUD District zoning map change and PUD Master Plan approval request being forwarded to the Planning Board for review and recommendation, a public meeting shall be held by the petitioner at which time the petitioner shall make the initial presentation of the

PUD District zoning map change and the PUD Master Plan approval request.

After conclusion of the Planning Board meeting and following a recommendation of the Planning Board, the recommendation shall be transmitted to the Board of Commissioners for consideration following a public hearing for a zoning map change.

3. Recommendation.

In its determination of the appropriateness of the proposed PUD and whether to recommend approval or disapproval of the PUD District zoning map change and PUD Master Plan, the Planning Board shall be guided by the extent to which the proposal:

(a) Accomplishes the intent of the Planned Unit Development District set forth in Section 619.1, above; and,
(b) Provides for the protection or provision of the following site features and amenities:

(1) Protection and preservation of natural site features, including, but not limited to, slopes, streams, natural water features, wetlands and areas of special flood hazard;
(2) Protection and preservation of wooded areas, individual trees of significant size, or other environmentally sensitive features;
(3) Development of common open space and recreational areas (passive or active) accessible to the residents or users of the PUD by way of sidewalks, footpaths, walkways or bikeways;
(4) Efficient utilization of the land, including the reduction of land area disturbed for utility lines and motor vehicle access;
(5) Creation of innovative residential and business environments;
(6) Protection and preservation of important view corridors, and scenic vistas;
(7) Diversity and originality in lot layout or site design;
(8) Utilization of individual building designs which achieve an enhanced relationship between the development and the land;
(9) Relationship to surrounding properties;
(10) Conformance with the Comprehensive Land Use Plan; and,
(11) Extent to which the development proposed by the PUD can be developed under the general use districts of the Zoning Ordinance, other than the PUD District, as a matter of right.

D. Preliminary Plan Approval

A Petitioner may file for preliminary plan approval of a plat in the manner set forth in the Subdivision Ordinance, simultaneously with the petition for zoning map change and PUD Master Plan approval. Any preliminary plan application so filed may be considered by the Planning Board on the same agenda as the petition for zoning map change and PUD Master Plan, provided, however, such preliminary plan shall only be considered approved if the Board of Commissioners adopts the zoning map change to the PUD district. In the event that a PUD District is denied, the preliminary plan shall be deemed withdrawn from consideration.

E. Architectural and Site Design Review

If the PUD Master Plan for any residential, multifamily, commercial / mixed use or industrial project does not contain sufficient information and detail for the issuance of a PUD permit, any grant shall be conditioned upon the petitioner filing for and obtaining final Architectural and Site Design Review approval of the project, or phase of the project. Architectural Design Requirements for all PUD Districts shall show they are of a better quality than what would have been obtained in another general use district, whichever is most applicable to the use proposed for construction.

F. Effect of PUD District and PUD Master Plan

Upon approval of a zoning map change for a PUD and a PUD Master Plan, the PUD Master Plan shall be the general use district for the subject real estate and shall have the same regulatory impact on the development of the real estate as any other general use district of the Stanly County Zoning Ordinance.

G. Retention of PUD Master Plan

Upon approval of a zoning map change for a PUD and a PUD Master Plan, the Director shall mark and sign the PUD Master Plan as approved. The Director shall retain one (1) copy of the approved PUD Master Plan in the offices of the Planning Department for use in the administration of the PUD, and return one (1) copy of the approved PUD Master Plan to the Petitioner and all owners.

Section 619.4 Modification of PUD Master Plan

A. Procedure for Modification of PUD Master Plan.

A Petitioner desiring to make a modification to a PUD Master Plan which has already received approval from the Board of Commissioners shall submit a request to the Planning Department Director, in writing, which shall:

1. Identify the proposed modification to the PUD Master Plan;
2. Detail the reasons for making the proposed modification to the PUD Master Plan; and,
3. Include a copy of all portions of the PUD Master Plan elements proposed to be modified.

The Director shall have a period of up to ten (10) business days in which to review the proposed modification to the PUD Master Plan, consult with the Technical Review Committee, and provide a determination, in writing, to the Petitioner. Any determination shall be made in accordance with the regulations set forth below.

B. Minor Modifications to a PUD Master Plan Which May Be Approved By the Director.

Minor amendments to a PUD Master Plan which has already received approval from the Board of Commissioners and which do **not** involve:

1. An increase in height, area, bulk, gross density or intensity of land uses;
2. The designation of additional land uses;

3. The reduction in the depth of perimeter yards or reduction in the Plant Unit Value of landscape buffers or screening;
4. The addition of driveways or access points to the proposed PUD; or,
5. reduction in the amount of parking spaces for any use below the minimum number required by this Zoning Ordinance, may be authorized by the Director without a public hearing in its continuing administration of the PUD if, in the determination of the Director, the requested minor amendments do not adversely impact the purpose or intent of the PUD.

Such minor modifications authorized by the Director shall be reported, in writing, to the Planning Board.

C. Disapproval of Modifications to a PUD Master Plan by the Director.

If the Director determines that the proposed modification to a PUD Master Plan is of such a nature as to:

1. Adversely impact adjacent properties,
2. Adversely impact the purpose or intent of the PUD; or,
3. Include:
   (a) An increase in gross density of a residential land use;
   (b) An increase in height, area, bulk of any land use;
   (c) An increase in intensity of a non-residential land use;
   (d) The designation of additional land uses;
   (e) The reduction in the depth of perimeter yards or the Plant Unit Value of landscape buffers or screening;
   (f) The addition of driveways or access points; or,
   (g) Reduction in the amount of parking spaces for any use below the minimum number required by this ordinance the Petitioner shall be required to file a new petition for zoning map change, including a modified PUD Master Plan.

Then the modification shall be considered a major modification and require the review and approval revised PUD Master Plan by the Planning Board.

<u>Section 619.5 Phasing of Development.</u>

The development of a planned unit development shall be phased so as to minimize any potential detrimental impact from the development of the secondary uses proposed in the PUD Master Plan.

<u>Section 619.6 Dedication and Maintenance of Common Open Space</u>

A. Dedication of Common Open Space.

All open space proposed as part of a PUD Master Plan shall be dedicated on a recorded final plat, or other legally binding perpetual agreements, and completed prior to the issuance of a certificate of Zoning compliance for:

1. A residential PUD, or portion thereof – more than fifty (50) percent of the dwelling units included in the PUD District;
2. A commercial / mixed use or industrial PUD, or portion thereof – more than fifty (50) percent of the total land area designated for commercial / mixed use or

industrial uses in the PUD District; or,

3. If the approved PUD Master Plan divides the planned unit development into phases, more than fifty (50) percent of the dwelling units or the total land area designated for commercial / mixed use or industrial uses in the phase of the planned unit development in which the open space is located.

B. Maintenance of Common Open Space.

Petitioner shall file documentary assurances with the Board of Commissioners that the permanent dedication and continuous maintenance of open space, common areas or recreation areas shall be made in accordance with the PUD Master Plan approved by the Board of Commissioners, and that the open space, common areas and recreation areas shall be made available to the residents and users of the overall subdivision or project in the PUD at a reasonable and non-discriminatory rate of charge, prior to obtaining final plat approval. Such documentary assurances shall be incorporated into the final plat that is recorded in the Office of the Registrar of Deeds of Stanly County or otherwise provided for through legally binding perpetual agreements as approved by the Board of Commissioners. Such open space shall perpetually run with the PUD and shall not be developed or separated from the overall subdivision or project in the PUD at a later date (unless no development of any portion of the PUD which is benefited by the open space, common areas or recreation areas has occurred and the entire area subject to the PUD is presented for zoning map change).

<u>Section 619.7 Approvals Prior to Construction</u>

A. Approvals Required.

Preliminary plan approval pursuant to the Subdivision Ordinance, if applicable, shall be a prerequisite for any development or construction activity in a PUD.

B. Timeline for Obtaining Approvals.

Petitioner shall have a period of up to eighteen (18) months from the date of the approval of the petition for zoning map change and PUD Master Plan in which to file for preliminary plan approval, in total or in phases, for approval by the Board of Commissioners. The Planning Board shall review the preliminary plan for consistency with the PUD Master Plan approved in connection with the petition for zoning map change. If a preliminary plan approval is filed for in phases, each subsequent phase shall be filed for within eighteen (18) months of the approval of the prior phase.

C. Expiration of PUD Master Plan and Subdivision Approval.

In the event that preliminary plan approval is not obtained for all or a portion of the PUD within the timeframes outlined above, the PUD Master Plan shall be deemed to have expired for that portion of the PUD that has not received preliminary plan approval, except for the location and density of proposed land uses depicted on such PUD Master Plan. Once a PUD Master Plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until: (i) a new PUD Master Plan is approved; and, (ii) a preliminary plan approval as required by this Section has been obtained.

A preliminary plan approval shall expire eighteen (18) months after the date of approval unless a final plat has been recorded, in total or in phases, for the use or development of the property.

Once a preliminary plan has expired for any portion of the PUD, no development shall occur within the expired portions of the PUD until a new preliminary plan, as required by this Section, has been approved. If final plats are approved in phases, each subsequent final plat shall be filed for within eighteen (18) months of the approval of the final plat for the immediately previous phase.

D. Extensions of Time.

Extensions of time, in six (6) month increments not to exceed a total of eighteen (18) months, for obtaining preliminary plan approval or final plat approval may be granted by the Director if requested in writing on or before the eighteen (18) month anniversary of approval of the PUD Master Plan and for good cause shown. In the event that the Director disallows a requested extension, the Petitioner may appeal said determination regarding an extension of time to the Planning Board within thirty (30) days of being notified of such determination.

Section 620 Conditional Zoning Districts

Conditional Zoning district (bearing the designation prefix (CD) corresponds to the general purpose zoning districts and to the mixed use districts as authorized in this ordinance.

Section 620.1. Purpose

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties.

Section 620.2 Conditional Zoning Districts

A. Residential Districts

The following districts are identical to the corresponding residential districts, except that approval of a conditional zoning district is required as a prerequisite to any use or development, as provided for in this Ordinance:

CD-R8	CD-RA
CD-R10	CD-RR
CD-R20	CD-R40

B. Office, Institutional and Commercial Districts

The following districts are identical to the corresponding commercial districts, except that approval of a conditional zoning district is required as a prerequisite to any use or development, as provided for in this Ordinance:

CD-SC Shopping Center	CD-HB Highway Business
CD-GB General Business	CD-CB Central Business
CD-NB Neighborhood Business	

C. Industrial Districts

The following districts are identical to the corresponding industrial districts, except that approval of a conditional zoning district is required as a prerequisite to any use or development, as provided for in this Ordinance:

CD-M1 Light Manufacturing

CD-M2 Heavy Manufacturing

Section 620.3. General Requirements

Property may be rezoned to a conditional zoning district only in response to and consistent with an application submitted in compliance with Section 620.3.

A. Application

Rezoning to a conditional zoning district shall only be considered upon request of the property owner or the authorized agent of the owner. In addition to the documents specified in Subsection B below, all applications shall also contain the following information:

1. The alleged error in this Ordinance, if any, which would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.

2. The changed or changing conditions, if any, of the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.

3. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.

4. The requested amendment is either essential or desirable for the public convenience or welfare.

5. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.

6. Information required on the application form received from the Planning Department.

B. Plans and other information to accompany application

1. The application shall include a site plan, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

a. Information showing the boundaries of the proposed property as follows:

1. If the entire parcel will be zoned, a GIS or survey map and parcel number of the subject property.

2. If only a portion of the parcel will be zoned, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,

b. Legal Description of proposed conditional zoning district

c. All existing and proposed easements, reservations, and rights-of-way;

d. Proposed number and general location of all building sites, their approximate location, and their

approximate dimensions;

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

f. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant;

g. All existing and proposed points of access to public and/or private streets;

h. Stream buffers required through this or other Stanly County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Stanly County

i. Proposed phasing, if any;

j. Generalized traffic, parking, and circulation plans;

k. Proposed provision of utilities;

l. The location of known sites of historic or cultural significance within or adjacent to the project area;

m. The approximate location of any cemetery,

n. Proposed number, location, and size of signs;

o. Location and description of any proposed lighting on the project site with a note that any lighting will comply with this ordinance, and

p. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations.

(2) The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

(3) In the course of evaluating the proposed use, the Zoning Administrator, Planning Board, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;

b. Existing and general proposed topography;

c. Scale of buildings relative to abutting property;

d. Height of structures;

e. Exterior features of the proposed development;

f. A traffic impact analysis of the proposed development prepared by a qualified professional. The

traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation;

g. Any other information needed to demonstrate compliance with these regulations.

(4) The site plan and any supporting text shall constitute part of the application for all purposes under this section.

Section 620.4. Uses Within District

Within a conditional zoning district, only those uses listed (or determined to be equivalent uses) as permitted uses or conditional uses in the corresponding zoning district shall be permitted.

Section 620.5. Conditions

In approving a reclassification of property to a conditional zoning district, the Planning Department and Planning Board may recommend, and the Board of Commissioners require, that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commissioners may find appropriate or the applicant may propose. Such conditions to approval of the rezoning may include dedication to the County or State, as appropriate, of any rights-of-way or easements for roads, water, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners. A written consent to conditions related to the conditional zoning district must be obtained from the applicant / landowner to ensure enforceability. The applicant may also agree in writing to additional fees, design requirements and other development considerations which go beyond the basic zoning authority.

Section 620.6. Non-compliance with District Conditions

Any violation of a use or condition included in the approval of a conditional zoning district shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the reason that any use permitted in a conditional zoning district is permitted only subject to the specified conditions.

Section 620.7. Procedure

Applications for new conditional zoning districts or expansion of existing Conditional Zoning Districts shall be processed, considered and voted upon using the following procedure. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

A. Community Meeting

(1) The applicant for a major subdivision is encouraged to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. If held, the applicant should invite property

owners within 100' or more of the affected property notification of the meeting by mail at least fourteen (14) days prior to the date of the meeting. If a community meeting is held, a report of the attendance and input presented at the meeting shall be included in the application packet.

B. Submittal to Planning Department

(1) A completed application and supporting information shall be submitted to the Planning Department at least fifteen (15) days prior to the Planning Board Meeting.

(2) The Planning Department shall, before scheduling the Planning Board Meeting, ensure that the application contains all the required information as specified in Section 620.3.B.

(3) The Planning Department shall notify the applicant that the application is complete for scheduling the public meeting.

a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.

b. The Planning Department shall take no further action on the application until the applicant submits the required information.

c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 25 days prior to the next Planning Board meeting, and the Department shall review the information and notify the applicant that the information is sufficient for review.

d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.

(4) The application may be reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

C. Procedures for Planning Board review and Board of Commissioner consideration of a request for Conditional Zoning shall follow the same requirements as a zoning map amendment as outlined in NC 160D.

Section 620.8 Effect of Approval

A. If an application for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning map.

B. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to Section 620.9.

C. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.

D. Any conditional zoning district shall have vested rights pursuant to Section 907.

Section 620.9 Alterations to Approval

A. Except as provided in Section 619.9(B), changes to the approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the procedures in Section 620.7.

B. The Zoning Administrator shall have the delegated authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved building square footage or 5,000 square feet, whichever is less. For residential development, increases in density are not allowed as an administrative change.

C. The Zoning Administrator shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Board of Commissioners action is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.

ARTICLE VII

Section 701 **Area, Yard and Height Requirements**

Each permitted use shall conform to the dimensional requirements of the district in which it is located. Setbacks shall be measured from the property line or Right-of-way to any portion of the building including building overhang.

DISTRICT	MINIMUM LOT SIZE REQUIREMENT	SETBACK REQUIREMENTS	MAXIMUM HEIGHT REQUIREMENT
R-A Residential-Agricultural			
Single Family	**30,000 sq. ft. 40,000 sq. ft. (watershed) Average Lot Width: 100 feet**	**Front: 50 ft. Rear: 40ft. Side: 15 ft. (c)**	**35 ft.**
Two Family	**30,000 sq. ft. Average Lot Width: 110 feet**	**Front: 50 ft. Rear: 40 ft. Side: 15 ft.(c)**	**35 ft.**
R-R Rural Recreational			
Single Family	**40,000 sq. ft. Average Lot Width: 100 feet**	**Front: 50 ft. Rear : 40 ft. Side: 15 ft.(c)**	**35 ft.**
Two Family	**30,000 sq. ft. Average Lot Width: 110 feet**	**Front: 50 ft. Rear: 40 ft. Side: 15 ft.(c)**	**35 ft.**
Multi-Family	**5,000 sq. ft. Average Lot Width: 85 feet**	**Front: 35 ft. Rear:40 ft. Side: 12 ft. (c)**	**50 ft.**
Other Principal Structures	**----------**	**Front: 30 ft. (d) Rear: 20 ft. (e) Side: 10 ft. (e)**	**35 ft.**
R- 40 Residential			
Single Family	**40,000 sq. ft. (a) or 30,000 sq. ft. (b) Average Lot Width : 100 ft.**	**Front: 50 ft. Rear : 40 ft. Side: 15 ft.(c)**	**35 ft.**
Two Family	**30,000 sq. ft. Average Lot Width: 100 ft.**	**Front: 50 ft. Rear : 40 ft. Side: 15 ft.(c)**	**35 ft.**

R-20 Residential			
Single Family	**20,000 sq. ft. (a) Average Lot Width: 100 (a) 15, 000 sq. ft. (b) Average Lot Width: 80 ft. (b)**	**Front: 40 ft. Rear: 35 ft. Side: 12 ft. (c)**	**35 ft.**
Two Family	**15,000 sq. ft. Average Lot Width: 110 ft.**	**Front: 40 ft. Rear: 35 ft. Side: 12 ft. (c)**	**35 ft.**
R-10 Residential			
Single Family	**15,000 sq. ft. (a) or 10,000 sq. ft. (b) Average Lot Width: 75 ft.**	**Front: 35 ft. Rear: 25 ft. Side: 10 ft. (c)**	**35 ft.**
Two- Family	**7,500 sq. ft. Average Lot Width: 85 ft.**	**Front: 35 ft. Rear: 25 ft. Side: 10 ft. (c)**	**35 ft.**
R-8 Residential			
Single Family *	**8,000 sq. ft. Average Lot Width: 70 ft.**	**Front: 30 ft. Rear: 25 ft. Side: 10 ft. (c)**	**35 ft.**
Two-Family *	**4,000 sq. ft. Average Lot Width: 80 ft.**	**Front: 35 ft. Rear: 25 ft. Side: 10 ft. (c)**	**35 ft.**
Multi - Family *	**3,000 sq. ft. Average Lot Width: 85 ft.**	**Front: 40 ft. Rear: 35 ft. Side 30 ft. (c)**	**50 ft.**
R- MHP Residential Mobile Home Park	**----------**	**Front: 40 ft. Rear: 35 ft. Side : 30 (c)**	**35 ft.**

*Parcels not serviced by both public water and sewer must maintain all minimum standards of the R-10 Residential District

BUSINESS DISTRICTS

NB- Neighborhood Business	**----------**	**Front: 30 ft. Rear: 20 ft. (d) Side : 10 ft. (d)**	**35 ft.**

HB - Highway Business	----------	**Front: 40 ft. Rear: 20 ft. (d) Side: 20 ft. (d)**	**35 ft.**
SC- Shopping Center	----------	**Front: 50 ft. (e) Rear: 20 ft. (d) Side: 20 ft. (d)**	**35 ft.**
CB- Central Business	----------	**Front: -- Rear: (d)(f) Side: (d)(f)**	----------
GB - General Business	----------	**Front: 30 ft. Rear: (d)(f) Side: 10 (d)**	**50 ft.**

INDUSTRIAL DISTRICTS

M-1 Light Industrial	----------	**Front: 50 ft. Rear: (d)(f) Side: (d)(f)**	----------
M-2 Heavy Industrial	----------	**Front: 50 ft. Rear: (d)(f) Side: (d)(f)**	----------

(ZA 99-20 Eff. 2-21-2000) (ZA 15-04)

(a) Minimum lot size when neither public water nor public sewer is provided.
(b) Minimum lot size when either public water or public sewer is provided.

(c) Corner lot must have an additional ten (10) feet along the side street line. Accessory buildings in the rear must comply with the requirement. Two-family dwellings to be constructed in the R-20 and R-10 Residential Districts shall be allowed only on corner lots with entrances facing different streets.

(d) Upon any side or rear lot line, which abuts a residential use, there shall be a buffer strip as specified in Section 419 of this ordinance. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot, and no buffer shall be required upon any side or rear yard, which abuts publicly owned lands or right-of-ways.

(e) No building shall be less than fifty (50) feet from any street right-of-way line.
(f) Where a lot abuts any residential district, there shall be a side or rear yard clearance of at least thirty (30) feet.

Section 702 Clustering (ZA-04-06)

District(Sq. Ft.)	Reduced size	Front	Side*	Rear	Width
R-A 30,000 40,000	22,500 sq.ft. 30,000 sq. ft.	40	12 or 14/10	30	80
R-40 (40,000) (30,000)	30,000 22,500	40	12 or 14/10	30	80
R-20 (20,000) (15,000)	15,000 11,250	40	12 or 14/10	30	80
R-R (40,000)	30,000	40	12 or 14/10	30	80
R-10 (15,000) (10,000)	11,250 7,500	30	10 or 12/8	25	65
R-8	6,000	30	10 or 12/8	20	60

* Side variation allows for a reduction on one side but an increase on the other side.

Section 703 Lot of Record

Where the owner of a lot of official record in any district at the adoption of this ordinance or his successor in title thereto does not have sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, such lot may be used as building site; provided, however, that the setback requirements of the district are complied with or a variance is obtained from the Board of Adjustment.

Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

Section 704 Waterfront properties

On any lot abutting a lake or river, the principle structure building line on the water side of said lot may be ten (10) feet off of the rear surveyed lot line. In instances where the water line is the rear property line of record, the principle structure must be a minimum of forty (40) feet from the waterline.

Accessory structures such as piers, and boathouses are allowed at the waterline, subject to approval of the property owner if said property is leased.

Accessory structures may be placed in the front yard of waterfront lots provided a twenty (20) foot setback from the right-of-way is maintained and it is determined that visual clearance along all streets is maintained. Front yard setback for principle structure shall be a minimum of thirty (30) feet on any waterfront lot.

Section 705 Front Yard Setbacks for Dwellings

The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one-hundred (100) feet on either side of the proposed dwelling and on the same side of the same block and use district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten (10) feet, from the street right-of-way line, whichever is greater.

Section 706 Height Limitations and Exceptions

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, telecommunications towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials, and similar structures except as otherwise provided in the vicinity of airports.

In no instance shall any of the provisions of this section apply to:

1. Telecommunications Towers and Facilities (as defined in Article 13~~Section 1302~~). Refer to Section 614 for requirements.
2. Towers erected and maintained by a public authority for public safety or emergency communication purposes except as stated below.
   (a) Towers shall not encroach upon the Approach/Departure path of the Stanly County Airport in accordance with Section 613 of this Ordinance.
3. Antennas or antenna structures used by individuals or groups licensed in the Amateur Radio Service by the Federal Communication Commission except as stated below:
   (a) Towers shall not be used by any other use, company or agency unless in accordance with Section 614 of this Ordinance.
   (b) Towers shall not encroach upon the Approach/Departure path of the Stanly County Airport unless in accordance with Section 613 of this Ordinance.
3. Small wind Energy Systems limited to 135 feet in height and Large wind Energy Systems to a height approved by the Planning Board as necessitates.

Section 707-709 Reserved for future use

Section 710 Site Development Plan or Agreement Requirements (ZA 99-07)

Section 710.1 Major Site Development Plans

Major site development plans shall include: (ZA 99-07)

A. Location Map: May be drawn on the same sheet as the survey and features map at a scale of 1”=2000’, indicating the location of the site, in three (3) copies and showing:
   1) The site and ownership of adjacent lots or tracts of land;
   2) The intersection of at least two (2) public streets nearest the property and the names of all public ways, opened or unopened, clearly indicated;
   3) North arrow;
   4) Title block shall contain the following information:
      a) site plan name, and,
      b) name and address of owner and petitioner.

B. Survey map of site: May be combined with features map, submit one copy indicating bearing and distances of the boundaries of the site prepared by a registered engineer or surveyor licensed to practice in North Carolina and contain his seal.

C. Existing features map: May be combined with the survey map, to show all existing features of the site plan plus all land within twenty-five (25) feet of the site at the scale of not smaller than 1"=100', unless approved by the Zoning Officer, showing:
   1) Rights-of-way and easements, utilities on, over and under the site (including storm drains, pipes and catch basins, if applicable;
   2) All existing structures including walls, fences, and other manmade features of the site;
   3) Topography shown at not greater than five (5) foot contour intervals;
   4) Streams, floodway boundaries, delineation of the 100 year flood plain elevation, ponds, lakes, wooded areas and other natural features;
   5) Driveways, drives, walk-ways, and curb-cuts;
   6) Proposed roadway improvements, if any, serving the site shall be provided;
   7) Any other necessary information requested by the Zoning Officer for site plan review;
   8) Title Block shall contain the following information:
      a) Site plan name;
      b) Name and address of architect, land planner, landscape architect, engineer or surveyor who prepared the map;
      c) Date survey was made; and,
      d) Scale, date and north arrow.

D. Development plan map of the site at a scale of no smaller than 1" = 100' (at the same scale as the existing features map) showing:
   1) Proposed finished grade at no greater than five (5) contour intervals;
   2) Natural features to be left undisturbed and/or landscaped areas or buffers to be created.
   3) Proposed drainage;
   4) Proposed location of utilities;
   5) Proposed location of public streets and private drives, including rights-of-way and pavement widths, curb-cuts, pedestrian ways and other paths, proposed parking and loading areas;
   6) Location of structures, fences, walls, signs, plantings, exterior lighting, and solid waste disposal facilities;
   7) Number of proposed dwelling units by type, size and proposed ownership;
   8) Total acreage, acreage of building coverage, acreage in common open space, acreage (square footage) in roads, and acreage suitable for active recreational use shall be shown, indicating proposed use thereof. Common open spaces as computed shall not include streets, drives, parking or loading areas;
   9) Height of Buildings;
   10) Other information deemed necessary by the Zoning Administrator for site plan review; and
   11) Title Block containing:
      a) site plan name;
      b) name and address of architect, land planner, engineer, or surveyor;
      c) scale, date and north arrow.

For property to be developed in sections or phased, detailed site plans containing the above information need not be submitted for the entire property. However, conceptual or schematic

plans shall be submitted in order to show the relationship of the section under review to the entire project.

Section 710.2 Minor site development plans.

Site improvements or building additions to existing developments may submit the following in lieu of a major site development plan:

1) If the site has a previously reviewed and approved site plan, the changes or additions to the plan may be submitted in accordance with Section 710.3 with the Title Block being properly amended.

2) If no previously reviewed and approved site plan exist, a site plan as described in Section 710.1 must be submitted.

Section 710.3 General standards for site development.

All development, other than single-family, two-family and agriculture, shall conform to the following standards:

a) Land ownership. All land within multi-unit developments shall be in single, or joint ownership for the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the submission. Satisfactory arrangements shall be made for the ownership of land in common space.
b) Pedestrian ways. Sidewalks or pathways systems shall be provided from parking areas to the main building entrance. Surface materials, width, and alignment shall be shown.
c) Land coverage. Land covered by impermeable surfaces shall not exceed 80% of the total site outside of any rights-of-way.
d) Storage. Storage areas either proposed now or in the future shall be shown.

All provisions of this Zoning Ordinance which apply to the site under review of the development shall be included with the site plan. Areas deserving particular attention include the following: buffering, landscaping, visibility at intersections and signage locations. (ZA 99-07)

Section 710.4 Process for adopting a major development plan/agreement.

All development plans/agreements as permitted in NCGS 160D-105, upon submittal and acceptance of the items required in Section 710.1, must be reviewed by the Planning Board and approved by the Board of Commissioners using the same legislative procedures as a map amendment (rezoning). Public improvements related to the development may be incorporated into the plan. Once approved, only minor amendments to the plan may be made as described in Section 710.2 above. Any development plan or agreement may be considered concurrent with a rezoning, subdivision or site plan approval process. Failure of a developer or property owner to abide by the development plan may result in legal action seeking an injunction to enforce the agreement. Civil penalties for failure to comply may also apply in the same manner as any other zoning violation.

ARTICLE VIII

Article VIII - reserved for future use

ARTICLE IX

ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 901 Zoning Enforcement Officer

The position of Zoning Enforcement officer is hereby authorized, and it shall be his duty to enforce and administer the provisions of this ordinance. If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

Section 902 Application for Certificate of Zoning Compliance Required

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer or his designated agent has issued a zoning clearance for such work. Every person obtaining a zoning clearance hereunder shall pay a fee as approved by the Stanly County Board of Commissioners or, as provided in the Code of Ordinances of the County of Stanly, North Carolina.(ZA-01-12)

Failure to meet the requirements of Stanly County Subdivision Regulations, specifically, Section 66-105, Timing of Recreational Improvements, may result in the cessation of the issuance of zoning compliance permits for the remainder of a subdivision. Issuance of zoning compliance permits may begin after the requirements of the section are met as determined by the Zoning Administrator. (ZA-04-06)

Section 903 Application for Certificate of Zoning Compliance

Each application to the Zoning Enforcement Officer for Zoning Clearance shall be accompanied by plot plans showing:

903.1 The actual dimensions of the lot to be built upon.

903.2 The size of the building to be erected.

903.3 The location of the building on the lot.

903.4 The location of existing structures on the lot, if any,

903.5 The number of dwelling units the building is designed to accommodate.

903.6 Such other information as may be essential for determining whether the provisions of this ordinance are being observed.

903.7 Any Certificate of Zoning Compliance issued shall expire and be canceled unless the work authorized by it shall have begun within one (1) year of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year. Written notice thereof shall be given to the persons affected, including notice that further work as described in the canceled permit shall not proceed unless and until another zoning clearance has been obtained.

Section 904 Certificate of Compliance Required

A Certificate of Compliance issued by the Zoning Enforcement Officer, is required in advance of:

904.1 Occupancy or use of a building hereafter erected, altered, or changed.

904.2 A change of use of any building or land.

904.3 In addition, a certificate of compliance shall be required for each non-conforming use created by the passage and subsequent amendments to this ordinance. The owner of such

non-conforming use shall obtain a certificate of compliance within thirty (30) days of the date of said passage or amendments.

904.4 A certificate of compliance, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning clearance and shall be issued within ten (10) days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance.

904.5 A certificate of compliance shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of compliance is denied, the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 905 Remedies

Section 905.1 Enforcement by Zoning Enforcement Officer

(1) It shall be the duty of the Zoning Enforcement Officer to initiate proceedings for the enforcement of these regulations.

(2) If the Zoning Enforcement Officer discovers a violation of these regulations, the Zoning Enforcement Officer shall notify the violator, and give the violator a specified time to correct the violation. If the violation continues or is not corrected, the Zoning Enforcement Officer shall initiate proceedings for enforcement as described in this Section. (ZA 97-1)

(3) If inspecting, the Zoning Enforcement Officer must enter the premises during reasonable hours and upon presenting credentials. The officer must have consent of the premises owner or an administrative search warrant to inspect areas not open to the public.

Section 905.2 General Enforcement Provisions:

(1) The provisions of this Section may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this Section. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this Section for the continued violation of the particular provision of these regulations, The Zoning Enforcement Officer, or any persons who would be damaged by such violation may institute an a citation to secure injunctions and abatement orders to further ensure compliance with the Zoning Ordinance, or take any other appropriate action to prevent such violation in accordance with N.C, General Statute provisions. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this Section. (ZA 97-1)

Section 905.3 (Reserved for Future Use)

Section 905.4 Citations:

(1) The Zoning Enforcement Officer is empowered to issue citations to any person if there is a reasonable cause to believe that the person has willfully or non-willfully violated any provision of these regulations. A violator shall be deemed to include the owner of the premises; the agent of the owner authorized to be responsible for the premises or the occupant of the premises; the

contractor in charge of building, erecting, demolishing, or changing the use of the property. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property or contractor in charge of building, erecting, demolishing, or changing the use of the property. The citations must be delivered by hand, email, first class mail or posted onsite. The non-occupant owner or agent or contractor in charge responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant or contractor in charge for those premises unless there has been written notification to the owner, agent, or occupant, or contractor in charge, mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence to the violation to the owner, agent or occupant. (ZA 97-1)(ZA 08-04)

(2) The initial citation for each violation shall be at a rate set annually in the Zoning Fee Schedule adopted by the Board of County Commissioners. Second and Third citations for any violation that has not been corrected shall also be at rates set in the Zoning Fee Schedule adopted annually by the Board of County Commissioners. Any unpaid citation and delinquency charges shall be cumulative, and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citation may be delivered in person to the violator(s) or, the citation may be delivered by first class mail.

(3) The citations shall direct the violator to make payment at the Stanly County Finance Department within fifteen (15) days of the date of the citation or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days from the date of issuance, a delinquency charge established in the Zoning Fee Schedule adopted annually by the Board of County Commissioners shall be added to the amount shown on the citation. Further, the citation shall state that the violation is a continuing violation, and additional citations may be issued. (ZA 97-1)

Section 905.5 Civil Judicial Remedies:

(1) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violations, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate. (ZA 97-1)

(2) If the Zoning Ordinance makes unlawful a condition existing upon or use made of real property, then the Zoning Ordinance may be enforced by injunction and order of abatement and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an Ordinance occurs, the County may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commending the defendant to correct the unlawful condition upon or cease the unlawful use of the property. (ZA 97-1)

(3) In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed, or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or

refuses to comply with an injunction or with and order of abatement within the time allowed by the court, he may be cited for contempt, and the County may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all cost of the proceedings, and posing a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard, and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. (ZA 97-1)

Section 905.6 Remedies: "Stop Orders"

Whenever any building or structure is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in a manner that endangers life or property or in substantial violation of this ordinance, the Zoning Enforcement Officer may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. This stop order shall be in writing, directed to the person doing the work, and shall state the specific work conditions under which the work may be resumed. The owner or builder may appeal from a stop order to the County Manager within a period of five (5) days after the order is issued. (ZA 84-5)
Notice of appeal shall be given in writing to the County Manager, with a copy to the Zoning Enforcement Officer. The County Manager shall promptly conduct a hearing at which the appellant and the Zoning Enforcement Officer shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible. Pending the ruling by the County Manager on an appeal no further work shall take place in violation of a stop order. Violation of a stop work order shall constitute a misdemeanor. (ZA 84-5)

Section 905.7 Revocation of Development Approvals/Permits

Whenever an approved development permit is revoked, notification, in writing, stating the reason for the revocation is required. The same development review and approval process required for issuance of the development approval shall be followed for the revocation of that approval. Procedures required in GS160D-403(f) shall be followed.

Section 906 – Administrative Relief

Under this section, the Zoning Administrator, following the due process set out below, may issue minor variances, defined as less than 50% of the numerical standard or measured requirement of the Zoning Ordinance that are unopposed by the surrounding property owners.

1. The applicant shall submit an application and pay the appropriate fee. The Zoning Administrator shall then notify all adjacent property owners within 100 feet of the minor variance by first class mailed notice at least 10 days but not more than 25 days before the scheduled administrative hearing date. At the hearing, the Zoning Administrator shall hold a Quasi-Judicial type hearing, first hearing testimony from the applicant, then, any factual evidence from the notified adjacent property owners all under oath. Upon review of the facts presented, the Zoning Administrator shall rule either: granting the variance, denying the variance or amending the variance requested. Any appeals of the Zoning Administrator's decision shall be heard by the Stanly County Board of Adjustment in accordance with Article X of this Ordinance.

2. Opposition of any adjoining property owner shall be submitted in advance in writing to the Zoning Administrator's hearing and decision. Upon receiving a written opposition, the Zoning Administrator shall then not make a decision and then forward the said application to the Stanly County Board of Adjustment for consideration under Article X of this Ordinance. There shall be a 30 day time period to file an appeal of any administrative decision. If the notice of determination is sent by mail, assume that it was received on the third business day. (ZA 15-04)

3. The official who made the decision must appear as a witness to the appeal. While the appeal is taking place, all enforcement actions must pause, including fines.

Section 907 - Zoning Vested Rights

Section 907.1. - Establishment of a Zoning Vested Right.

(A)Establishment of Vested Right: A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the appropriate approval authority as specified in Section 907.2 of a site specific vesting plan.

(B)Approval of Site Specific Vesting Plan:

1) The approving authority may approve a site specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

2) Notwithstanding subsections (A) and (B) above, approval of a site specific vesting plan with the condition that a variance or administrative relief be obtained shall not confer a zoning vested right unless and until the necessary variance or administrative relief is obtained.

(C)Effective Date of Approval: A site specific vesting plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(D)Effect of Additional, New or Amended Regulations: The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature are applicable to all property subject to land use regulation by the Jurisdiction, including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, the application of new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this Ordinance.

(E)Vested Right Runs with Property: A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

Section 907.2. - Approval Procedures.

(A)Approval by Zoning Administrator: The following plans shall be vested for one (1) year from the date of approval by the Zoning Administrator:

1) A preliminary plat for a minor subdivision;

2) A plot plan;

3) Minor site plans in accordance with Section 710.2;

4) A master or common sign plan;

5) A watershed development plan;

6) A landscaping plan; or

7) A Certificate of Zoning Compliance

(B)Approval by Planning Board: The following plans shall be vested for two (2) years from the date of approval or conditional approval by the Planning Board after receiving public comments:

1) A preliminary plat for a major subdivision; or

2) A major site plan approved in accordance with Section 710.1 but not including master or common sign plans, watershed development plans or landscaping plans.

(C)Approval by Board of Adjustment: The following plans shall be vested for two (2) years from the date of approval by the Board of Adjustment, following notice and quasi-judicial hearing:

1) A Special Use Permit; or

2) A Planned Development-Residential or Planned Development-Mixed unit development plan.

(D)Multi-phase developments, which are long-term projects of at least 25 acres, may be vested up to seven years unless excepted by GS160D-108(d)(4) or 108(f).

Section 907.3. - Plans Not Vested.

(A)Conceptual Plans: Because the following plans frequently lack sufficient detail, they are not vested under this Ordinance:

1) A Planned Development-Residential or Planned Development-Mixed sketch plan; or

2) A subdivision master plan or sketch plan.

(B)Plans Not Relating to Type and Intensity of Use: The following types of plans are reviewed and approved under statutes not related to the type and intensity of use in the context of NCGS 160D-807 and, therefore, are not considered vested in the meaning of this Ordinance:

1)Soil erosion and sedimentation control plans;

2)Utility and street construction plans; or

3) Building and other construction plans.

Section 907.4. - Compliance.

(A)Conformance Review: Following approval or conditional approval of a site specific development plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(B)Noncompliance: Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the Zoning Ordinance.

(C)Life of Building Permit: A building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding.

Section 907.5. - Termination.

A zoning right that has been vested as provided in this Ordinance shall terminate:

(A)At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed;

(B)With the written consent of the affected landowner;

(C)Upon findings by the Board of Adjustment that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;

(D)Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Jurisdiction together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;

(E)Upon findings by the Board of Adjustment that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(F)Upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan.

ARTICLE X

BOARD OF ADJUSTMENT

Section 1001 Board of Adjustment Composition and Duties. The County Board of Commissioners may appoint and compensate a Board of Adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the County Board of Commissioners may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The County Board of Commissioners may appoint and provide compensation for alternate members to serve on the Board of Adjustment in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member. If a quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. The County Board of Commissioners may designate itself or the Planning Board to perform any of the duties of a Board of Adjustment in addition to its other duties and may create and designate specialized Boards to hear technical appeals.

Section 1002 Provisions of Ordinance. The Board of Adjustment shall hear and decide special use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The Board of Adjustment shall follow quasi judicial procedures when deciding appeals and requests for variances and special use permits. The Board of Adjustment shall hear and decide all matters upon which it is required to consider under any statute or ordinance that regulates land use or development. The Board of Adjustment shall establish rules of procedure including requirements for minutes of proceedings, record keeping, meeting notifications and selection of officers and clerk. All board members must take an oath of office prior to beginning duties.

Section 1003 Notice of Hearing. Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing, including properties separated by the street, railroad, or other transportation corridor that still fall within 100 feet. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the county shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right of way.

Section 1004 Appeals. The Board of Adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

1. Any person, who has standing, or the county, pursuant to GS160D-14-2, may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Clerk to the Board of Adjustment. The notice of appeal shall state the grounds for the appeal.
2. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first class mail.
3. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
4. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.
5. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The official shall also appear as a witness to the appeal.
6. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
7. Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.
8. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice

of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

9. When hearing an appeal pursuant to GS160D-947 in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in GS160D-1402.
10. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

Section 1005 Special Use Permits. The Board of Adjustment may hear and decide special use permits in accordance with standards and procedures specified in Section 1002 of the ordinance. The Board must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. Reasonable and appropriate conditions may be imposed upon these permits. Once conditions are set a written consent must be obtained from the applicants/ landowner agreeing to the conditions to ensure enforceability.

Section 1006 Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self created hardship.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance.

Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

Section 1007 Voting.

1. The concurring vote of four fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
2. A member of the Board or any other body exercising quasi judicial functions pursuant to this Article shall not participate in or vote on any quasi judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.
3. The Board shall determine contested facts and make its decision within a reasonable time. Every quasi judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the Board. A quasi judicial decision is effective upon filing the written decision with the clerk to the Board of Adjustment or his designee. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.
4. Every quasi judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari, pursuant to GS160D-1402. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (3) of this subsection. When first class mail is used to deliver notice, three days shall be added to the time to file the petition.

Section 1008 Oaths. The chair of the Board or any member acting as chair and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

Section 1009 Subpoenas. The Board of Adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under GS160D-1402 may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. (ZA 13-04) (ZA 05-15)

ARTICLE XI

AMENDMENTS

Section 1101 Procedures for adopting or amending ordinances.

(a) Before adopting, amending, or repealing any ordinance authorized by this Article, the Board of Commissioners shall hold a public hearing on the ordinance or amendment. The Board shall cause notice of hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) A county may adopt ordinances providing that notice of public hearings may be given through electronic means, including, but not limited to, the county's Internet site. Electronic notice of public hearings on zoning map amendments may be substituted for the published notice required by this section provided there is also a posting of a notice of the hearing on the affected site, with both electronic and on-site posting being made not less than 10 days nor more than 25 days before the date fixed for the hearing. If such timely electronic notice of a public hearing on a zoning map amendment or posting of notice of the hearing on the affected site is made, but not both, such electronic or posted notice may be substituted for the second published notice required by this section. Electronic and on-site posting shall not supersede any other law that requires notice by mail to certain classes of people or the posting of signs on certain property and shall not alter the publication schedule for any public notice.

(c)Development applications received by individuals requesting approval must be made by a person with a property interest in the property or a contract to purchase the property with the understanding that all development approvals run with the land. If revocation of development approval takes place, the same process must be followed as used for the approval. A third party without a property interest, other than Stanly County itself, may not initiate a request to amend the zoning to a lesser use.

Section 1102 Planning Board; Zoning Plan; Recommendation to Board of Commissioners.

(a) To initially exercise the powers conferred by this Part, a county shall create or designate a Planning Board under the provisions of this Article or of a local act. Each member of this board must take an oath of office before starting his or her duties. If a quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. The Planning Board shall establish rules of procedure including requirements for minutes of proceedings, record keeping, meeting notifications and selection of officers and clerk. All board members must take an oath of office prior to beginning duties. The Planning Board shall prepare or shall review and comment upon a proposed zoning ordinance, including both the full text of such ordinance and maps showing proposed district boundaries. The Planning Board must consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. The Board must also prohibit any third party down zonings. The Planning Board may hold public hearings in the course of preparing the ordinance. Minutes of each meeting proceeding must be recorded and kept. Upon completion, the Planning Board shall make a written recommendation regarding adoption of the ordinance to the board of commissioners. The

recommendation should include a brief statement describing whether the action is consistent or inconsistent with approved plans including the most recently adopted comprehensive land-use plan. The Board of Commissioners shall not hold the public hearing required by G.S. 160D-601 or take action until it has received a recommendation regarding the ordinance from the Planning Board. Following its required public hearing, the Board of Commissioners may refer the ordinance back to the Planning Board for any further recommendations that the Board may wish to make prior to final action by the board in adopting, modifying and adopting, or rejecting the ordinance.
Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to that Board, the Board of County Commissioners may proceed in its consideration of the amendment without the Planning Board report. If a zoning map amendment is adopted, a statement of reasonableness must be included. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board. Members of appointed boards providing advice to the board of county commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to or (ii) a vested right has been established pursuant to and such vested right remains valid and unexpired pursuant to G.S. 160D-102. (ZA 05-15)

Section 1103 Change in Zoning Map

Section 1103.1 Application for Map Amendment

If the proposed amendment would require a change in the zoning map, a paper or digital copy of any state or federal maps must be incorporated by reference. Along with an accurate diagram also in paper or digital format, shall be submitted to the Zoning Enforcement Officer of the property proposed for rezoning showing:

(A) All property lines with dimensions including north arrow.
(B) Adjoining streets with rights-of-way and paving widths.
(C) The location of all structures, the use of all land.
(D) Zoning Classification of all abutting zoning districts.
(E) Also, a statement regarding the changing conditions, if any, in the area or in the county generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

Section 1103.2 Method of procedure.

(a) The Board of Commissioners shall, in accordance with the provisions of this Article, provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. 160D-602 procedures shall be followed in regards to notifying the property owners and adjacent landowners. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the legislative hearing. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, the county may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearings required by G.S.160D-601, but provided that each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a) of this section.

(c) When a zoning map amendment is proposed, the county shall prominently post a notice of the legislative hearing within the same time period specified for mailed notices of the legislative hearing on the site proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons. (ZA 05-15)

(d) When adopting or rejecting any zoning text or map amendment, the Board of Commissioners shall also approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. In addition, when adopting or rejecting a petition for a zoning map amendment, the Board of Commissioners shall include the adoption of a statement analyzing the reasonableness of the proposed rezoning. This statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of the area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

(e) If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted land-use plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional application or fee for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently.

ARTICLE XII

LEGAL STATUS PROVISIONS

Section 1201 Conflict with Other Regulations

Whenever the regulations of this ordinance require a greater width or size of yards, courts, or other open space, or require a lower height of building or lesser number of stories or require a greater percentage of lot to be left unoccupied, or impose other restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this ordinance shall govern.

Whenever the provisions of any other statute or agreement require more restrictive standards than are required by this ordinance, the provisions of such statute or agreement shall govern. Provided, however, that nothing in this ordinance shall be construed to amend or repeal any other existing ordinance of the county or any municipality which has elected to come under this ordinance.

Section 1202 Interpretation and Validity

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. (ZA 97-1)

ARTICLE XIII

RULES OF CONSTRUCTION, INTERPRETATION, AND DEFINITIONS

Section 13.1 Rules of Construction

For the purposes of these regulations, the following rules of construction apply:

(A) Interpretations shall be guided by statements of intent.
(B) The term ordinance shall refer to the Zoning Ordinance, Stanly County, NC.
(C) The words shall, must, and will are mandatory, implying an obligation or duty to comply with the particular provision.
(D) The word may is permissive, except when the context of the particular use is negative, then it is mandatory (e.g., may not.).
(E) The word should, whether used in the positive or the negative, is a suggested guideline.
(F) References to days will always be construed to be business days, excluding weekends and county recognized holidays, unless the context of the language clearly indicates otherwise.
(G) For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined in Section 13.3 except as defined herein, all other words used in this ordinance shall have their everyday dictionary definition.
(H) Words used in the present tense include the future tense, and words used in the future tense include the present tense.
(I) Words used in the singular number include the plural, and words used in the plural number include the singular.
(J) The word person includes a firm, association, organization, partnership, corporation, trust, and company, as well as an individual.
(K) The word lot includes the words plot, parcel or tract.
(L) The word building includes the words structure, and the word structure includes the word building.
(M) The words used or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
(N) Words used in the masculine gender include the feminine gender.
(O) The word street includes the words road, avenue, place, way, drive, lane, boulevard, highway, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.
(P) The term commissioners shall mean the County Commission of the County of Stanly, North Carolina.
(Q) The term planning board shall mean the Planning Board of the County of Stanly, North Carolina.
(R) The term zoning administrator shall mean the Zoning Administrator of the County of Stanly, North Carolina.
(S) The term subdivision administrator shall mean the Subdivision Administrator of the County of Stanly, North Carolina.
(T) The term board of adjustment shall mean the Board of Adjustment of the County of Stanly, North Carolina.
(U) The term state shall mean the State of North Carolina.
(V) Any reference to an article shall mean an article of the Zoning Ordinance, Stanly County, NC, unless otherwise specified.

Section 13.2 Interpretation

(A) General rules of conflict.

(1) In the event of a conflict between the text of this section and any caption, figure, illustration, or table included herein, the text of this section shall control.

(2) In the event there is a conflict in limitations, requirements or standards applying to any individual use or structure, the more stringent or restrictive provision shall apply.

Section 13.3 Definitions

For the purpose of interpreting this ordinance, certain words and terms used in this ordinance are defined as follows. Except as defined herein, all other words used in this ordinance shall have their usual, customary dictionary meaning.

AASHTO. American Association of State Highway and Transportation Officials.

ABANDONED. A use shall be deemed to be abandoned when: a) the use is physically and objectively discontinued (other than in association with the settlement of an estate or for any use which is seasonal in nature); or b) the premises are devoted to another use; or c) the characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within 30 days. All of the above events are considered abandonment, regardless of the intent of the owner, lessee or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

ABUTTING PROPERTIES. Having common property boundaries or lot lines that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

ACCESSORY BUILDING OR USE. A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use. See STRUCTURE, ACCESSORY.

ACCESSORY DWELLING UNIT. See DWELLING UNIT, ACCESSORY, ATTACHED and DWELLING UNIT, ACCESSORY, DETACHED.

ACCESSORY DWELLING SHORT-TERM RENTAL. The rental or lease of an attached or detached accessory residential dwelling unit for compensation to guests for a duration not to exceed thirty (30) consecutive days while the permanent resident of the primary dwelling unit resides on-site during the duration of the rental period.

ACCESSORY STRUCTURE. See STRUCTURE, ACCESSORY.

ACCESSORY USE. See USE, ACCESSORY.

ACTIVE SOLAR ENERGY POWER GENERATION SYSTEM. See SOLAR ENERGY POWER GENERATION SYSTEM, ACTIVE.

ADAPTIVE REUSE. The rehabilitation, reconstruction or renovation of existing buildings or structures for any use other than its current use.

ADDITION. Means an extension or increase in the floor area or height of an existing building or structure.

ADJACENT PROPERTY. This term shall mean anything that is contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this or other development regulations. Also called MINISTERIAL DECISIONS or ADMINISTRATIVE DETERMINATIONS

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision

ADULT ESTABLISHMENT. Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in North Carolina General Statute Section 14-202.10, including topless bars, but excluding massage therapy as defined in Section 12.1 of these regulations. Notwithstanding the definition of "adult bookstore" provided in G.S. 14- 202.10(1), for purposes of this ordinance "adult bookstore" means a retail establishment:

i) which receives a majority of its gross income during any calendar month from the sale or rental of (i) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "specified anatomical areas", as defined in G.S., 1-202.10(11); and/or (ii) merchandise that are "sexually oriented devices". as defined in G.S. 1-202.10(9): or

ii) having as a preponderance of its publications and/or merchandise (a) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", as defined in G.S. 1-202.10(10), or "specified anatomical areas", as defined in G.S., 1-202.10(11), and/or (b) merchandise that comprises "sexually oriented devices", as defined in G.S. 1-202.10(9).

As used in this definition, "publications" include books, magazines, other periodicals, movies, DVDs, and other products offered in photographic, electronic, magnetic, digital or other imaging medium.

AGRICULTURAL INDUSTRY. Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries) on more than two (2) acres, commercial fish or poultry hatcheries, and other similar activities.

AGRICULTURE. The use of land for production of cash grains, field crops, vegetables, fruits, berries and nuts, trees, flowers; aquaculture or raising and keeping of general livestock and poultry or the products thereof or the breeding of such livestock and poultry. Agriculture includes the buildings and structures that are customarily incidental and subordinate to the principal agricultural activities, including residences for the owners, operators and employees of a farm and their families.

AIRPORT. As used in this ordinance will generally refer to the Stanly County Airport.

AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet from sea level. Stanly County Airport elevation is 607 MSL.

ALLEY. A public roadway, other than a street, which affords only a secondary means of access to abutting property, and which is not intended for general traffic circulation.

ALTERATION. A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing use.

AMENDMENT. Any change by the County Commission to the text of these regulations or the official zoning map.

AMORTIZATION. A provision requiring a non-conformance to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

AMUSEMENT, COMMERCIAL INDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

AMUSEMENT, COMMERCIAL OUTDOOR. Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, Par 3 golf course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters, raceways, drag strips, shooting ranges or motorcycle courses.

ANTENNA. A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

ANTENNAE, ACCESSORY COMMUNICATION. An antennae configuration that is attached to a building, water tower, or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

APPARENT SUNRISE AND SUNSET. Due to atmospheric refraction, sunrise occurs shortly before the sun crosses above the horizon. Light from the sun is bent, or refracted, as it enters earth's atmosphere. This effect causes the *apparent* sunrise to be earlier than the actual sunrise. Similarly, apparent sunset occurs slightly later than actual sunset. The sunrise and sunset times reported by NOAA are corrected for the approximate effects of atmospheric refraction.

APPLICANT. Any person seeking approval under these regulations for any form of development or use of land.

APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 613.3 of this ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

ARCHITECT. A person licensed to practice architecture in the State of North Carolina.

ARENA. A structure or facility designed and intended to be used for athletic events and exhibitions containing seating for spectators of those events, but not including a raceway or drag strip.

ARTIFICIAL OBSTRUCTION. Any object or material that is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood carrying capacity of a stream.

ARTS AND CRAFT STUDIO. The creation of objects in a studio, made one at a time, by hand. Such creations include, but are not limited to woodworking, tin smithing, silver smithing, pottery, glass blowing, painting, weaving, caning, metalworking and sculpture.

ASPHALT AND CONCRETE PLANT AND CONTRACTORS. A facility preparing asphalt and/or concrete mixtures for street, walkway,and driveway paving, including contractors engaged in asphalt and/or cement/concrete work.

ATTENTION-GETTING DEVICES. See SIGN, ATTENTION-GETTING DEVICES

AUTOMATIC TELLER MACHINE (ATM). A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

AUTOMOBILE JUNK YARD. See MOTOR VEHICLE DISMANTLING AND WRECKING YARD

AUTOMOTIVE REPAIR. See MOTOR VEHICLE REPAIR AND MAINTENANCE.

AWNING. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

BANKING AND FINANCIAL SERVICES. A facility engaged in deposit banking or extending credit in the form of loans.

BANNER. See SIGN, BANNER.

BARN. A building for the storage of products, feed, and equipment for livestock and for the temporary housing of livestock. Adequate pasture is required per this ordinance for the livestock to graze under this definition.

BED AND BREAKFAST, AIR. See BED AND BREAKFAST ESTABLISHMENT

BED AND BREAKFAST ESTABLISHMENT. A use that: (1) takes place within a building that is designed as a single-family residence; and (2) that consists of renting one or more dwelling rooms on a day-by-day basis to transient guests; and (3) where the provision of meals, if provisions of meal is made, is available only to registered guests; and (4) where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one(1) full-time employee. The total number or rooms for rent on a lot shall be between one(1) and five(5).

BERM. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BOARDING HOUSE. An owner or operator-occupied building where, for compensation, lodging and meals are provided.

BONA FIDE FARM. See FARM, BONA FIDE

BROADCAST STUDIO. An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

BROADCAST TOWER. See TOWER, BROADCAST

BUFFER. A combination of open space, landscape areas, fences, walls and berms used to physically separate or screen one (1) use of property from another so as to visually shield or block noise, lights, or other nuisances. Buffers typically represent horizontal distances between uses, which provide functional separation. See Section 419 for screening requirements.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING AREA. The area of a zoning lot remaining after the minimum setback requirements of this ordinance have been satisfied.

BUILDING CONTRACTORS, GENERAL. An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment.

BUILDING CONTRACTORS, HEAVY. An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment.

BUILDING, ELEVATED. A non-basement structure which as its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

BUILDING HEIGHT. The vertical distance measured from the mean elevation of the proposed or completed finished grade at the front of the building to the highest point of the roof for flat roofs, to the ridge lines of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING-INTEGRATED SOLAR SYSTEM. See SOLAR SYSTEM, BUILDING-INTEGRATED

BUILDING LINE SETBACK. See SETBACK and SETBACK LINE, REQUIRED

BUILDING MATERIALS SUPPLY. An establishment engaged in selling lumber and a general line of building materials and hardware to the public.

BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING SITE. See also DEVELOPMENT. An area of land or property where development is undertaken.

BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS). The storage on a zoning lot of 2,500 gallons water capacity or more of flammable liquid, or 2,000 gallons water capacity or more of flammable gas, excluding storage tanks, above ground and fuel dealers as defined herein.

CALIPER. Diameter measurement of a tree-trunk taken at six (6) inches above ground level for trees up to and including trees four (4) inches in caliper. For larger trees, measurement of caliper shall be taken 12 inches above ground level.

CAMPGROUND. See RECREATIONAL VEHICLE PARK.

CAMPS. A place with temporary accommodations of huts, tents, or other structures, typically used by soldiers, scouts, church programs, refugees, or travelers.

CAMP SITE. A plot of land within a campground or park designated for the placement of tent(s) or recreational vehicle(s) and for the exclusive use of its occupants.

CANOPY. A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

CANOPY TREE. A species of tree that normally grows to a mature height of 35 feet or more with a minimum mature crown width of 30 feet and meets the specifications of the American Standards for Nursery Stock published by the American Nurserymen Association.

CARPORT. A roofed structure enclosed on not more than two (2) sides and used for the parking of motor vehicles.

CAR WASH, AUTOMATIC. An unattended, automated, mechanical facility for the washing of automobiles, small recreational vehicles, and light trucks wherein the customer remains in the vehicle during the service.

CAR WASH, FULL SERVICE. An attended facility wherein the customer pays for the labor, materials, and equipment necessary to wash or otherwise clean an automobile, small recreational vehicle, or light truck. This type of car wash may or may not be partially automated. Typically, the customer does not remain in the vehicle during the service.

CAR WASH, INDUSTRIAL. Mechanical facilities for the washing, vacuuming, and waxing of large vehicles and heavy machinery.

CAR WASH, SELF SERVICE. A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

CEMETERY. Land and facilities, including offices and chapels, used for the burial of the dead.

CERTIFICATE OF OCCUPANCY. A certificate issued by the building inspector setting forth that a building, structure, or use complies with all North Carolina State Building Codes in effect within the County's jurisdiction.

CHANGE OF USE. A change in the use of a structure or land for which a zoning permit is required.

CHEMICAL STORAGE FACILITY. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHILD CARE INSTITUTION. A facility providing residential and nonresidential care for 13 or more children under the age of 21, who are handicapped or who are without the benefit of parents who can provide for those children's basic physical, emotional, educational, spiritual, and/or other special needs.

CHURCH OR RELIGIOUS INSTITUTION. A facility of a church, temple, synagogue, or other nonprofit religious organization operated for worship and which may include religious training or study.

CLINIC. An establishment where patients are admitted for examination and treatment on an outpatient basis by one (1) or more physicians, dentists, psychologists, social workers, or other medical personnel and are not lodged overnight.

CLINIC, VETERINARY. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

CLUB OR LODGE, PRIVATE NON-PROFIT. An establishment operated by a corporation or association of persons for social, recreational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

CLUB, PRIVATE. A for profit establishment as defined in N.C.G.S. 18B-1000 (5) which holds an ABC Permit from the State of North Carolina.

CLUSTER DEVELOPMENT. The grouping of buildings and built-upon areas in order to conserve and/or protect natural resources and to provide for innovation in the design of a development project.

CODE COMPLIANCE VERIFICATION FORM. A document to be executed by a short-term rental owner to certify that the property complies with applicable zoning, building, health and life safety code provisions.

COLLOCATION. The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

COMMUNITY CENTER. A public or quasi-public facility, often a complex of buildings, that is the primary use of a parcel of land, designed for and used as a social, recreational, and agricultural center where a combination of social, recreational, welfare, health, habilitation, or rehabilitation services are provided for the public. As a part of such Community Centers, there may be included craft rooms, music rooms, game rooms, meeting rooms, and auditoriums. Community Centers can include both indoor and outdoor activities. Outdoor activities may include but are not limited to field sports, gardening, and agriculture related tourism.

COMPOSTING. The process of biological decomposition of solid wastes under controlled conditions resulting in compost. Controlled conditions include but are not limited to grinding, shredding, piling, physical turning, aerating, adding moisture, or other processing of solid wastes.

COMPREHENSIVE PLAN. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan and any other plans regarding land use and development that have been officially adopted by the Board of County Commissioners.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

CONGREGATE CARE FACILITY. A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities. Congregate care facilities do not include nursing care institutions or similar institutions devoted primarily to the care of the chronically ill or incurable.

CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONSTRUCTION AND DEMOLITION WASTE. Waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. See LANDFILL, CONSTRUCTION AND DEMOLITION

CONSTRUCTION, START OF. The first placement of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work at the point of placing the foundation, or beyond the state of excavation or the placement of a manufactured home on a foundation. This definition does not include the installation of streets or walkways nor does it include the installation of temporary buildings on the property, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

CONTIGUOUS AREA. Any area that abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

CONVENIENCE STORE. An establishment that is open for extended hours which sells packaged and/or prepared foods and other conveniences (which may include gasoline) primarily for

consumption and use off premises. Sales of items are highly dependent upon convenience of location, store hours, speed of service and highway accessibility and are less dependent on comparison shopping.

CORRECTIONAL INSTITUTION. A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal and civil laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown's drip line.

CUSTOMARY HOME OCCUPATION. See HOME OCCUPATION, CUSTOMARY

CUTOFF FIXTURE. An outdoor lighting fixture shielded or constructed in such a manner that no more than 2 1/2 percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

DAY CARE. Any child or adult care arrangement for three (3) or more individuals who receive care away from their primary residence by persons other than their parents, children, grandparents, aunts, uncles, brothers, sisters, first cousins, nieces, nephews, guardians, or full-time custodians, where care is provided on a regular basis at least once per week for more than four (4) but less than 24 hours per day.

DAY CARE CENTER. A day care facility in which day care is provided for thirteen (13) or more children when any child is preschool-age, or sixteen (16) or more other children and/or adults.

DAY CARE HOME, LARGE. A facility in which day care is provided for six (6) to twelve (12) preschool-age children or up to fifteen (15) other children and/or adults.

DAY CARE HOME, SMALL. An operation in which day care is provided for up to five (5) preschool age children, or up to eight (8) other children and/or adults.

DECIDUOUS. A plant or tree with foliage that is shed annually.

DEED RESTRICTION. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the Stanly County Register of Deeds. Also known as a restrictive covenant.

DEMOLITION LANDFILL. See LANDFILL, CONSTRUCTION AND DEMOLITION

DESIGNATED RESPONSIBLE PARTY. The local contact person responsible for responding to complaints or issues stemming from the use of the dwelling unit as a short-term rental.

DETENTION STRUCTURE. A permanent structure designed for the temporary storage of storm-water runoff in order to reduce the peak rate of discharge from a site.

DETERMINATION. A written, final, and binding order, requirement, or determination regarding an administrative decision.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two (2) or more parcels.

(A) Except as provided in subsection (C) hereof, for the purposes of these regulations, the following activities or uses shall be considered development:

(1) The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;

(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;

(3) Alteration of the shore or bank of a pond, lake, river, or other waterway;

(4) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;

(5) Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; including but not limited to excavation, grading, filling, clearing or alteration of land;

(6) Deposit of refuse, solid or liquid waste, or fill on a parcel of land; or

(7) The subdivision of land as defined in G.S. 160D-802

(B) Development includes all other activity customarily associated with it. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.

(C) For the purposes of these regulations the following operations or uses shall not be considered development; some may, however, require a certificate of zoning compliance:

(1) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;

(2) Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;

(3) A change in use of land or structure from a use within a specified category of use to another use in the same category;

(4) A change in the ownership or form of ownership of any parcel or structure;

(5) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or

(6) The clearing of survey cuts or other paths of less than four (4) feet in width.

DEVELOPMENT APPROVAL. An administrative or quasi-judical approval made pursuant to GS160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not

limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. This also includes all other regulatory approvals required by regulations adopted pursuant to GS160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT, MULTI-PHASED. A development containing 25 acres or more that is both: submitted for a development permit approval to occur in more than one phase, and subject to a master development plan with committed elements showing the type and intensity of use of each phase.

DEVELOPMENT PERMIT. An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following: zoning permits, site plan approvals, special use permits, variances, administrative relief, certificates of appropriateness, plan approvals, development agreements, building permits, subdivision of land, state agency permits for development, driveway permits, erosion and sedimentation control permits, and sign permit.

DEVELOPMENT SITE. See BUILDING SITE or DEVELOPMENT.

DIRECT LIGHT. Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

DISPOSAL. As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISTURBED AREA. An area subject to erosion due to the removal of vegetative cover and/or earthmoving activities.

DOUBLE FRONTAGE LOT. See LOT, DOUBLE FRONTAGE.

DRIP LINE. An imaginary vertical line extending from the outermost portion of the tree's canopy to the ground.

DRIVE-THROUGH SERVICE WINDOW. A customer service facility located within the principal structure as an accessory to an office or retail establishment, which is intended to enable the customer to transact business with a salesperson, or service representative located within the principal structure without exiting the motor vehicle.

DRY CLEANING AND LAUNDRY PLANTS. A building, portion of a building, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersions in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto.

DRY CLEANING AND LAUNDRY SERVICES. A building, portion of a building, or premises used for the collection and distribution of dry cleaning or the cleaning of fabrics, textiles, wearing apparel, or articles of any sort without the immersion of such articles in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system.

DWELLING. Any building, structure, manufactured home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Camper trailers, recreational vehicles and tents are not considered dwellings.

DWELLING, SINGLE FAMILY. See RESIDENTIAL BUILDING, SINGLE FAMILY

DWELLING, TWO FAMILY. See RESIDENTIAL BUILDING, DUPLEX

DWELLING UNIT. A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family. This does not include manufactured homes as defined by this ordinance.

DWELLING UNIT, ACCESSORY, ATTACHED. A second dwelling unit connected to or located within three (3) feet of a residential building, which is restricted in area, purpose and occupancy in accordance with this ordinance.

DWELLING UNIT, ACCESSORY, DETACHED. A dwelling unit located within an accessory structure, which is located more than three (3) feet from the principal structure and is restricted in area, purpose and occupancy in accordance with this ordinance.

EASEMENT. A grant of one (1) or more of the property rights for a specific purpose by the property owner to, or for the use by a utility, the public or another person.

EASEMENT, CONSERVATION. A voluntary legal agreement between a land trust or similar organization in which the landowner places restriction on the use of the property in order to protect the natural values of the land. The landowner retains ownership of the property and all rights for its use, except for the uses restricted under the easement.

EASEMENT, NEGATIVE ACCESS. An easement that allows no driveway or other vehicular access to a lot from an adjacent public street.

EASEMENT, SIGHT. An easement that grants the right to maintain an unobstructed view across property, which is normally located at a street intersection.

EMERGENCY SHELTER. A facility providing temporary housing for one (1) or more individuals who are temporarily or permanently homeless due to disaster, evacuation or other similar civil emergency.

ENGINEER. A person licensed to practice engineering in the State of North Carolina.

EVERGREEN. A plant or tree with foliage that persists year-round.

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation.

EXHIBITION BUILDING. A structure or facility designed, intended, or used primarily for public gatherings, indoor exhibitions, galleries, or conventions.

EXTRACTION OF EARTH PRODUCTS. Mining activities as defined in N.C. General Statutes 74-49l; summarized as the breaking of surface soil in order to remove minerals, ores, or other solid materials

FAÇADE. The exterior wall of a building extending from grade to the top of the parapet, wall, or eaves that is exposed to public view.

FAIRGROUNDS. An area of land use including, but not limited to: agricultural related office buildings, animal judging shows, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

FALL ZONE. The area in which a wireless or other tower support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

FAMILY. Any number of persons living together as a single housekeeping unit. The term family shall not be construed to include any group of persons living together as a fraternal, sororal, social, honorary, or professional organization.

FARM, BONA FIDE. A bona fide farm includes the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products as defined in G.S. 106.581.1 having a domestic or foreign market. For purposes of this ordinance, the production of a nonfarm product that the Department of Agriculture and Consumer Services recognizes as a 'Goodness Grows in North Carolina' product that is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

a. A farm sales tax exemption certificate issued by the Department of Revenue.

b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.

c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.

d. A forest management plan.

FARM PRODUCT SALES. Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

FARMER'S MARKET. The seasonal selling or offering for sale at retail of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables.

FEED AND FLOUR MILL. Establishments primarily engaged in milling flour or meal from grains (except rice) or vegetables, and/or milling flour and preparing flour mixes or doughs.

FEED AND SEED STORE. Establishments primarily engaged in the retail sale of supplies directly related to the day-to-day activities of agricultural production.

FENCES. Fences may consist of masonry, rock, wire, vinyl, wooden material or other customary fencing material. Fences may be installed or constructed on private property to retain personal property, to maintain privacy or for aesthetic reasons. Height shall be measured from the highest adjacent grade on each side at any point along the fence to the highest horizontal member of the fence or where the vision is obstructed by more than 30% by any member of the fence at that point, whichever is higher. Fences not obstructing, impeding, or otherwise restricting the view more than 30% shall not be considered a fence.

FENCING, LIVE. Live fencing is the use of live woody plant species for fences. This may either consist of individual fence posts connected with wire or other fencing material, or it may be in the form of densely planted hedges without interconnecting wire.

FIRING RANGE, INDOOR, COMMERCIAL. A commercial facility, composed of shooting ranges, ammunition storage areas, classrooms, administrative offices and related facilities which are designed for the safe discharge of various types of firearms or the practice of archery. Commercial shooting ranges shall be fully enclosed, constructed and maintained to meet the most current Range Design Criteria as established by the U.S. Department of Energy.

FIRING RANGE, OUTDOOR, COMMERCIAL. A commercial facility, including its component shooting ranges, safety fans or shotfall zones, parking areas, all structures for classrooms, administrative offices, ammunition storage areas and other associated improvements, designed for the purpose of providing a place for the discharge of various types of firearms or the practice of archery. Commercial shooting ranges shall be constructed and maintained to meet the most current Range Design Criteria as established by the U.S. Department of Energy.

FIXTURE. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing; a mounting bracket or pole socket; a lamp holder; a ballast; a reflector or mirror; and/or a refractor or lens.

FLAG. A piece of durable fabric of distinctive design attached to a permanent pole, which is used as a symbol or decorative feature.

FLEA MARKET. A sales area indoors or outdoors in which space is set aside or rented and which is intended for use by one (1) or more individuals to sell a variety of articles such as those which are either handmade, used, old or obsolete.

FLOOD, FLOODING. A temporary rise in stream flow or stage that results in water over topping stream banks and inundating areas adjacent to the watercourse or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain cross-section information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD LAMP. A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in outdoor area lighting.

FLOODLIGHT. A form of lighting designated to direct its output in a diffuse, more or less specific direction, with reflecting or refracting elements located external to the lamp.

FLOOD PRONE AREA. See FLOODPLAIN.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

FLOODPLAIN, ONE-HUNDRED YEAR. The channel and area abutting a watercourse, which would be covered with water during a 100 year flood as designated by reports and data provided by the Federal Emergency Management Agency and as shown on the zoning map.

FLOODPLAIN, FIVE-HUNDRED YEAR. The channel and area abutting a watercourse, which would be covered with water during a 500 year flood as designated by reports and data provided by the Federal Emergency Management Agency.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOODWAY. The portion of the channel and floodplain of a stream designated by Federal Emergency Management Agency reports and data as adequate to provide passage for the one-hundred year flood, without increasing the elevation of that flood at any point by more than one (1) foot.

FLOODWAY FRINGE. An area lying outside the floodway, but within the floodplain.

FLOOR. The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from the exterior walls or from the centerline of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

FOOD AND BEVERAGE STORE. An establishment primarily engaged in selling food or beverages for home preparation and consumption off-premises.

FOOTCANDLE (fc). The amount of light falling onto a surface.

FOREST MANAGEMENT PLAN. A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. A forest management plan shall include silvicultural practices that both ensure optimal forest productivity and environmental protection of land by either commercially growing timber through the establishment of forest stands or by ensuring the proper regeneration of forest stands to commercial levels of production after the harvest of timber.

FRONT LOT LINE. See LOT LINE, FRONT.

FRONT YARD. See YARD, FRONT. The lot boundary that coincides with a public street or space.

FRONTAGE, BUILDING. The façade of a structure facing the street.

FUEL DEALER. An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels.

FULL CUTOFF FIXTURE. An outdoor lighting fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

FUNERAL HOME. An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

GASOLINE STATION, LARGE. A retail establishment which primarily sells gasoline to the public and which may include a convenience store, garages for passenger vehicle repair with associated vehicle storage areas, and an automatic carwash as accessory uses.

GASOLINE STATION, NEIGHBORHOOD. A retail establishment which primarily sells gasoline to non-commercial vehicle operators, having no more than two (2) canopies and eight (8) separate pumping stations, and providing only minor passenger vehicle repairs.

GENERAL RETAIL. See RETAIL, GENERAL.

GUEST HOUSE (TOURIST HOME). An owner or operator-occupied building in which rooms are rented to transient guests for compensation where no other accommodations are provided for such guests.

GLARE. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see or to cause annoyance, and, in extreme cases, causing momentary blindness.

GOLF COURSE. An area designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, and green, and may have one (1) or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

GOLF DRIVING RANGE. An open-air golf practice facility.

GRADE. The elevation of the land or land that is level at a specific point.

GRADE, EXISTING. The elevation along the ground surface of a site as recorded in topographic mapping at two (2) foot or four (4) foot contour intervals, on file in the Zoning Administrator's office, or as surveyed and mapped at a contour interval of not more than four (4) feet, by a licensed surveyor.

GRADE, FINISHED. The elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.

GROUND LEVEL. For floodway purposes, the existing average elevation of the land.

GROUND SIGN. See SIGN, GROUND MOUNTED.

GROUP CARE FACILITY. A transitional housing facility for more than 20 residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes: (A) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol; (B) To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals; and, (C) To provide shelter and support for older adults and persons who are handicapped.

A Group Care Facility shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

GROUP HOME A. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six (6) residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall include family care homes, as defined in North Carolina General Statute 168- 21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

GROUP HOME B. A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than 12 residents, exclusive of supervisory personnel, including but not limited to handicapped persons, older adults, foster children, and abused individuals. This unit shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

GUEST. The person(s) renting a residential dwelling unit for compensation for fewer than thirty (30) consecutive days.

HABILITATION FACILITY A. Any facility in which one (1) to eight (8) handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses SCHOOLS, ELEMENTARY or SCHOOLS, SECONDARY. These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HABILITATION FACILITY B. Any facility in which more than eight (8) handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses SCHOOLS, ELEMENTARY or SCHOOLS, SECONDARY. These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

HANDICAPPED PERSON. A person with a physical or mental impairment which substantially limits one (1) or more of such a person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by G.S. 122C-3.11(b).

HAZARD TO AIR NAVIGATION. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS MATERIAL. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA), Section 302, Extremely Hazardous Substances; The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Hazardous Substances; Section 311 of the Clean Water Act (CWA) (oil and hazardous substances); or any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HAZARDOUS MATERIALS TREATMENT FACILITY. A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following: (A) A facility which manufactures hazardous materials from component nonhazardous materials; (B) A facility or location for the long term or perpetual storage of hazardous materials; or (C) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

HAZARDOUS SUBSTANCE. Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals, which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemical, which are carcinogens, toxins, corrosives, or irritants.

HAZARDOUS WASTE MANAGEMENT FACILITY. Any commercial hazardous waste management facility that accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. A hazardous waste management facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. This definition includes hazardous materials treatment facilities as defined herein.

HEALTH SERVICES, MISCELLANEOUS. This class of use includes outpatient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses.

HEIGHT FOR AIRPORT OVERLAY. For the purpose of determining the height limits in all zones set forth in the Airport Overlay District and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT, BUILDING. The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed

penthouses or equipment rooms are considered a part of the building and included in the calculation of building height.

HELICOPTER LANDING PAD. The designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.

HELIPORT. A helicopter terminal facility for general public transportation with support facilities. The word heliport shall mean an area on the ground used by helicopters, which may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking and other necessary buildings and open spaces. The term heliport includes the terms heliports and public-use heliport as contained in federal aviation administration publications.

HELISTOP. A limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. The word helistop shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term helistop includes the terms private-use heliport and personal-use heliport as contained in federal aviation administration publications, except for the limitations on the facility as noted in this definition.

HISTORIC STRUCTURE. Any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of the Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determine by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a local inventory of historic landmarks in communities with a "Certified local Government (CLG) Program"; or

d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government CLG) Program".

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Natural and Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

HOLIDAY DECORATION. Holiday displays, decorations and greetings, which relate to any federally designated holiday, legal holiday or religious holiday.

HOME OCCUPATION, CUSTOMARY. Use conducted for financial gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display. Not over twenty-five (25%) of the total floor space of any residential structure shall be used for home occupations. (See Section 411)

HOME OCCUPATION, RURAL. A business, profession, occupation, or trade that is conducted in a detached accessory building in the rear yard of a residential use of greater scale than the Customary Home Occupation, but which is still secondary and incidental to the residential use. (See Section 412)

HOMESTAY. The rental of a room(s) within a private residence for compensation not to exceed thirty (30) days while the permanent occupant resides on-site during the duration of the rental period.

HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

HORSE. Any domesticated animal of the genus equus.

HOSTING PLATFORM. An online platform that allows property owner(s) to advertise a dwelling unit as a short-term rental and facilitates the booking transaction for accommodations between a short-term rental owner and short-term rental guest, including, but not limited to, reservations and/or collection of payment for such accommodations on behalf of the short-term rental owner.

HOTEL. Any building containing three or more guest rooms which are used, rented, or hired for sleeping purposes by transient guests and with access to units primarily from interior lobbies, courts or halls. Hotels shall include a lobby/check-in area, maid's room, 24-hour on-site staffing/management and shall provide daily housekeeping services to all guests.

IMPERVIOUS SURFACE COVER. Any structure or material that significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the zoning ordinance, wooden slatted decks and the water area of a swimming pool are considered pervious.

IMPROVEMENT. Any structure or constructed feature not included under the definition of structure.

INDEPENDENT LIVING FACILITY. A facility providing living arrangements for the elderly in single family, duplex, or multi-family units designed to allow a predominately independent lifestyle within the framework of a larger, unified, health maintenance environment.

INFILL DEVELOPMENT. The construction of a building on a vacant parcel located in a predominantly developed area.

JUNKYARD. The use of more than 600 square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof regardless of whether such material is for sale. See also MOTOR VEHICLE DISMANTLING AND WRECKING YARD.

KENNEL. A commercial operation that: (1) provides food and shelter and care of animals for purposes not primarily related to medical care (a Kennel may or may not be run by or associated with a veterinarian) or (2) engages in the breeding of animals for sale. Incidental breeding and offering the resultant litter for sale shall not constitute the operation of a kennel

LABORATORY, RESEARCH. A facility in which scientific or developmental research is performed, but which does not include mass production or mass manufacturing of goods and commodities.

LAMP. The source of electric light: the bulb. To be distinguished from fixture and luminaire.

LANDFILL, CONSTRUCTION AND DEMOLITION. A sanitary landfill that accepts construction or demolition debris or solid waste from construction, remodeling, repair or demolition operations on pavement, buildings or other structures or other solid wastes as approved by the county health department.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID). A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

LANDFILL, SANITARY. A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

LANDSCAPING. Any live plant material such as trees, shrubs, ground cover, and grass used in spaces void of any impervious material or building structure and areas left in their natural state.

LANDSCAPE ARCHITECT. A person licensed to practice landscape architecture in the State of North Carolina.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a land use regulation. This includes the decision to approve, amend, or rescind a development agreement.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision.

LIBRARY, PUBLIC. A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

LINEAR FRONTAGE. The length of a property abutting a public right-of-way from one (1) side lot line to another.

LIVE FENCING. See FENCING, LIVE

LIVESTOCK. Animals kept or raised for personal use or pleasure.

LIVESTOCK SALES AND AUCTIONS. A commercial establishment where livestock are collected for sale or auction.

LOT. Land bounded by lines established for the purpose of property division. The term includes water contained in the property so enclosed. As used in this ordinance, unless the context indicates otherwise, the term refers to a zoning lot. A physically defined parcel of land recorded in the Office of the Register of Deeds of Stanly County.

LOT, CORNER. A lot located at the intersection of two (2) or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135°.

LOT DEPTH. The mean horizontal distance between front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot having frontage and access on two (2) or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three (3) or more streets.

LOT, INTERIOR. A lot other than a corner lot with frontage on only one (1) street.

LOT, REVERSE FRONTAGE. A lot having frontage on two (2) or more streets, one (1) of which is a minor or less important street in the community, the access to which is restricted to the minor street.

LOT, THROUGH. See LOT, DOUBLE FRONTAGE.

LOT LINE. A line or series of connected line segments bounding a lot.

LOT LINE, FRONT. The line that separates the lot from a street right-of-way. Corner lots shall have only one (1) front lot line. On corner and double frontage lots, the front lot line shall be determined to be the side facing the more heavily traveled street unless an exception is approved by the zoning administrator.

LOT LINE, INTERIOR. A side lot line, which separates one lot from another lot.

LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the zoning administrator shall designate the rear lot line.

LOT LINE, SIDE. A lot line other than a front or rear lot line.

LOT OF RECORD. A lot described by plat or by metes and bounds which has been recorded in the office of the Stanly County Register of Deeds.

LOT WIDTH. The horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

LOT, ZONING. A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or zoning permit as being that land which is proposed for development under a single development plan.

LUMEN. A unit of luminous flux. One (1) foot-candle is one (1) lumen per square foot. For the purposes of this ordinance, the lumen-output values shall be the initial lumen output ratings of a lamp.

LUMINAIRE. A complete lighting system that includes a lamp or lamps and a fixture.

MANUFACTURED HOME. [See G.S.143-145 (7)]: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1976. “Manufactured homes” are not constructed in accordance with the standards set forth in the North Carolina State Building Code and may also be referred to as a “Mobile Home”.

MANUFACTURED HOME DESIGN CLASSIFICATIONS: For the intent of this ordinance, Manufactured Homes as defined herein shall be classified, and accordingly allowed as provided within the various Zoned District Regulations (formerly section 1302.23).

A. **Manufactured Home, Class A:** 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:

1. Is occupied only as a single family dwelling;
2. Has a minimum width of 16 feet;
3. 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;
4. Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
5. Is set up in accordance with standards established by the N. C. Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter, *with no visible exposed concrete block* ;
6. 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;
7. Has a roof pitch minimum vertical rise of (2.2) feet for each 12 feet of horizontal run;
8. Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
9. Has an eave projection on all sides of no less than six inches, which may include a gutter; and
10. 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 one of which shall consist of a platform of not less than twenty-four (24) square feet and any additional entrance with a platform of not less than nine (9) square feet. The use of wood stairs alone is prohibited at any entrance.

(B) **Manufactured Home, Class B:** A *multi-sectional* or *single section* manufactured home constructed after July 1, 1976 that meets or exceeds the constructions 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:

1. Is occupied only as a single family dwelling;
2. Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
3. Is set up in accordance with standards established by the N. C. Department of Insurance. The foundation may be *either*:

i. a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the N. C. Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation with access installed under the perimeter, and no visible exposed concrete block; or

ii. a replica hand-laid brick or hand-cut stone that provides the authenticity of real brick or stone, with panels made from an injection molded thermoplastic resin formulated with special additives to enhance long-term performance; a weight of approximately 4.5 pounds each for brick or stone panels and 20 pounds per square; panels contain UV inhibitors to protect against damaging sun effects and are highly resistant to harsh weather conditions; the thickness of panels is approximately ¼ inch in brick area to 1/8 inch in mortar area; and will not support combustion:

4. 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;
5. Has a roof pitch minimum vertical rise of 2.2 feet for each 12 feet of horizontal run;
6. Has a roof finish with a Class C or better roofing material that is commonly used in standard residential construction;
7. Has an eave projection on all sides of no less than six inches, which may include a gutter; and
8. 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 one of which shall consist of a platform of not less than twenty-four (24) square feet and any additional entrance with a platform of not less than nine (9) square feet. The use of wood stairs alone is prohibited at any entrance.

(C) **Manufactured Home, Class C:** A *multi-sectional* or *single* section 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 but that does not satisfy all of the criteria necessary to qualify the home as a class A or class B manufactured home but satisfies the following additional criteria: A manufactured home meeting all of the requirements of a Class B Manufactured Home, except criteria (3), (4), (5), (6), and (7); provided however, said manufactured home shall be installed with permanent type non-reflective skirting specifically designed and produced for manufactured homes, or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and access door.

(D) **Manufactured Home, Class D:** A manufactured home that was constructed either prior to, or after, July 1, 1976 that either complies or fails to comply with the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and does not meet the definitional criteria of a class A, class B, or class C manufactured home.

(E) **Manufactured Home, Class E:** A 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 but that does not satisfy all the criteria necessary to qualify the home as a class A, or class B manufactured home but satisfies the following additional criteria:

1. A manufactured home meeting all the requirements of a Class C manufactured home, when moved from one location in Stanly County to another location within Stanly County.
2. A manufactured home that was located in Stanly County as of February 21, 2000, and listed with the Stanly County Tax Assessor and has not been moved outside of Stanly County.

MANUFACTURED HOME PARK. Any lot, tract or parcel or multiple contiguous parcels of land used, maintained or intended to be used, leased or rented for occupancy by four (4) or more manufactured homes, together with accessory structures provided in connection therewith. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

MANUFACTURED HOME SPACE. The land in a manufactured home park allotted to or designated for the accommodation of one manufactured home.

MANUFACTURING OR PROCESSING A. A manufacturing establishment primarily engaged in the fabrication or assembly of products from pre-structured materials or components. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties.

MANUFACTURING OR PROCESSING B. A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products, and the fabrication of wood, leather, paper, water or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution.

MANUFACTURING OR PROCESSING C. A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufacturing A, Manufacturing B, or other use defined in this section. Manufacturing C includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing C may impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution.

MASSAGE AND BODYWORK THERAPY ESTABLISHMENT. Any massage or body work therapy as defined by the North Carolina Massage and Bodywork Therapy Practice Act, G.S. 90-621 et. seq., provided by a person licensed as provided therein to perform such therapy.

MEAT PACKING PLANT. An establishment primarily engaged in the slaughtering of cattle, poultry, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products.

MEDICAL OR DENTAL LABORATORY. An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of

a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession.

MEDICAL AND SURGICAL OFFICES. An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state.

MINING. See EXTRACTION OF EARTH PRODUCTS or QUARRY

MINOR MODIFICATION. Slight changes to conditional zoning, special use permits and other development approvals which do not include modification of use or density requirements.

MIXED USE BUILDING. The combination of two (2) or more allowed uses within a single building.

MIXED USE DEVELOPMENT. A planned development where two (2) or more use categories (commercial, residential, industrial, institutional, etc.) are incorporated on a single development site.

MOBILE HOME. See MANUFACTURED HOME.

MODULAR HOME. A dwelling unit that is constructed in compliance with the North Carolina State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation or other acceptable means established by the North Carolina State Building Code.

MOTEL, MOTOR LODGE, MOTOR INN, TOURIST COURT. Any building containing guest rooms which are used, rented, or hired for sleeping purposes by transient guests, which is distinguished from a hotel primarily by reason of providing exterior ingress and egress to each unit. Motels shall include a lobby/check-in area, maid's room, 24-hour on site staffing/management and shall provide daily housekeeping services to all guests.

MOTOR VEHICLE. Any vehicle that is self-propelled and every vehicle designated to run upon the highways that is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall not include vehicles or implements used in farming or construction but shall include all forms of motorized watercraft.

MOTOR VEHICLE BODY OR PAINT SHOP. An establishment primarily engaged in bodywork, painting, or customizing of automobiles or other motor vehicles.

MOTOR VEHICLE DISMANTLING AND WRECKING YARD. Open storage of more than five (5) dismantled, wrecked, inoperable or unlicensed motor vehicles on any single parcel of property shall constitute an automobile junk yard; however, open storage of no more than one (1) such vehicle shall be allowed on any residentially zoned parcel of property, including the R-A Residential-Agricultural zone. Any permitted open storage of any such vehicle shall be located in the side or rear yard as it relates to the physical location of the primary structure. Corner side lot locations shall require a minimum fifty foot setback from the road easement and/or right-of-way. In addition, no such vehicle shall be located closer than ten feet to any property line.

MOTOR VEHICLE REPAIR AND MAINTENANCE. An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting.

MOTOR VEHICLE SALES, RENTAL AND LEASING. Any use where automobiles, other motor vehicles, watercraft, recreational vehicles or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit.

MOTOR VEHICLE STORAGE YARD. An outdoor area for the storage of more than one (1) wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair, or other disposition. This definition does not include motor vehicle parts, used, Waste Materials, Recyclable Material Merchant Wholesalers, Automotive Parts and Accessories Stores, or Tire Dealers.

MULTI-PHASED DEVELOPMENT. See DEVELOPMENT, MULTI-PHASED.

MULTIPLE BUILDING SITE. A group of two (2) or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

MULTIFAMILY. See RESIDENTIAL BUILDING, MULTI-FAMILY.

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history.

NATURAL OBSTRUCTION. Any rock, tree, gravel, or similar natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.

NIT. A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

NONCONFORMING LOT. Any lot of record that does not meet the dimensional requirements established in these regulations as adopted or amended.

NONCONFORMING STRUCTURE. Any structure that does not comply with all of the requirements established in these regulations as adopted or amended.

NONCONFORMING USE. Any use of land or buildings that does not comply with all of the requirements established in these regulations adopted or amended.

NONPRECISION INSTRUMENT RUNWAY. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or are type navigation equipment, for which a straight-in non precision instrument approach procedure has been approved or planned.

NONRESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

NON STORE RETAIL. See RETAIL, NONSTORE.

NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL. An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants which are grown at the establishment.

NURSING CARE INSTITUTION. A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six (6) or more non-related persons for whom planned or continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both but not specifically for mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

OBSTRUCTION. Any structure, growth, or other subject, including a mobile object, which exceeds a limiting height set forth in Section 613.3 of the Airport Overlay District.

OFF-GRID SOLAR SYSTEM. See SOLAR SYSTEM, OFF-GRID.

OFFICE. A use or structure in which business or professional services are conducted or rendered.

OFFICE, MISCELLANEOUS. Office uses not specifically listed and defined elsewhere in this ordinance as a principal use.

OFFICES, PROFESSIONAL. An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

OPEN SPACE. Any space or area characterized by natural scenic beauty or where the existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting development and would maintain or enhance the conservation of natural or scenic resources. This may be developed for park and recreational purposes or conservation of land and other natural resources or historic or scenic purposes.

OPEN STORAGE. An unroofed area for the storage of bulk materials or discarded items, whether fenced or not.

OPERATOR. The owner of, or any natural person, company, or rental agency who advertises the property for rent and/or who otherwise facilitates the use of the property as a short-term rental.

OPTICAL SERVICES. An establishment where health practitioners engage in the practice of optometry by providing patients with eye examinations to determine visual acuity or the presence of visual problems. Optical services also include the prescription and sale of such products as eye glasses, contacts, or other instruments intended to enhance visual perception.

OUTDOOR ADVERTISING INDUSTRY. The provision of outdoor displays or display space on a lease or rental basis.

OUTDOOR DISPLAY, RETAIL. An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items, which require outdoor display.

OUTDOOR LIGHTING. Any light source that is installed or mounted outside of an enclosed building, but not including streetlights installed or maintained along public or private streets.

OUTDOOR STORAGE AREA. Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, but excluding temporary construction and related activities and closed bay docks.

OUTPARCEL. A separately leased or owned lot developed apart from but linked functionally to a larger development site.

OWNER. Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title in fee simple to the whole or to part of a structure or parcel of land. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of applying for development approvals.

Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner.

OWNER-SHORT TERM RENTAL. The owner of record of the short-term rental property as recorded in the Stanly County Register of Deeds Office. The owner shall be a natural person, or any form of business entity recognized by the State of North Carolina. If the owner is a form of business entity, the business entity shall maintain current registration with the North Carolina Secretary of State.

PARAPET WALL. That portion of a building wall or false front that extends above the roof line.

PARCEL. See LOT.

PARKING, LOT OR DECK. A principal or accessory use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

PERENNIAL STREAM. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions and identified on 7.5 Minute United States Geological Survey (U.S.G.S.) Quadrangle Maps by solid blue lines.

PERSON. An individual, firm, partnership, corporation, company, association, joint stock association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or governmental entity; includes a trustee, a receiver, and assignee, or a similar representative of any of them.

PERSONAL SERVICES I. Establishments primarily engaged in provided services involving the care of a person or his or her apparel. Personal services shall include: Laundry and dry cleaning establishments, carpet and upholstery cleaning, photographic studios, beauty and barber shops, nail salons, shoe repair, physical fitness centers and clubs and tanning salons.

PERSONAL SERVICES II.

PHARMACY. A place where drugs and medicines are prepared and dispensed by prescription from a hospital, medical or dental clinic.

PHOTOVOLTAIC SYSTEM. See SOLAR SYSTEM, PHOTOVOLTAIC.

PLANNED DEVELOPMENT. A subdivision of land not subsequently subdivided into conventional streets and lots and designated for ownership by separate property owners. A Planned Development may include within it a variety of forms of comparable residential and/or commercial occupancy and ownership such as single-family detached housing, single-family attached housing, service establishments, offices and stores. Significant areas of common properties, which may include private streets, are owned and maintained by private ownership associations or are dedicated to a county or municipality.

PLANTING YARD. Area where required plantings are located.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

PREMISES. See LOT.

PRIMARY SURFACE. A surface longitudinally centered on an airport runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The width of the primary surface is set forth in Section 613.2

of the Airport Overlay District. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL BUILDING OR STRUCTURE. A building or structure containing the principal use of the lot.

PRINCIPAL USE. The primary purpose or function that a lot serves or is proposed to serve.

PROGRESSIVE CARE COMMUNITY. An area of land including one (1) or more buildings under unified management, planned and developed as a unit to provide for the traditional residency and care of the elderly in a full range of living and care arrangements which includes at least two (2) of the following: independent living and care, congregate care, or nursing care institutions.

PUBLIC. Under the control or responsibility of the Federal, State or local government on behalf of the general population, rather than individual or private control.

PUBLIC SEWAGE DISPOSAL SYSTEM. An approved sewage disposal system serving ten(10) or more connections, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by County or State Health Officials.

PUBLIC WATER SUPPLY SYSTEM. Any water supply system serving more than one (1) dwelling unit, approved by County or State Health Authorities, shall be considered a public water supply system; except that dwelling located on the same lot or parcel as any such system shall be considered as being served by a private system and minimum lot or parcel sizes shall be maintained as such.

PUBLIC WORKS FACILITY. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission.

QUARRY. An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of a development regulation which requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

RECREATIONAL FACILITY, PUBLIC. An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

RECREATIONAL SERVICES, INDOOR. Establishments engaged in providing indoor recreation services. Such may include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

RECREATION SERVICES, OUTDOOR. Establishments engaged in providing outdoor recreation services such as public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or

membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

RECREATIONAL VEHICLE. A vehicle type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreational purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle. See TRAILER, CAMPER

RECREATIONAL VEHICLE PARK AND CAMPGROUND. Any lot or parcel of land used or intended to be used for the accommodation of two (2) or more recreational vehicles or non-vehicle campers for transient dwelling purposes.

RESIDENTIAL BUILDING. A building that contains one (1) or more dwelling units.

RESIDENTIAL BUILDING, DUPLEX. A residential building which contains two (2) dwelling units and which occupies one (1) zoning lot and designed to be occupied by no more than two (2) families living independently of each other.

RESIDENTIAL BUILDING, MULTI-FAMILY. A residential building that contains three (3) or more dwelling units. This definition includes condominiums and apartment complexes.

RESIDENTIAL BUILDING, SINGLE FAMILY. A detached residential building which contains one (1) dwelling unit, other than a manufactured home and which occupies its own zoning lot, designed for and occupied by one(1) family only. This term includes modular housing units.

RESIDENTIAL BUILDING, TOWNHOUSE. A residential building that contains three (3) or more dwelling units where each unit occupies a separate lot of record.

RESIDENTIAL VACATION RENTAL. The rental of any single-family dwelling, duplex, townhouse, condominium or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes for transient guests for any period of time less than 30 days. This term does not include other transient lodging such as hotels, motels, lodges, bed and breakfast establishments, boarding or rooming houses, which are otherwise authorized under this ordinance.

RESIDENTIAL VACATION OPERATOR. The owner of a residential vacation rental or a responsible party designated by the owner to act for and on behalf of the owner in managing the property. If the operator is not the owner, the actions, undertakings and certifications of the operator shall be binding on the owner.

RESIDENTIAL VACATION PROPERTY. Real property used or intended to be used for residential vacation or vacation rental purposes.

RESTAURANT (WITH DRIVE-THROUGH SERVICE). An establishment which prepares and delivers food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE). An establishment that prepares and serves food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms, and outdoor cafes.

RESTAURANT, DRIVE-IN. An establishment that prepares and serves food and beverages primarily to customers seated in their parked motor vehicles. This can be in combination with restaurants with indoor eating facilities or drive-through service.

RESTAURANT, TAKE-OUT. An establishment that prepares and serves food and beverages but only for customers to take away to eat. A take-out restaurant can have a drive-through service.

RESTRICTIVE COVENANT. See DEED RESTRICTION

RETAIL, GENERAL. An establishment primarily engaged in selling goods to the public.

RETAIL, NONSTORE. A use that retails merchandise using non-store methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping.

RETAIL STORE, LARGE. A single retail or wholesale use which occupies no less than 5,000 square feet of gross floor area, typically requires high parking to building area ratios, and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

RETAIL STORE, SMALL. A single retail or wholesale use which occupies less than 5,000 square feet of gross floor area, typically requires low parking to building area ratios, and has a local or neighborhood sales market.

RIDING STABLES. An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

RIGHT-OF-WAY. The legal right of public passage, especially vehicular, over land.

ROOF LINE. The highest point of a flat roof or mansard roof, and the lowest point of a pitched roof, excluding any cupolas, chimneys, minor projections or ornamentation.

ROOF PITCH. A comparison of the vertical rise to the horizontal run of a roof structure above a building.

ROOMING HOUSE. An owner or operator-occupied building where, for compensation, lodging only is provided.

RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SANITARY SEWAGE SYSTEM. An approved sanitary sewage system means a complete system of sewage collection, treatment and disposal and includes: (A) Connection to a public, community, or municipal sewage treatment and disposal system. (B) Connection to a private or individual septic tank and ground absorption sewage treatment and disposal system with its collection and treatment components. (C) Proper and specific approval, including permits, operation, and maintenance, from the governing bodies and agencies having jurisdiction. See PUBLIC SEWAGE DISPOSAL SYSTEM

SANITARY STATION or DUMP STATION. A facility provided for the removing and disposing of wastes from holding tanks, generally in recreational vehicle parks.

SATELLITE DISH. A type of receive-only antenna that is dish-shaped and is used to receive satellite signals, primarily television transmissions. See ANTENNA.

SAWMILL. A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

SCHOOL, ELEMENTARY AND SECONDARY. A public or private school providing instruction to students in kindergarten through grade twelve.

SCHOOL, PRIVATE. A structure used primarily by and for any two (2) or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, PUBLIC. A structure used primarily by and for any two (2) or more age or grade levels in grades kindergarten through 12 and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of state law. This includes Charter Schools. Any school for children age six (6) or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

SCHOOL, VOCATIONAL OR PROFESSIONAL. A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or elementary or secondary school.

SCREEN. The physical separation (visual barrier) of two or more different land uses or lots typically by landscaping (with evergreen plants), berms, fences, or walls that creates a barrier between uses or lots.

SEMI-CUTOFF FIXTURE. An outdoor fixture shielded or constructed in such a manner that it emits no more than five percent (5%) of its light above the horizontal plane of the fixture, and no more than 20 percent (20%) of its light ten degrees (10°) below the horizontal plane of the fixture.

SENSITIVE AREA. An area not suitable for development, which includes the occupancy of animal and plant habitats that are rare and valuable due to their special role in an ecosystem, which could be disturbed by human activities and development. These areas are known to include wetlands, floodplains, and geologically hazardous sites.

SERVICE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

SERVICES A, BUSINESS. An establishment primarily engaged in providing service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings.

SERVICES B, BUSINESS. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings.

SETBACK. An open space other than a courtyard unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward except and specifically provided in these regulations, provided, however, that fences and walls may be permitted in any setback subject to height limitations established generally or for the district, and further provided that poles, posts and other customary accessories, ornaments, furniture and landscaping shall be permitted in any setback if they do not constitute substantial impediments to free flow of light and air across the setback or violate provisions of these or other regulations regarding visibility. Covered garages, storage areas, or porches whether enclosed or not shall be considered as part of the main building and shall not project into the required yard.

SETBACK LINE, REQUIRED. A line marking the setback distance from the street or lot lines, which establishes the minimum required front, side and rear open space of a lot.

SHADE TREE. Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHOOTING RANGE, INDOOR. The use of a completely enclosed structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOOTING RANGE, OUTDOOR. The use of land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

SHOPPING CENTER. Any single commercial structure or group of structures designed to house multiple businesses on the same lot of record, and regulated under the provisions of Section 608 of this ordinance.

SHORT TERM RENTAL. See RESIDENTIAL VACATION RENTAL

SHORT-TERM RENTAL PERMIT. ("STR permit") The authorization required to use the property as a whole-house or homestay short-term rental upon registration. The short-term rental zoning permit shall include a registration number. No person shall rent, lease, or otherwise exchange for compensation any portion of a dwelling unit intended for use as short-term rental without first registering the property and securing a short-term rental zoning permit.

SHRUB. A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

SIGHT DISTANCE TRIANGLE. The triangular area formed by the point of intersection of two (2) street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection.

SIGN. Any object, display or structure, or part thereof, which includes words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN AREA. The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

SIGN FACE. That part of the sign that is or can be used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting, to attract attention.

SIGN HEIGHT. The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

SIGN STRUCTURE. The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.

SIGN, ANIMATED. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, ATTENTION-GETTING DEVICES. Inflatable characters or shapes, air puppets, statues(other than memorials or grave markers), symbols, and objects used to attract attention to a lot, building, business or activity are considered signs.

SIGN, BANNER. A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind.

SIGN, BEACON. Any sign with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.

SIGN, BILLBOARD. A type of sign, generally off-site and often, but not always, consisting of a rigidly assembled sign, display, or device, that is affixed to the ground or to a building.

SIGN, BLADE. A flag sign which is normally taller than wide and in any shape, i.e. feather, flutter, teardrop, rectangle. Blade signs are a type of temporary sign.

SIGN, CANOPY (AWNING). A sign attached to or painted or printed onto a canopy or awning. See also SIGN, MARQUEE

SIGN, CHANGEABLE COPY. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign.

SIGN, COPY. Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

SIGN, DIRECTIONAL. An on-premises sign designed to guide vehicular and/or pedestrian traffic.

SIGN, DIRECTORY. A sign on which the names and locations of occupants or the use of a building or property is identified.

SIGN, FLAG. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

SIGN, FLASHING. A sign that uses an intermittent, scrolled or flashing light source or windblown, solar and/or mechanically moved reflective material to attract attention.

SIGN, FREE-STANDING. Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

SIGN, GROUND MOUNTED. Any sign which extends from the ground or which has supports which place the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

SIGN, IDENTIFICATION. A sign which indicates the name, purpose or importance of a structure, feature or place.

SIGN, ILLUMINATED. A sign either internally or externally illuminated. See SIGN, LIGHTED or SIGN, LUMINOUS

SIGN, INCIDENTAL. A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through menu boards, signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

SIGN, INSTRUCTIONAL. See SIGN, DIRECTIONAL

SIGN, INTERACTIVE. An electronic or animated sign that reacts to the behavior or electronic signals of the viewer.

SIGN, LIGHTED. A sign illuminated only by light cast upon the sign from an external light source.

SIGN, LUMINOUS. A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

SIGN, MARQUEE. Any sign attached to, in any manner, a marquee. For the purposes of this definition, a marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, designed and constructed to provide protection from the weather.

SIGN, MEMORIAL OR PLAQUE. A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

SIGN, MONUMENT. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than 18 inches above the adjacent grade.

SIGN, MULTI-TENANT. See SIGN, DIRECTORY

SIGN, MURAL, BUILDING WRAP, SUPER GRAPHICS. A sign mounted painted or mounted on the side of a building.

SIGN, OFF-PREMISES. A sign at a location other than the premises for which the purpose of the sign is erected.

SIGN, ON-PREMISES. A sign on the premises for which the purpose of the sign is erected.

SIGN, PEOPLE. A sign held by a person or a person in a costume or decorative clothing.

SIGN, PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, PERMANENT BANNER. Any banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags.

SIGN, POLE. A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

SIGN, PORTABLE. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs attached to A- or T-frames(sidewalk signs); changeable letter signs, electronic message signs, menu and sandwich board signs; balloons and umbrellas. Portable Signs are considered to be Temporary Signs.

SIGN, PROJECTED-IMAGE. Any image projected onto a building, sidewalk or other surface using laser light or other projection technology.

SIGN, PROJECTING. Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

SIGN, PUBLIC INTEREST. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

SIGN, ROOF. Any sign erected and constructed wholly or partially on or over the roof or parapet of a building.

SIGN, SNIPE. Any sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, street lights, or other objects, or placed on any public property or in the public right-of-way.

SIGN, SUSPENDED. A sign that is suspended from the underside of a surface and is supported by such surface.

SIGN, TEMPORARY. A sign that is not permanently installed in the ground or affixed to any structure or building.

SIGN, VEHICULAR. Signs painted on or attached (wrapped) to parked vehicles visible from the public right-of-way and located on or near the premises for which the purpose of the sign was created.

SIGN, WALL. Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

SIGN, WINDOW. Any sign, pictures, symbol, or combination thereof, placed inside a window or upon the window panes or glass and is visible from the exterior of the window. This may include an etching of the glass.

SITE PLAN. A scaled drawing and supporting text in writing showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

SOLAR COLLECTOR. A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The device may be roof mounted or ground mounted as an accessory use.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY POWER GENERATION SYSTEM, ACTIVE – a SEPGS that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

SOLAR FARM. A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power from an area greater than the principal use on the site.

SOLAR MOUNTED DEVICES. Devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR, PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.

SOLAR SYSTEM, BUILDING INTEGRATED. An active solar system that is an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems include but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

SOLAR SYSTEM, OFF-GRID. A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

SOLID WASTE. Any hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

(A) Fowl and animal fecal waste;

(B) Solid or dissolved material in any of the following:

(1) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters;

(2) Irrigation return flows; or

(3) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;

(C) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;

(D) Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 through 104E-23); or

(E) Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

SPECIAL USE PERMIT. A permit issued and approved in writing to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. A Special Use Permit may only be granted following an evidentiary hearing before the Board of Adjustment. This term includes permits previously referred to as conditional use permits.

STABLE. A building for the storage of products, feed, and equipment for livestock and for the permanent housing and feeding of livestock. No pasture is required for the livestock to graze under this definition.

STABLED HORSE. A horse that is used for professional or private use and that is not dependent upon pastureland for survival. This definition shall also include working horses.

STEALTH TELECOMMUNICATIONS ANTENNAE. Telecommunications antennae that are housed within a building or on a structure so that the antennae are disguised as some other permitted structure or use.

STEALTH TOWER. See TOWER, STEALTH

STORAGE AND SALVAGE YARD. The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items. This definition does not include motor vehicle storage yard, motor vehicle dismantling operations, automobile graveyards or junkyards.

STORAGE TANKS, ABOVE GROUND. Storage tanks located above ground that are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids and materials.

STORAGE TANK, WATER. A standpipe or elevated tank used to store a supply of water or to maintain equal pressure on a water system.

STORY. That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third (1/3) of the area of the floor immediately below.

STREAM BUFFER. An area of natural or planted vegetation through which storm-water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The stream buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

STREET. A right-of-way for vehicular travel.

STREET, ARTERIAL. A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area or region to another; a thoroughfare. Also referred to as a major thoroughfare.

STREET, COLLECTOR. A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two (2) or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

STREET, MINOR RESIDENTIAL. Those streets whose primary function is to provide direct access to residential property.

STREET, MINOR NON-RESIDENTIAL. Those streets whose primary function is to provide direct access to commercial-industrial property.

STREET, CUL-DE-SAC. A short minor street having one (1) end open to traffic and the other permanently terminated by a vehicular turnaround.

STREET, PARALLEL FRONTAGE ROAD. A public or private street adjoining or parallel to an arterial street designed to provide access to abutting property in place of the arterial.

STREET, PRIVATE. An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

STREET, PUBLIC. A right-of-way or fee simple tract of land that has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either a municipality or the State of North Carolina.

STREET LINE. The outer boundary of a street right-of-way.

STREET RIGHT-OF-WAY. Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or a municipality, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the County of Stanly; or has otherwise been established as a public street prior to the adoption of this ordinance.

STREET PLANTING YARD. The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping.

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, towers, cranes, smokestacks, overhead transmission lines, earth formations, sheds, and similar accessory construction; however, it does not include landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, open unattached stairs, recreational equipment, flagpoles, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, metal telephone cabinets, cable television or similar electronic cabinets.

STRUCTURE, ACCESSORY. A structure detached from a principal building on the same zoning lot, the use of which is customarily incidental to the principal building. This includes swimming pools, secure enclosures for dangerous animals, freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

STRUCTURE, DETACHED. For purposes of determining setback requirements for accessory structures, a structure, which is separated from an adjacent structure by at least three (3) feet, as measured from any part of the structure.

STUDIO. A working place or place of study for a painter, sculptor, photographer, dancer or person engaged in a similar artistic pursuit.

SUBDIVIDER. Any person, firm, corporation, or entity that subdivides or develops any land deemed to be a subdivision as herein defined.

SUBDIVISION. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions when any one (1) or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition:

(A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Stanly County Subdivision Regulations.

(B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.

(C) The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way.

(D) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Stanly County Subdivision Regulations.

(E) The division of land into plots or lots for use as a cemetery.

(F) Subdivisions resulting from proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two (2) or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance or the Stanly County Subdivision Regulations.

SUBDIVISION, MAJOR. Subdivision not defined as a Minor Subdivision.

SUBDIVISION, MINOR. Subdivision involving 4 or fewer lots or parcels subject to the regulations of this ordinance, fronting on an existing, approved public or private road(s), not requiring any new public road(s) or not requiring a waiver or variance from any requirement of the Stanly County Subdivision Ordinance.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds fifty percent (50%) of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. “Substantial improvement” shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or county code specifications necessary to insure safe habitation of the structure.

SUBSTANTIALLY COMMENCED WORK. To establish permit choice or vested rights, work is substantially commenced when physical work on the project has resulted in grading being completed or construction of infrastructure (i.e. water, sewer, roads, storm drainage) has begun or evidence is presented to the Zoning Administrator that at least 25% of the engineering, landscape design and similar certifiable plans have been completed.

SURVEYOR. A person licensed to practice surveying in the State of North Carolina.

TELECOMMUNICATIONS EQUIPMENT BUILDING. The buildings in which the electronic receiving and relay equipment for a telecommunication facility is housed.

TELECOMMUNICATION TOWER AND FACILITIES. A structure either freestanding or attached to a building, principally intended to radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and primary and accessory equipment related to broadcast services, cellular or digital telephone services, pagers, beepers, data, and common carriers (as regulated by the Federal Communications Commission), including FM, AM, two-way radio, fixed point microwave, commercial, satellite, cellular and PCS communication systems. The term telecommunication tower does not include electrical or telephone transmission lines or supporting structures, antennae of amateur radio (HAM) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennae less than 60 feet in height with transmitting power of 250 watts or less. This definition also includes accessory buildings and related equipment required for the telecommunication facility.

TEMPORARY STRUCTURE. A building placed on a lot for a specific purpose that is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, guardhouses, and produce stands.

TEMPORARY FAMILY HEALTH CARE STRUCTURE. A modular building, not exceeding 300 square feet, placed temporarily on a residential lot to house a first or second degree relative who is certified by a doctor to be a "mentally or physically impaired person" per G.S. 160D-918.

TERMINAL, FREIGHT. Any facility for handling freight, with or without storage and maintenance facilities.

TESTING AND RESEARCH LABORATORY. An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc.

THEATER, DRIVE-IN. An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles.

THEATER, INDOOR. An establishment for the indoor viewing of motion pictures by patrons.

TIRE RECAPPING SHOPS. Establishments primarily engaged in repairing, retreading, and rebuilding tires from natural or synthetic rubber.

TOURIST COURT. See MOTEL

TOURIST HOME. See GUEST HOUSE

TOWER, BROADCAST. An above-grade tower or similar structure more than 35' in height, intended for communications equipment principally intended for the transmittal or reception of commercial, governmental, educational, and public television and radio signals. Towers or similar structures installed on or attached to tops of buildings, water tanks, or similar facilities shall be included in this definition. This definition includes accessory buildings and related equipment required for broadcast towers.

TOWER, GUYED. A type of wireless transmission tower that is supported by guy wires.

TOWER, LATTICE. A self-supporting three (3) or four (4) sided, open steel frame structure used to support telecommunications equipment.

TOWER, MONOPOLE. A slender, self-supporting tower used to support telecommunications equipment.

TOWER, STEALTH. Any tower that is designed to blend into the surrounding environment.

TRAILER, CAMPER. A vehicle with or without its own motive power, equipped or used for travel, vacation or recreational temporary living purposes and mounted on wheels or designed to be so mounted and transported. See RECREATIONAL VEHICLE

TRAILER, DEPENDENT. A travel trailer which does not have a flush toilet, a lavatory, a bath or shower.

TRAILER PARK. See MANUFACTURED HOME PARK

TRANSIENT GUESTS. A person or group of persons who are tourists, vacationers, travelers, residents or workers staying in an area for a short length of time, generally less than 30 days.

TRANSITIONAL SURFACES. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

TREE. A large, woody plant having one (1) or more self-supporting stems or trunks and numerous branches. May be classified as deciduous or coniferous/evergreen.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of 15 to 35 feet in height and meets the specifications of the American Standards for Nursery Stock published by the American Association of Nurserymen.

UNIVERSITY, COLLEGE, COMMUNITY COLLEGE AND JUNIOR COLLEGE. A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

UPWARD. Projection of light above the horizontal plane.

USE, ACCESSORY. A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use.

USE, PRINCIPAL. The primary or predominant use of any lot or parcel.

USE, TEMPORARY. A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

USGS. United States Geological Survey.

UTILITIES. Facilities of any agency which, under public franchise or private/corporate ownership, provide the general public with electricity, gas, oil, water, sewage, cablevision, WIFI, electronic sign, or rail transportation. The term "utility" shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

UTILITIES SERVICE AREA. An area which contains any surface-mounted heating, ventilation, or air conditioning equipment or freestanding above-ground devices, such as utility boxes, booster boxes, switch gear, and transformers, which are part of an underground utilities system:

(A) Private utility service area. An area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or

(B) Public utility service area. An area, on either private or public property, which contains utility structures owned by a utility for the service of one (1) or more premises, but excluding utility substations.

UTILITY RUNWAY. An airport runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VARIANCE. Relief from the requirements of this ordinance in writing granted by the Board of Adjustment.

VESTED RIGHT (ZONING). A right established pursuant to the provisions of this ordinance to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in GS160D-108 or under common law.

VETERINARY SERVICES. Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies.

VISUAL RUNWAY. A runway intended solely for the operation of aircraft using visual approach procedures.

WALL, BUILDING. The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this Ordinance, the area of a wall will be calculated for a maximum of fifty (50) feet in height of a building.

WAREHOUSING. Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products.

WAREHOUSING, SELF STORAGE. Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units.

WASTE INCINERATOR. A site with one (1) or more facilities that use thermal combustion processes to destroy or alter the character or composition of waste products, not including hazardous waste management facilities.

WASTE TRANSFER STATION. A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

WATER DEPENDENT STRUCTURES. Those structures for which the use requires access or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATERSHED. A watershed is an area in which natural ridgelines form the outer perimeter of a basin which diverts rainfall and natural drainage into streams or rivers which in turn drain to lower elevations. When such watershed contains Class I and II reservoirs, then such area is regulated by the Rules and Regulations for the Protection of Public Water Supplies as adopted by the North Carolina State Board of Health.

WHOLE-HOUSE SHORT TERM RENTAL. The rental or lease of an attached or detached residential dwelling unit for compensation to guests for a duration not to exceed thirty (30) consecutive days.

WHOLESALE TRADE A. An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or for professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk lots for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over 25% of sales to retail customers require the appropriate retail zoning district.

WHOLESALE TRADE B. An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or for professional business uses; or to other wholesalers. Merchandise may be stored outside or inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk lots for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over 25% of sales to retail customers require the appropriate retail zoning district.

WIND ENERGY SYSTEM, LARGE. A wind energy conversion system consisting of one or more wind turbine(s), a tower(s), and associated control of conversion electronics, which has a rated capacity of more than 20 kW.

WIND ENERGY SYSTEM, SMALL. A wind energy conversion system consisting of a single wind turbine, a tower, and associated control of conversion electronics, which has a rated capacity of not more than 20 kW. Multiple systems located on agriculture farms as defined in the zoning ordinance are also considered small wind energy systems even if the aggregate kW exceeds 20, provided the primary intent is to generate power to reduce on-site consumption.

YARD. A space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky where encroachments and accessory buildings are expressly permitted.

YARD, FRONT. An open unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way line and the front line of the building, projected to the side lines of the lot.

YARD, INTERIOR SIDE. An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot and extending from the rear line of the front yard to the front line of the rear yard.

YARD, REAR. An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

YARD SALE. A one(1) or two(2) day activity occurring at a residential dwelling no more than four (4) times in any given twelve (12) month period where items for which the residents have no further use are being resold to the general public. Yard sales do not include items which were originally obtained to be resold to the general public. Group yard sales are allowed with the same requirements. Off-street parking shall be provided. Yard sales shall be considered an accessory use.

YARD, STREET SIDE. The yard extending along the length of the lot between the required front yard and the required rear yard adjacent to a public right-of-way or private access easement, and between the side lot line and the side building setback line as required in this ordinance.

ZERO LOT LINE. The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

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