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For any use which requires the issuance of a conditional use permit, the performance criteria listed herein may be in addition to any other fair and reasonable conditions placed on such use by the Board of Adjustment. Such conditions may impose greater restrictions on a particular use than those that are listed herein.

SECTION 8.1 RESIDENTIAL TYPE USES

8.1.1 RIDING STABLES / RIDING RINGS

All buildings, structures and facilities (including riding rinks/rings but excluding pasture lands) designed for use or occupancy of animals shall be located at least one hundred (100) feet from any lot line.

8.1.2 ASSISTED LIVING CENTER; CONTINUING CARE FACILITY; NURSING HOME

- A. Any facility which is licensed to have greater than fifty (50) residents shall maintain a side setback of at least twenty (20) feet and a rear setback of at least forty (40) feet when the side or rear yard abuts a residential district or a lot containing a principal residential use, unless a greater setback is otherwise required for the zoning district in which it is located.
- B. Any facility on a lot that abuts a residentially zoned district must install a Type B buffer along the property line.

8.1.3 DAY CARE CENTER, CLASS A

- A. The facility must be staffed by at least one (1) person who resides in the dwelling in which the day care center is located.
- B. Outdoor play areas shall be located in the rear or side yards only.
- C. All outdoor play areas shall be surrounded by a fence or wall at least four



(4) feet in height. Outdoor play areas shall not include driveways, parking areas, or other land unsuitable for play use.

- D. The day care center shall be located in a structure originally designed and constructed as a single-family dwelling. Said structure shall be the principal structure on the lot. The exterior of the structure (aside from the allowed day care signage) shall not be altered in a manner that diminishes its single-family dwelling characteristics.

8.1.4 DWELLING, MIXED USE

- A. The dwelling unit and the commercial use shall occupy the same principal structure.
- B. Lot and yard requirements for this use shall be the same as those for the nonresidential use.
- C. Nonresidential uses shall be limited to those allowed in the zoning district in which the structure is located. A conditional use permit shall be required for any conditional use so listed in the underlying zoning district.
- D. A ratio of one (1) dwelling unit to one (1) commercial use up to a maximum of three (3) each on any parcel.
- E. In all districts, the structure must contain a commercial use for a dwelling to also be located in the structure.
- F. This use is designed for a 2-story structure with the residential use being on the second floor and the commercial use on the first floor.

8.1.5 DWELLING, TWO-FAMILY

Except in the R-2 and R-3 zoning districts, two-family dwellings on corner lots shall have the architectural front of each dwelling unit face separate streets. Street ingress and egress to each unit shall also be from separate streets. The structure must meet the minimum front setbacks from both streets, with the shorter road frontage being the front of the lot for all other setbacks.

8.1.6 FAMILY CARE HOME

A family care home shall be a use by right, except that no family care home shall



be located within one-half (1/2) mile of another family care home unless a special exception is granted by the Board of Adjustment, in accordance with Section 5.12, for such reduced separation.

8.1.7 GROUP HOME

No group care home may be located closer to another such home than one-half (1/2) mile measured by a straight line, and not street distances, in order to prevent the creation of a de facto social service district and to avoid affecting the surrounding neighborhood. "Affecting" means the point at which the number of group care homes or residents therein might become so large that it may alter the character of a neighborhood. This subsection is also intended to protect existing group care homes from the possibility that an over-concentration of such homes might inadvertently create an institutional setting and hinder or negate the purposes of such homes.

8.1.8 MANUFACTURED HOME PARK

- A. A manufactured home located in a manufactured home park that existed on the effective date of this Ordinance may be replaced.
- B. Said replacement manufactured home may be placed on a preexisting manufactured home space provided that the front, side, and rear setbacks for the manufactured home that existed prior to the replacement of the manufactured are not reduced.
- C. Manufactured homes shall be in compliance with all other applicable local and state codes.
- D. In no instance shall a manufactured home park that existed on the effective date of this Ordinance be allowed to expand (i.e., increase in the number of manufactured home spaces) subsequent to the adoption of this Ordinance.
- E. In no instance shall any new manufactured home parks be created after the effective date of this Ordinance.
- F. Refer to Chapter 14 for Manufactured Home Park regulations.



8.1.9 MATERNITY HOME

- A. In the R-1, R-2 and R-3 zoning districts, the use is permitted by right for up to six (6) beds. For a use with seven (7) or greater beds, a conditional use permit shall be required, with a maximum number of beds being no greater than twelve (12).
- B. In the R-1, R-2 and R-3 zoning districts, the structure containing the use shall not exceed three-thousand five-hundred (3,500) square feet.
- C. In the OLC, O-1 and C-1 zoning districts, the use is permitted by right for up to thirty (30) beds. For a use with greater than thirty (30) beds, a conditional use permit shall be required.

8.1.10 MULTI-FAMILY DEVELOPMENT

A. Multi-family Development Guidelines

1. Allowed Zoning Districts

Multi-family developments may be placed in the RMF, TMU, OLC, O-1, CBD, UMU, C-1 and I-U Districts. All multi-family developments should be served by a public water and sewer system.

2. Maximum Residential Density

ZONING DISTRICT	MAXIMUM BY-RIGHT DENSITY (Units per Acre)
RMF	8
TMU	8
OLC	8
O-1	8
CBD	8
UMU	6
C-1	6
I-U	6

NOTE: Any density greater than the above listed requires Conditional Use District (CD) zoning and requires public / community water and sewer.



3. Maximum Building Height

Same as underlying zoning district

4. Minimum Gross Acreage

One (1) acre

5. Common Open Space

In all zoning district except for CBD, the following amount of common open space shall be provided:

- a. Less than ten (10) units: no open space required
- b. 10-49 units: a minimum of ten (10) percent of gross acreage required
- c. 50+ units: a minimum of fifteen (15) percent of gross acreage required

All common open space shall be in accordance with Section 11.7 of this Ordinance.

6. Approval Process

DENSITY OF TRACT (units per acre)*	PIM REQUIRED	APPROVAL Process
Less Than or Equal to 8 or 6	None	Administrative
Greater Than 8 or 6	Yes	Board of Commission with Conditional Use District (CD)

*Refer to table in Section 8.1.10A2

7. Off-street Parking Requirements

Parking shall be provided in accordance with Chapter 10 herein.



8. Screening Requirements

Screening shall be a minimum Type B and installed in accordance with Chapter 11.

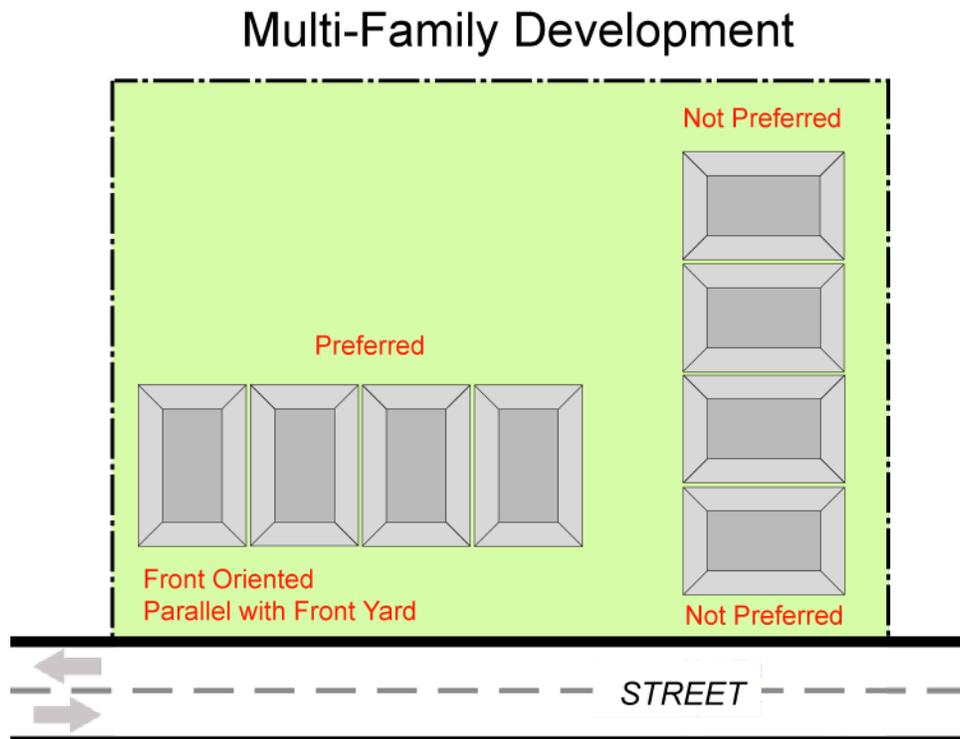
9. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

B. Multi-family Building Design Standards

1. All principal structures located within two-hundred (200) linear feet of the front lot line shall be oriented parallel with the front yard. (NOTE: These orientation requirements shall be waived if screening in the form of a Type B or higher screen is provided in the front yard. This regulation does not apply in the CBD zone.) The Administrator shall have the authority to waive or modify this requirement provided that specific circumstances unique to the subject property would make meeting the required width impractical or impossible.

Figure 8.1.10-1





2. If the interior side or rear yards of the multi-family development abut a Residential (R) district (other than RMF), screening in said yards in the form of a Type C or higher screen shall be provided. This requirement shall not apply in the CBD, TMU and UMU zones or where a proposed multifamily development abuts an existing multifamily development.
3. No off-street parking spaces may be placed in front yard unless a Type B or higher screen is provided in the front yard to shield the parking spaces from the adjoining street. Notwithstanding, in no case may greater than one-half (1/2) of the required off-street parking be placed in the front yard.
4. A minimum separation of ten (10) feet shall be maintained between one-story buildings within the multi-family development.
5. Reserved.
6. A conditional use permit shall be required for any building over three (3) stories in height.
7. At least fifty (50) percent of the front elevation of the building shall be veneered with brick, rock, decorative block, approved stucco and other permitted masonry materials as determined by the Zoning Administrator or approval body in instances where a conditional use permit or conditional zoning is involved.
8. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e., rise over run).
9. All newly constructed buildings shall have a minimum of two (2) different roof elevations on any building with a length over seventy-five (75) feet. Refer to figure 8.1.10-2

Figure 8.1.10-2





10. Each exterior front door that provides access to an individual unit or any shared door [i.e., a door that provides access to more than one (1) unit from the exterior)] shall contain one (1) or more of the following architectural additions: porch, cornice, overhang, arch, etc. to provide protection from the elements to persons entering or leaving the building or unit. Each such element shall extend in or out horizontally for a distance of at least three (3) feet.



11. There shall be a landscaped area at least four (4) feet in width along the entire length of the front façade of each building. There shall be at least one (1) shrub per six (6) linear feet of building. **(NOTE:** This is not applicable in the CBD district. This shall apply in the TMU and UMU districts with a possible administrator's waiver in qualifying instances.)





12. On individual case basis, the Administrator may allow in lieu of the street tree requirements contained in Section 11.4, trees shall be planted between the building and the adjoining public street (at the fringes of the development) as follows:
 - a. Two (2) canopy trees and two (2) understory trees shall be planted for every one-hundred (100) linear feet of public street frontage.
 - b. When the backs of dwelling units face a street right-of-way, the number of plantings required above shall be increased by fifty (50) percent.
13. For buildings greater than one hundred (100) feet long, there shall be no uninterrupted wall length exceeding seventy-five (75) feet. An interruption shall consist of a change in plane by more than one (1) foot or a change in texture / masonry patterns.



For buildings less than one hundred (100) feet long, a minimum of one (1) interruption shall be required within thirty (30) feet of the center of the wall.

14. Sidewalk requirements – refer to section 9.18.1.
15. Greenstrip requirements – refer to section 9.18.2.
16. Curb / Gutter requirements – refer to section 9.18.3



8.1.11 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

A. Planned Residential Development Guidelines

1. Allowed Zoning Districts

All PRDs must be served by a public or community water and sewer system.

2. Maximum Residential Density

Zoning District	By-Right Maximum Density ⁽³⁾	CD Maximum Density
R-1	3 ⁽¹⁾	5 ⁽²⁾
R-2	3 ⁽¹⁾	5 ⁽²⁾
R-3	3 ⁽¹⁾	5 ⁽²⁾
RS-20	3 ⁽¹⁾	5 ⁽²⁾
RS -12	4	6
RS -8	6	8
RMF	8	12
TMU	8	12
OLC	8	12
O-1	8	12
CBD	8	12
UMU	8	12
C-1	8	12
I-U	8	12

⁽¹⁾ By-Right: outside USO district = three (3) units
 Inside USO district = five (5) units

⁽²⁾ CD: Outside USO district = five (5) units
 Inside USO district = seven (7) units

⁽³⁾ Project acreage over four (4) acres in size requires a CD.

3. Maximum Building Height

Three (3) stories, not to exceed forty-five (45) feet.



4. Allowed/Required Housing Types

Each PRD must contain at least two (2) of the following housing types (except that in no instance shall a PRD consist entirely of townhouses / rowhouses and multi-family dwellings):

- Single-family residential units (excluding manufactured homes)
- Lot line house
- Patio house
- Village house
- Atrium house
- Duplex
- Twin House
- Townhouse
- Rowhouse
- Multi-family dwellings

Outside the Urban Standards Overlay District, a majority of the housing units must be of the single-family (detached) variety.

5. Minimum Gross Acreage

Three (3) acres, except for five (5) acres in the R-1, R-2, or R-3 districts.

6. Common Open Space

At least twenty (20) percent of the gross acreage of the PRD shall consist of common open space per Section 11.7.

7. Approval Process for a PRD

See Section 8.1.11A2 above for density allowed. Process for CD, if required, is located in Section 5.16.5.

8. Off-street Parking Requirements

Refer to Chapter 10 for parking requirements.



9. Screening Requirements

There are no mandated screening requirements within the PRD. A minimum Type B screening shall be provided at the fringes of the PRD, in accordance with Chapter 11.

10. Sidewalk / Greenstrip / Curb and Gutter Requirements

Refer to Section 9.18.1(E) for sidewalk requirements; Section 9.18.2 for greenstrip requirements; Section 9.18.3 for curb and gutter requirements.

11. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

12. Street Requirements

- a. Streets within the PRD should have a design speed of thirty (30) miles per hour and a posted speed of twenty-five (25) miles per hour. Higher design and posted speeds may be allowed on major boulevards that provide through access to the PRD and adjoining developments.
- b. All streets (including alleys) within the PRD shall be publicly maintained (if not NCDOT maintained, then the Home Owners Association must maintain). All streets (but not including alleys) shall be designed to have on-street parking on at least one (1) side of the road. The street network within the PRD and with adjacent streets outside the PRD shall be interconnected to the greatest degree feasible and practical.
- c. Alleys in the PRD shall have a minimum paved surface of sixteen (16) feet and a minimum right-of-way width of twenty-four (24) feet. Alleys shall meet all other applicable NCDOT design and construction, except that alleys shall not be required to have curb and gutter and shall not be required to have an inverted crown for drainage.



- d. Cul-de-sacs shall be limited in number within the PRD and shall not be used to avoid street connections. Cul-de-sacs shall be no greater than two-hundred fifty (250) feet in length.
- e. Block lengths shall be no less than five-hundred (500) and no greater than eight-hundred (800) feet in length.
- f. Street trees shall be provided per Section 11.4 in all PRDs.

B. PRD Building and Lot Standards

The following design standards shall apply (in the Urban Standards Overlay only, the stricter of the two standards shall apply):

1. Multi-family Buildings



- a. Front build-to lines shall be 0-15 feet behind the sidewalk.
- b. Building facades shall be parallel to the adjoining street.
- c. Trash dumpsters are to be located to the rear of the building.
- d. The primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- e. Building elevations fronting and/or visible from public streets shall



be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, wood, cement fiberboard, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- f. Multi-family buildings shall have porches that form a predominant aspect of the building design. Porches shall constitute at least fifteen (15) percent of the front façade of each apartment unit in the building.

Example: A multi-family building has a front façade area of two thousand four hundred (2,400) square feet (i.e., building is eighty (80) feet in length by thirty (30) feet in height) and the façade forms the front of four (4) apartments. Each apartment constitutes six hundred (600) feet of façade area. Thus, fifteen (15) percent of that façade (i.e., ninety (90) feet) must have a porch / balcony protruding from it.



- g. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- h. Multi-family residences shall be separated from detached residential dwellings within the PRD by a street or greenway. If not

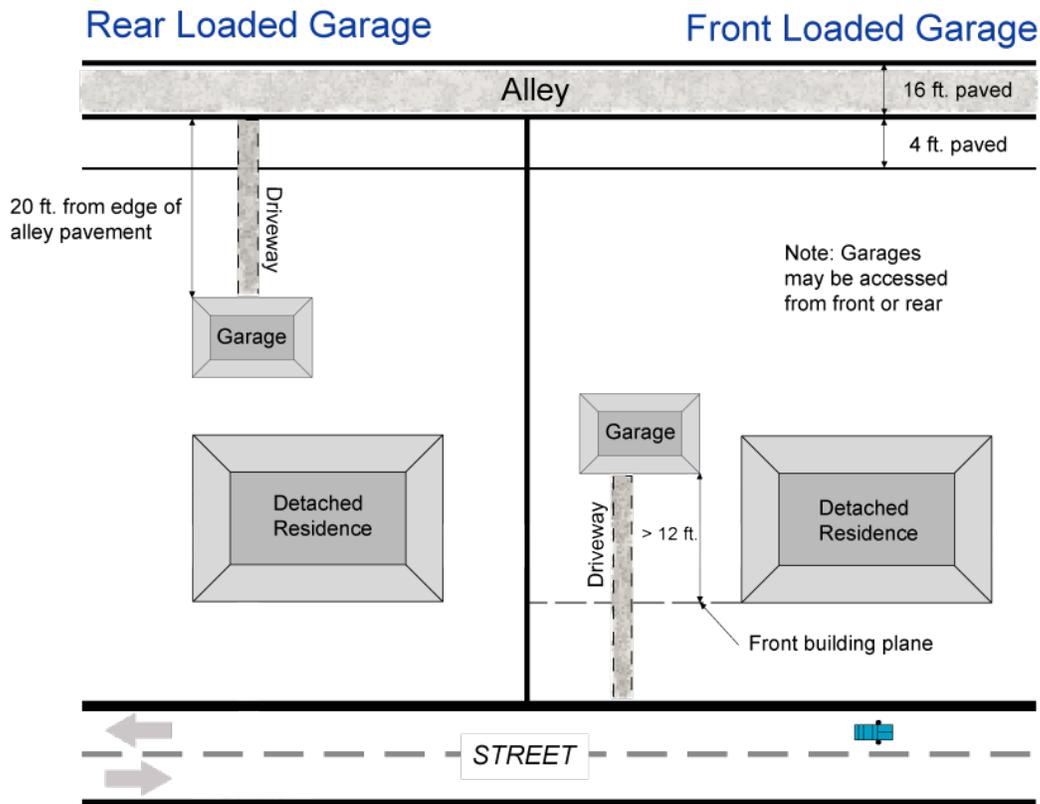


possible, residential uses adjacent to the multi-family residences shall have substantially similar and compatible architectural facades

2. Detached Single-family Residences

- a. Garages may be attached or detached. If detached, they shall be in the side and rear yards only and designed to be entered into from the front or rear street and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to Figure 8.1.11-1 for an illustration of this requirement.

Figure 8.1.11-1



- b. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).



- c. Pedestrian access to the residence shall be from the adjoining front yard sidewalk.



- d. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement fiberboard; wood or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Front porches, where provided, shall be a minimum of eight (8) feet in depth.
- g. Building facades shall be generally parallel to front property line.



- h. Front loaded detached garages are allowed and shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.1.11-1 for an illustration of this requirement.
- i. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area and shall be comprised of materials similar as the principal structure. Otherwise, accessory structures shall be in compliance with Section 9.9 of this Ordinance.

3. Attached Residences



- a. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).
- b. Building facades shall be generally parallel to front property line.
- c. Pedestrian access to the residence shall be from the adjoining street.
- d. Building elevations fronting and/or visible from public streets shall be clad with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal



roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Attached residences shall be separated from detached residential uses in the PRD by a street or greenway. If not possible, residential uses adjacent to the attached residences shall have substantially similar and compatible architectural facades.
- g. Front loaded garages are allowed and shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.1.11-1 for an illustration of this requirement. Detached garages may be located in the rear yard only and designed to be entered into from the rear yard. The garages shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface.
- h. Accessory structures consisting of mailboxes, newspaper boxes, walls, fences, birdhouses, or flag poles may be located in any front, side or rear yard. Otherwise, accessory structures shall be in the rear yard only. Accessory structures greater than fifty (50) square feet in area shall be comprised of the same exterior materials as the principal structure. Otherwise, accessory structures shall be in compliance with Section 9.9 of this Ordinance



8.1.12 RESIDENTIAL DEVELOPMENT, INFILL



A. Infill Development Guidelines

1. Allowed Zoning Districts

An infill residential development must meet each of the following requirements:

- a. Infill residential developments may only be located in the Urban Standards Overlay (USO) District, and then only in the RS-8, RS-12, RS-20, RMF, TMU, OLC, O-1, CBD, UMU, C-1 and I-U Districts. All infill residential developments must be served by a public or community water and sewer system.
- b. An infill residential development shall be located on a site that is: (i) on a (Charlotte Area Transit System (CATS) or Gaston) transit line; or, (ii) on a principal or minor arterial; or, (iii) in an area that lies within a one-quarter (1/4) mile walking distance (and where sidewalk is provided within such quarter-mile) of a CBD district; or, (iv) within such quarter-mile (1/4) walking distance to a shopping center, office park, industrial park, or individual commercial, office, or industrial use, any of which contains one-hundred thousand (100,000) or more square feet GFA.

2. Minimum Lot Size

Four thousand (4,000) square feet or one-half (1/2) the minimum lot size in the underlying zoning district, whichever is greater.



3. Maximum Building Height

Same as in the underlying zoning district

4. Allowed Housing Types

Infill residential developments shall be limited to the following residential types:

- a. Single- family detached dwellings (excluding manufactured homes)
- b. Lot line house
- c. Patio house
- d. Village house
- e. Atrium house
- f. Twin House

5. Gross Acreage (per infill residential development)

- a. Minimum: One (1) acre;
Maximum: Five (5) acres.
- b. In no instance may a second infill subdivision be carved out of the same tract of land (or portions thereof) within any five (5) year continuous period.

6. Minimum Setbacks

For yards on lots located at the perimeter of the infill residential development, the normal required minimum yard for a single-family residential use for the underlying zoning district shall be required. Otherwise, for all other yards within the interior of the development, the following minimum setbacks shall be required:

- Front Yard – Twenty (20) feet
- Side Yard – Five (5) feet
- Rear Yard – Twenty (20) feet

For lot line houses and twin houses, there shall be a minimum principal building separation on adjacent lots of ten (10) feet.



7. Common Open Space

If ten (10) or more housing units are provided within an infill residential development, common open space, in accordance with Section 11.7, shall be provided in the infill residential development. No common space shall be required for infill developments with less than ten (10) units.

8. Approval Process

AREA OF TRACT	PIM REQUIRED	APPROVAL Process
Less than two (2) acres	None	Administrative Approval
Two (2) acres or greater	Yes	Board of Commission with Conditional Use District (CD)

9. Off-street Parking Requirements

Shall be in accordance with Chapter 10.

10. Screening Requirements

There are no mandated screening requirements within the infill residential development.

11. Accessory Structure Requirements

Accessory structure requirements shall be the same as provided in Section 9.9 of this Ordinance, except as provided herein.

12. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.



13. Street Requirements

- a. Streets within the infill residential development may be publicly maintained and must be built to all applicable NCDOT or municipal design standards (except as herein provided). Privately maintained streets are allowed if they are less than three-hundred (300) feet in length and serve less than ten (10) units.
- b. Valley curb and gutter shall be provided on all streets. For streets internal to the infill residential development, two (2) street sections may be used (either option must meet or exceed NCDOT standards):
 1. Have a minimum pavement width of eighteen (18) feet and a right-of-way width of twenty-six (26) feet (with sidewalks); or,
 2. Have a minimum pavement width of twenty-four (24) feet, as measured from back to back of curb, and a minimum right-of-way width of forty (40) feet (without sidewalks). Sidewalks, if provided, shall meet the construction requirements of Section 9.18.1(C).
- c. A minimum two (2) foot utility easement must be provided on each side of the street adjacent to the right-of-way.
- d. Cul-de-sacs and dead end streets can be no greater than three-hundred (300) feet in length.

B. Infill Residential Building Standards

All design standards of the Urban Standards Overlay (USO) District shall be applicable. In addition, the following design standards shall apply (the more restrictive standard shall prevail):

1. Garages may be attached or detached. If detached, they shall be in the rear yard only.
2. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement fiberboard; wood or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Board of Commissioners, in instances where a conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.



3. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
4. Front porches, where provided, shall be a minimum of eight (8) feet in depth.
5. Building facades shall be generally parallel to the adjoining public street. Pedestrian access to each unit may be from the front or rear yard.
6. Accessory structures consisting of mailboxes, newspaper boxes, walls, fences, birdhouses, or flag poles may be located in any front, side or rear yard. Otherwise, accessory structures shall be in the rear yard only. Accessory structures greater than fifty (50) square feet in area and shall be comprised of materials similar as the principal structure.
7. If a twin home is located on a corner lot, the architectural front of each home must face a different street.

8.1.13 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

A. TND Guiding Principles

The following is a summary of the guiding principles of a TND:

1. Principles of Public Realm
 - a. Well-designed places; terminal vistas.
 - b. Non-residential buildings near or at the sidewalk.
 - c. Lots are typically smaller and narrower than in conventional subdivisions.
 - d. Rear access alleys allowed.
2. Principles of Transportation System
 - a. Connected web of streets.
 - b. Cul-de-sacs are to be avoided and, where permitted, are short in length.
 - c. Curved as well as straight streets may be provided.
 - d. Short blocks.
 - e. Sidewalks are located on both sides of the street.
 - f. Two or more points of ingress and egress are provided for the TND.



3. Principles of Mixed Use
 - a. TNDs always contain a mixture of dwelling types (e.g., single-family detached, single-family attached, multi-family, dwellings atop of commercial uses, etc.).
 - b. Denser housing is found near a designated “TND Center”.
 - c. Civic uses are encouraged within the TND.
 - d. Similar types of buildings should face each other on opposite sides of the street.

4. Principles of Architecture
 - a. Commercial buildings should be of the “shop-front” variety that cater to the pedestrian.
 - b. Other non-residential uses within the TND should also be designed so as to cater to the pedestrian.

5. Principles of the TND Center
 - a. Each TND must have at least one neighborhood center (i.e., TND Center) as a focal point of the community.
 - b. The TND center is “ideally” located in the geographic center, although there may need to be some variation to this theme to insure that the center is viable. In certain instances, a nearby, established, and pedestrian-oriented center located outside the TND may serve as an alternative.
 - c. The TND Center shall consist of one or more uses that serve the residents of the TND and can include retail, office and civic uses.
 - d. With limited exceptions (i.e., financial institutions, ATMs), commercial uses should not be automobile oriented.

6. Principles of Open Space
 - a. Compact development should result in preservation of open space.
 - b. TNDs always have public open spaces such as greens, village squares, parks and/or playgrounds.
 - c. Smaller open space areas should be distributed throughout the TND.
 - d. Pre-existing natural features should be retained (to the greatest degree feasible) and be incorporated into the TND.

7. Principles of Civic Uses in TNDs
 - a. Civic uses may serve TND residents only (swimming pools, meeting centers) or the community as a whole (church, school).
 - b. For TNDs located on tracts of less than twenty-five (25) acres, the TND Center can consist entirely of civic uses that serve the TND residents only.



B. TND Development Guidelines

1. Allowed Zoning Districts

TNDs may be allowed in the R-1, R-2, R-3, RS-20, RS-12, RS-8, RMF, TMU, OLC, O-1, CBD, UMU, C-1 and I-U Districts.

2. Maximum Residential Density

None

3. Maximum Building Height (based on TND component)

- a. Village Residential- Three (3) stories
- b. Central Residential- Three (3) stories
- c. TND Center- Five (5) stories, except three (3) stories in all R-1, R-2, R-3, RS-20 and RS-12 districts as well as any TND not located in the Urban Standards Overlay District.

5. Minimum Lot Width

None, except forty (40) feet on any lot containing a detached single-family dwelling unit.

6. Minimum TND Tract Area

Ten (10) acres

7. Required TND Components

Each TND shall contain the following four components:

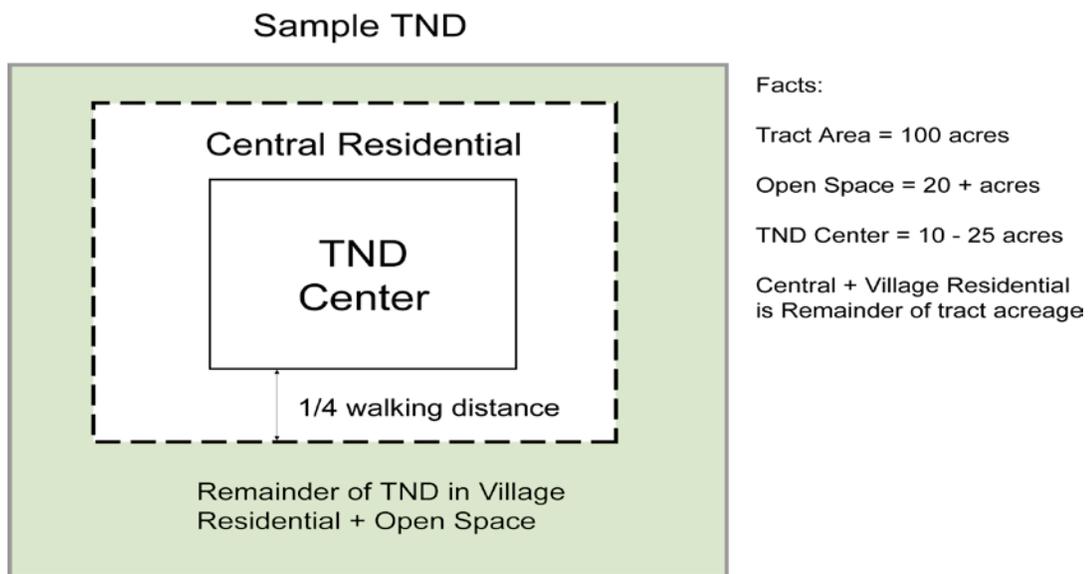
- a. **TND Center-** This is the “Main Street” of the TND and may be located within the center of the TND itself, or on the internal periphery of the TND along a major road emanating from an existing adjacent thoroughfare. Non-residential uses may include retail, office, civic and certain “high-tech, low-impact” manufacturing uses. Residences may also be located in freestanding buildings or on top of non-residential buildings. Civic uses may be located anywhere in the TND Center or in other portions of the TND. If an established pedestrian-accessible town center (i.e., retail area,



equal or greater in size to that which would have been required in the TND itself) lies within twenty-four hundred (2,400) linear feet (as measured by walking distance) from seventy-five (75) percent of the residential units contained in the TND, the TND Center requirement within the TND may be waived.

There may be more than one (1) designated TND Center within the TND; however, there shall be at least one (1) designated “primary TND Center” that accommodates a minimum of seventy-five (75) percent of the total acreage designated as “TND Center”.

Figure 8.1.13-1



- b. **Central Residential-** This shall consist of higher-density residential development, along with civic uses, that lies adjacent (i.e., within $\frac{1}{4}$ mile walking distance from the edge of the primary TND Center) to the TND Center. Residential dwellings can include those of the attached and detached variety that are a maximum of three (3) stories in height.





- c. **Village Residential-** The remaining developed portion of the TND shall consist of “village residential” uses that are limited to detached dwelling units.



- d. **Open Space-** Greenways, Parks, Greens, Village Squares, etc (but not sidewalks or greenstrips), that meet the requirements of Section 11.7.



8. TND Layout Requirements

- a. **Open Space:** Open space shall be provided on a minimum of twenty (20) percent of the gross acreage of the TND. Such open space shall be in accordance with Section 11.7 of this Ordinance and shall be of such variety so as to be readily accessible to all residents of the TND.
- b. **TND Center:** The TND Center shall constitute from ten to twenty-five (10 to 25) percent of the gross acreage of the TND.



- c. Central Residential: There is no maximum acreage standard for the Central Residential portion of the TND.
- d. Village Residential: If all of the residential acreage lies within a one-quarter (1/4) mile walking distance from the primary TND Center, there shall not be a required “Village Residential” component to the TND and the residential component of the TND can be satisfied entirely by the “Central Residential” component.

9. Approval Process for a TND

AREA OF TRACT	PIM REQUIRED	APPROVAL Process
⁽¹⁾ Less than fifteen (15) acres	None	Administrative Approval
⁽¹⁾ Fifteen (15) acres or greater	Yes ⁽²⁾	Board of Commission with Conditional Zoning District (CD)

⁽¹⁾ Irrespective of acreage within the TND, a PIM and conditional zoning shall be required if either the TND Center or any multi-family residential buildings lie (1) directly across a public street from property not within the TND; or (2) within 200 feet from the edge of a property line of a lot not located in the TND that is less than one acre in area and that contains a pre-existing single-family dwelling unit.

⁽²⁾ The Administrator shall be required to meet with the developer and review the TND per Section 5.16.5A to ensure conformity to the Ordinance prior to the PIM being held.



10. Uses Allowed Within the TND

Use	Allowance	Supplemental Regulations	Use	Allowance	Supplemental Regulations
Amusement and Sporting Facility, Indoor	X	8.2.2	Essential Services, Class 2	X	8.4.8
Amusement and Sporting Facility, Outdoor	C	8.2.3	Essential Services, Class 4	X	8.4.9
Animal Hospital, Indoor	X	8.2.4	Family Care Home	X	8.1.6
Art Gallery	X		Fraternal and Service Organization Meeting Facilities	C	8.4.11
ATM	X	8.2.6	Grooming Services	X	
Auction House, Indoor Only	X	8.2.7	Laundromat, closed midnight to 5:00AM	X	
Auditoriums / Assembly Hall / Community Center, less than 500 seats	X		Library	X	
Auditoriums / Assembly Hall / Community Center, 500 or more seats	C	8.4.2	Manufactured Goods, Class 1	C	8.3.7
Bed and Breakfast Inn	X	8.2.12	Offices, including Medical Services, up to 99,999 sf per building	X	
Bus or Train Terminal, passenger	X	8.2.13	Park	X	8.4.14
Business Services	X		Parking Lot	X	8.2.28
Church / Place of Worship	X	8.4.6	Post Office	X	
Convenience Store, closed midnight to 5:00AM	X	8.2.17	Restaurants, no fast food / drive through	X	8.2.31
Day Care Center, Class B	X	8.2.19	Retail, up to 50,000 sf GFA	X	8.2.32
Day Care Center, Class C	C	8.2.19	School for the Arts	X	
Dwelling, Mixed Use	X	8.1.4	Schools, elementary, middle, high	X	8.4.17
Dwelling, Single Family	X		Stadium	C	8.4.20
Essential Services, Class 1	X		Transit Station	C	

Note:

1. X = Use allowed by-right; C = Conditional Use Permit required
2. If a use located in the TND is subject to the issuance of a conditional use permit, and if such use were shown on the site plan originally approved for the TND through the conditional zoning process, issuance of a conditional use permit for such use shall not be needed. In instances where such use was not indicated on and approved as part of the site plan for the conditional rezoning or the parallel conditional use district of the property for the TND, or if the TND were approved administratively, a conditional use permit would need to be issued for such use.
3. Additional specifications for building design and layout in TNDs are indicated elsewhere in this Section.



11. Allowed Housing Types

	TND CENTER	CENTRAL RESIDENTIAL	VILLAGE RESIDENTIAL
Single Family Dwelling (excluding manufactured homes)	Allowed	Allowed	Allowed
Lot Line House	Allowed	Allowed	Allowed
Patio House	Allowed	Allowed	Allowed
Village House	Allowed	Allowed	Allowed
Atrium House	Allowed	Allowed	Allowed
Duplex	Allowed	Allowed	Allowed
Twin House	Allowed	Allowed	Allowed
Townhouse	Allowed	Allowed	Allowed
Multi-family [with up to three (3) stories]	Allowed	Allowed	Not Allowed
Multi-family [with more than three (3) stories]	Allowed ⁽¹⁾	Not Allowed	Not Allowed

⁽¹⁾ Allowed only in TNDs with a gross acreage of fifty (50) acres or greater and located within the Urban Standards Overlay District. Notwithstanding, such type use shall not be allowed in an R-1, R-2, R-3, RS-20 or RS-12 zoning districts.

12. Off-street Parking Requirements

The requirements of Chapter 10 shall prevail except the location of off-street parking shall be as provided for herein based on the building type (i.e., uses within the TND Center must have their parking located entirely within the TND Center.) Parking decks, if used, shall be of the Option “B” and “C” variety as contained in Sections 10.9.2 and 10.9.3 of this Ordinance.

13. Screening Requirements

A minimum type B screening shall be provided along the perimeter of the TND in accordance with Section 11.4. Screening may be required within the TND based on the use types.

14. Accessory Structure Requirements

Accessory structure requirements shall be the same as provided in Section 9.9 of this Ordinance, except as herein provided.



15. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

16. Street Requirements

- a. Streets within the TND should have a design speed of thirty (30) miles per hour and a posted speed of twenty-five (25) miles per hour. Higher design and posted speeds may be allowed on major boulevards that provide through access to the TND and adjoining developments.
- b. All streets (but not including alleys) shall be designed to have on-street parking on at least one (1) side of the road. The street network within the TND and with adjacent streets outside the TND shall be interconnected to the greatest degree feasible and practical.
- c. Alleys in the TND shall have a minimum paved surface of sixteen (16) feet and a minimum right-of-way width of twenty-four (24) feet. Alleys shall meet all other applicable NCDOT design and construction, except that alleys shall not be required to have curb and gutter and shall not be required to have an inverted crown for drainage.
- d. Cul-de-sacs shall be limited in number within the TND and shall not be used to avoid street connections. Cul-de-sacs shall be no greater than two-hundred fifty (250) feet in length.
- e. All primary entrances into the TND shall terminate at a terminal vista.
- f. Block lengths shall be no less than five-hundred (500) feet and no greater than eight-hundred (800) feet in length.
- g. Refer to Section 9.18.3 for curb and gutter.



17. Sidewalk / Greenstrip Requirements

Refer to Section 9.18.1(D) for sidewalk requirements and Section 9.18.2 for greenstrip requirements.

18. Street Tree Requirements

Street trees shall be provided on all streets per Section 11.4.

C. TND Building and Lot Standards

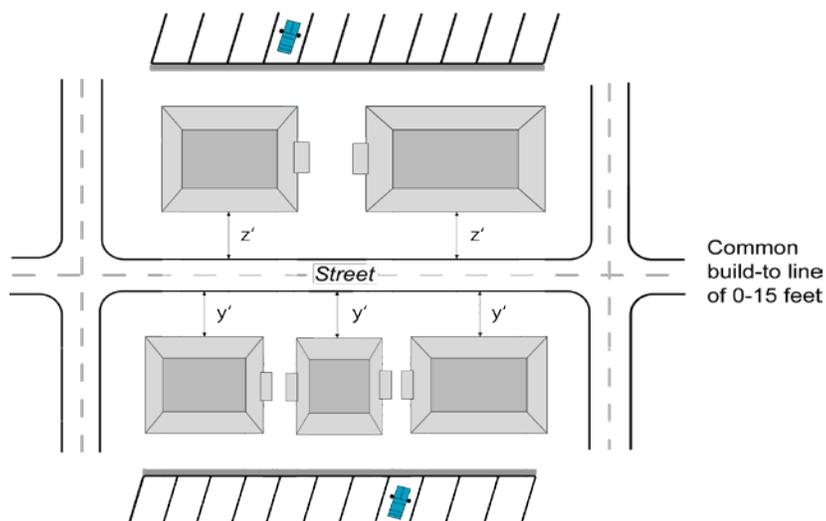
All design standards of the Urban Standards Overlay District shall apply. Refer to Section 9.18.1(D) for provisions relating to sidewalks. In addition, the following design standards shall apply (the more restrictive of the design standards shall prevail):

1. Non-Residential Buildings in the TND Center

- a. Buildings facing each other on the same side of the same street shall maintain a common front build-to line of from zero to fifteen (0-15) feet behind the sidewalk. The Administrator may allow for minor deviations from the build-to line to allow for exterior amenities such as outdoor dining areas, customer drop-off points, etc. Refer to Figure 8.1.13-2 for an illustration of this requirement.

Figure 8.1.13-2

Common build-to lines for non-residential buildings in the TND Center





- b. Building facades shall be parallel to the adjoining street.



- c. Off-street parking shall be to the rear of buildings.
- d. Off-street parking areas shall be inter-connected, wherever possible.
- e. Trash dumpsters are to be located to the rear of the building.
- f. Buildings are to be served with rear-loading alleys.
- g. Primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- h. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, stone or stone veneer, stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- i. Street level windows shall be provided and shall be transparent. Mirror or reflective glass shall not be allowed.



2. Multi-family Buildings

- a. Front build-to lines shall be zero to fifteen (0-15) feet behind the sidewalk.
- b. Building facades shall be parallel to the adjoining street.
- c. Trash dumpsters are to be located to the rear of the building.
- d. The primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- e. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, wood, cement fiberboard, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- f. Outside the TND Center, multi-family buildings shall have porches that form a predominant aspect of the building design. Porches shall constitute at least fifteen (15) percent of the front façade of each apartment unit in the building.
- g. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- h. Multi-family residences shall be separated from detached residential uses within the TND by a street or greenway. If not possible, residential uses adjacent to the multi-family residences shall have substantially similar and compatible architectural facades

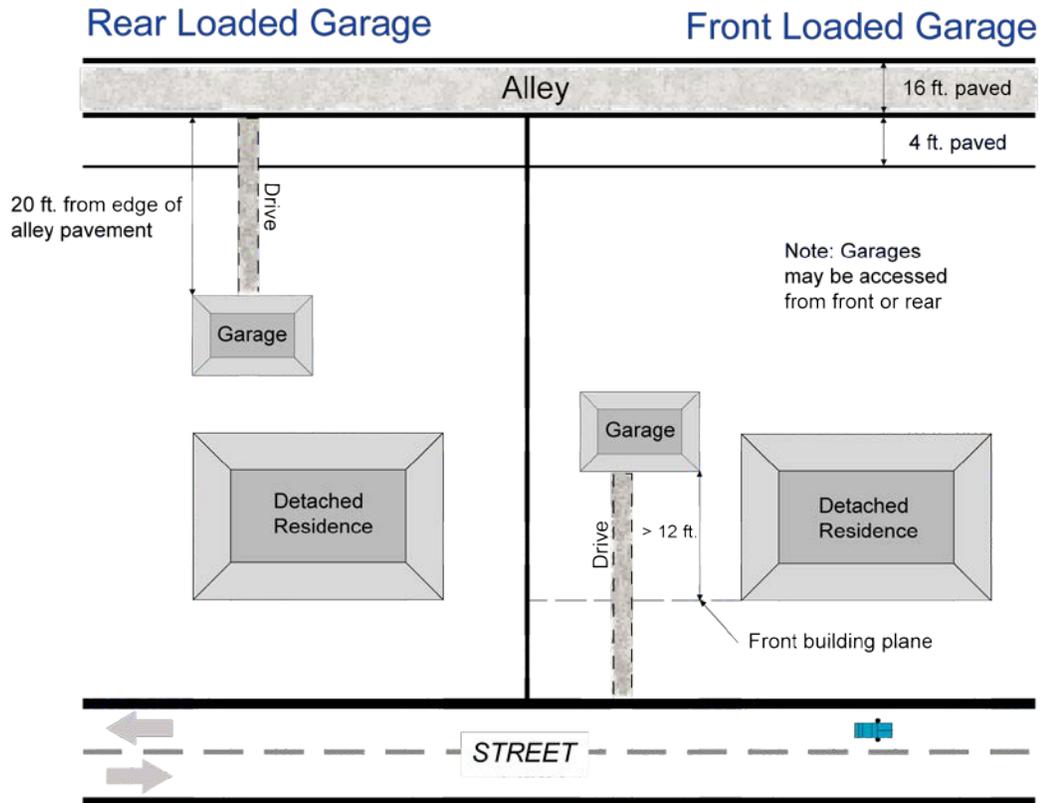
3. Detached Single-family Residences

- a. Garages may be attached or detached. If detached, they shall be in the side or rear yards only and designed to be entered into from the front or rear street and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to Figure 8.1.13-3 for an illustration of this requirement. Up to one (1) accessory dwelling unit may be placed above the garage. Such



dwelling unit shall be exempt from any additional off-street parking requirements.

Figure 8.1.13-3



- b. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).
- c. Pedestrian access to the residence shall be from the adjoining front yard sidewalk.
- d. Building elevations fronting and/or visible from public streets shall be clad with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement fiberboard; wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.



- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Front porches, where provided, shall be a minimum of eight (8) feet in depth.
- g. Building facades shall be generally parallel to front property line.
- h. Front loaded detached garages are allowed outside the TND Center portion of the TND. Such garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.1.13-3 for an illustration of this requirement.
- i. Manufactured homes shall not be allowed.
- j. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area and shall be comprised of materials similar as the principal structure.

4. Attached Residences

- a. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G). Building facades shall be generally parallel to front property line.





- b. Pedestrian access to the residence shall be from the adjoining street.
- c. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- d. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- e. Attached residences shall be separated from detached residential uses in the TND by a street or greenway. If not possible, residential uses adjacent to the attached residences shall have substantially similar and compatible architectural facades.
- f. Garages may be attached or detached. If detached, they shall be in the side or rear yards only and designed to be entered into from the front or rear street and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to Figure 8.1.13-3 for an illustration of this requirement. Front loaded detached garages are allowed outside the TND Center portion of the TND. Such garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch).
- g. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area shall be comprised of the same exterior materials as the principal structure.

5. Civic Buildings

- a. A minimum ten (10) foot front yard setback shall be observed. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G). Off-street parking in the front yard shall be prohibited.
- b. Building facades shall be generally parallel to front property line.



- c. Pedestrian access to the principal buildings shall be from the adjoining front yard sidewalk.
- d. Off-street parking areas shall be inter-connected, wherever possible.
- e. Trash dumpsters are to be located to the rear of the building.
- f. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, decorative concrete block, pre-cast or field poured tilt concrete panels with texture; stone or stone veneer, flush architectural metal panels; stucco or artificial stucco; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed.



- g. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- h. Street level windows shall be provided and shall be transparent. Mirror or reflective glass shall not be allowed.
- i. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below.



8.1.14 CUSTOMARY HOME OCCUPATION

- A. Customary home occupations may be established in any principal dwelling unit as allowed by North Carolina State Building Code. Customary home occupations shall be incidental to a residential unit and shall not be considered a substitute to traditional retail establishments that rely on a substantial amount of walk-in traffic. Customary home occupation requirements shown herein shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located.
- B. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the exterior residential character of the dwelling.
- C. No accessory structures or outside storage of materials or equipment shall be allowed in connection with the customary home occupation.
- D. Use of the dwelling for the home occupation shall be limited to twenty-five (25) percent of the gross heated floor area of the principal structure.
- E. The operator of the customary home occupation must reside on the same lot as where the customary home occupation takes place. Residents of the dwelling plus a maximum of one (1) nonresident may be engaged in the customary home occupation or otherwise report to work at the dwelling.
- F. No products, goods, materials, or equipment associated with the customary home occupation shall be visible from any adjoining street or properties. All such products, goods, materials or equipment shall be stored within the residential dwelling unit. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.
- G. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
- H. Only vehicles used primarily as passenger vehicles (i.e., passenger automobiles, passenger vans and passenger pickup trucks) shall be permitted in connection with the conduct of the customary home occupation. No more than two (2) vehicles shall be used in conjunction with the customary home occupation. Parking in association with the customary home occupation shall only take place in the driveway or garage.



- I. Chemical, mechanical, or electrical equipment or any other activity associated with the customary home occupation that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.
- J. Hours of operation shall be anywhere from 8:00 AM to 8:00 PM only.
- K. Private Instruction in School of Arts in music, dancing, and similar subjects shall be limited to a maximum of two (2) students at a time (including the number of persons waiting on the property to receive such instruction).
- L. Permitted customary home occupations shall be limited to the following:
 - 1. Bakery (Retail)
 - 2. Barber Shop
 - 3. Beauty Shop
 - 4. Bicycle Sales/Service
 - 5. Blueprint and Drafting Service
 - 6. Clock Shop
 - 7. Computer and Data Processing Service
 - 8. Detective Agencies
 - 9. Florist, Retail
 - 10. Florist, Wholesale
 - 11. Food Catering Facility
 - 12. Gunsmith
 - 13. Insurance Agency
 - 14. Key Shop
 - 15. Locksmith
 - 16. Photographic Studio
 - 17. Private Instruction in School of Arts (dance, piano, pottery, etc.)
 - 18. Real Estate Agency
 - 19. Sewing, Cloth and Notions Store
 - 20. Shoe Repair Shop
 - 21. Tailor and Alterations Store
 - 22. Tax Preparation Service
 - 23. Taxidermy
 - 24. Travel Agency
 - 25. Upholstery Shop
 - 26. Watch and Clock Repair Shop
- M. The Administrator shall have the authority to allow a customary home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with customary home occupations listed herein.



8.1.15 RURAL HOME OCCUPATION

- A. The rural home occupations may take place in either the principal residential structure or in an accessory structure. If located in the principal residential structure, it shall be limited to shall be limited to twenty-five (25) percent of the heated gross floor area of the principal structure. If located in an accessory structure, said accessory structure shall have a maximum gross floor area equal to one-half ($\frac{1}{2}$) the heated gross floor area of the principal structure or seven hundred fifty (750) square feet, whichever is smaller.
- B. If located in an accessory structure, the accessory structure shall be in the rear yard only and shall also be located at least seventy-five (75) feet from any existing principal residential structure on any adjacent parcel of land and at least twenty-five (25) feet from any adjoining lot line.
- C. No products, goods, materials, or equipment associated with the rural home occupation shall be visible from any adjoining street or properties. All products, goods, materials or equipment associated with the home occupation shall be stored within the residential dwelling unit or the accessory structure. On-premise sales of products are limited to those made or reconditioned on the premises and those that are necessary to the service being provided.
- D. The operator of the rural home occupation must reside on the same lot as where the rural home occupation takes place. Only residents of the dwelling may engage in the rural home occupation and no more than one (1) full-time person and one (1) part-time person, both of whom do not reside on the premises, may be employed at the home occupation.
- E. Chemical, mechanical, or electrical equipment or any other activity associated with the rural home occupation that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling or accessory structure shall be prohibited.
- F. Except as herein indicated, vehicles used primarily as passenger vehicles may be permitted in connection with the conduct of the rural home occupation. No more than two (2) vehicles shall be used in conjunction with the rural home occupation. Commercial vehicles may also be used so long as such vehicle does not contain more than two (2) axles nor have a load capacity in excess of one (1) ton.
- G. Hours of operation shall be between 8:00 AM to 8:00 PM only.



H. Permitted rural home occupations shall be limited to the following, and as provided in Subsection I below:

1. Auto Repair Shop (see Subsection J below)
2. Bakery (Retail)
3. Barber Shop
4. Beauty Shop
5. Bicycle Sales/Service
6. Blueprint and Drafting Service
7. Clock Shop
8. Computer and Data Processing Service
9. Detective Agencies
10. Florist, Retail
11. Florist, Wholesale
12. Gunsmith
13. Insurance Agency
14. Key Shop
15. Locksmith
16. Machine Shop
17. Photographic Studio
18. Private Instruction for School of Arts (piano, dance, pottery, etc.)
19. Real Estate Agency
20. Sewing, Cloth and Notions Store
21. Shoe Repair Shop
22. Sign Painting Shop
23. Tailor and Alterations Store
24. Tax Preparation Service
25. Taxidermy
26. Travel Agency
27. Upholstery Shop
28. Watch and Clock Repair Shop

I. The Administrator shall have the authority to allow a rural home occupation that is not listed above, provided the Administrator determines that the use will be harmonious with all existing and potential nearby residential uses and meets all of the performance criteria associated with rural home occupations listed herein.

J. Automobile repair shops will only be allowed as rural home occupations subject to the issuance of a conditional use permit per Section 5.12. Any such automobile repair shop must meet the following requirements:

1. The lot containing the automobile repair shop must be greater than two (2) acres in size; and,
2. The outdoor storage of vehicles used in association with the repair



shop is limited to one (1) vehicle per lot.

3. An automobile repair shop, automobile body shop, retail automobile sales operations, or a wholesale sales operation with on-site delivery and storage of goods, shall not be considered as being a rural home occupation.
- K. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the property.

8.1.16 MANUFACTURED HOMES, CLASS C & D

- A. Class C and D homes are permitted within Manufactured Home Parks only, except as permitted below.
- B. Class C homes are allowed to be used as a temporary accessory home as allowed elsewhere in this Ordinance.
- C. The Class D manufactured home must have been located and set up ("set up" shall mean having its own electric / utility connection) at another site in Gaston County as of the effective date of January 9, 1992. In order that the Zoning Administrator may verify that the manufactured home is being moved from a pre-existing set up in Gaston County, a minimum of seven (7) day notice prior to moving the manufactured home shall be given to the Zoning Administrator before the unit can be moved to the site for which the permit is being requested.

8.1.17 PRIVATE RESIDENTIAL QUARTERS

Private residential quarters shall be permitted as an accessory use to any single-family detached dwelling unit (excluding manufactured homes) in accordance with the following requirements:

- A. The same person shall own the private residential quarters and principal dwelling units. The owner of the principal dwelling unit shall live on-site.
- B. A disabled person, family member, an occasional guest or live-in servant shall occupy the private residential quarters.
- C. The private residential quarters shall not serve as a rental unit for gain (except in a Traditional Neighborhood Development).



- D. The private residential quarters may be attached to or separate from the principal dwelling unit. Except in a TND, the private residential quarters may be located in a separate accessory structure if the area of the lot is at least one-hundred fifty (150) percent that of the smallest approved lot size for the TND.

Example: The smallest lot is five thousand (5,000) square feet. The minimum lot size for the lot containing the PRQ to be in an accessory structure shall be a minimum of seven thousand five hundred (7,500) square feet.

- E. If the private residential quarter is in a detached structure, it shall be served by the same driveway accessing the principal structure.
- F. The ground floor area of the private residential quarters shall be no greater than fifty (50) percent of the ground floor area of the principal dwelling unit, or seven-hundred fifty (750) square feet, whichever is less.



- G. If the private residential quarter is located in an accessory structure, said structure shall be located in the rear or side yard. No such structure shall be located closer than fifteen (15) feet from any side or rear lot line (except in a TND). The accessory structure housing the private residential quarters shall not exceed the height of the principal dwelling.



- H. No more than one (1) private residential quarter per lot shall be allowed.
- I. A private residential quarter shall have at least two (2) off-street parking spaces.

8.1.18 AUTO HOBBYIST

- A. Allowed on any lot containing a principal single-family or two-family dwelling, or in a designated manufactured home space within a Manufactured Home Park.
- B. Section 9.17 shall also apply.

SECTION 8.2 OFFICE / COMMERCIAL TYPE USES

8.2.1 ADULT ESTABLISHMENT

This section applies to any new adult establishment, and any expansions, additions, and alterations thereof an existing adult establishment and said business shall conform to the requirements set forth in this ordinance.



- A. Adult establishments have negative secondary impacts upon: adjacent neighborhoods; residential neighborhoods; churches; schools; day care centers; public parks; or when adult establishments are concentrated. Special regulation of these establishments is necessary to ensure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The requirements of this section are therefore established.
- B. This section shall apply to all “Adult Establishments” as defined in NC Gen. Stat. 14-202.10.
- C. Adult establishments shall be permitted subject to the following requirements, except where requirements in other applicable sections of the zoning ordinance are more restrictive:
 - 1. Massage businesses shall be permitted in an I-1 and I-2 zones only. This provision shall not pertain to massage therapists who are licensed or registered medical professionals or other persons certified by a state or nationally recognized organization; nor shall this apply to any private or public fitness center or nonprofit community recreational fitness and service organization, either of which provides massage therapy as a service incidental to the operation of a fitness center.
 - 2. No two (2) adult establishments may be located within five-hundred (500) linear feet of each other.
 - 3. No adult establishment may be located within one-thousand (1,000) linear feet of the property line of any church/house of worship; any public or private elementary, middle, junior high, or high school; children’s camp; library; public park or playground; day care center (except a day care center located within an industrial facility, i.e. building), or two-hundred fifty (250) linear feet from the edge of a residential zoning district.
 - 4. The required distances shall be measured from the closest edge of the property line occupied by an adult establishment to the closest edge of the property line occupied by a church/house of worship; any public or private elementary, middle, junior high, or high school; children’s camp; library; public park or playground; day care center (except a day care center located within an industrial facility, i.e. building); or residential zoning district or another adult establishment. Provided, however, that when an adult establishment is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such establishment.



5. No more than one (1) adult establishment shall be located within the same structure or portion thereof.
6. Doors shall be prohibited on all private viewing booths and the interior of the booth shall be constantly visible to the operator of the establishment.
7. The patron entrance to all adult establishments shall be in the front of the building.
8. No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment. Windows shall be opaque preventing the view of the interior of the building.
9. Irrespective of the sign area regulations contained in Chapter 12, no freestanding signs for adult establishments shall be permitted. Additionally, signs attached to or applied to the building (paint, stickers, etc.) shall not exceed ten (10) percent of the size of the exterior surface wall fronting on a public vehicular area, but in no instance shall exceed fifty (50) square feet. Additionally, signs are limited to text only; graphics shall not be allowed. The text may not include the following terms: "Nude," "Topless," "Erotic" or "XXX."
10. The Board of Adjustment shall have no authority to modify or grant variances from the separation distance requirements listed herein.
11. After the effective date of these regulations, the establishment of a residential zoning district or protected use subsequent to the commencement of an adult establishment will not render the adult establishment nonconforming.

8.2.2 AMUSEMENT AND SPORTING FACILITY, INDOOR

In any Office zoning district, only fitness gyms shall be allowed.



8.2.3 AMUSEMENT AND SPORTING FACILITY, OUTDOOR

- A. All outdoor swimming facilities shall be located at least fifty (50) feet from any adjoining lot line, except one-hundred (100) feet shall be required if adjacent to a residential zoning district.
- B. All outdoor accessory recreational uses (with the exception of swimming pools) located on any lot must be located at least twenty (20) feet from any side or rear lot line; fifty (50) feet shall be required if adjacent to a residential zoning district. These distances shall serve as minimum distances and shall be increased for particular uses as mandated elsewhere in this Ordinance.
- C. Lights shall be turned off after regular hours of operation. Illumination of sporting events shall be permitted after this time only to conclude a scheduled event that was unable to conclude before this time due to unusual circumstances.
- D. The following requirements apply to fairgrounds only:
 - 1. All outdoor recreation facilities and vending stands shall be located at least five-hundred (500) linear feet from a residential district. Otherwise, all buildings or structures, whether permanent or temporary, may not be located within one-hundred (100) feet of any lot line.



2. Access to the site shall be provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- E. The following requirements apply to firing ranges only:
1. For outdoor firing ranges, shooting areas shall be located at least five-hundred (500) linear feet from any property line
 2. The distance from any firing point, measured down range in the direction of fire to the nearest property line of the property on which the range is located shall be at least one-half mile (2,640 feet) at the time of initial construction.
 3. A projectile-proof backstop, consisting of concrete, steel, earth, or any combination, at least fifteen (15) feet above the target line must be erected and maintained behind all target areas.
- F. The following requirements apply to golf driving ranges only:
1. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving or playing areas so as to prevent golf balls from going onto adjacent properties. Such devices, where applicable, may be counted towards any required screening provided.
 2. The minimum lot depth from the tees to the end of the driving area shall be one thousand (1,000) feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
- G. The following requirements apply to recreational fish lakes or ponds only:
- Electronic sound amplification shall not be permitted.

8.2.4 ANIMAL HOSPITAL (INDOOR KENNEL); ANIMAL HOSPITAL (OUTDOOR KENNEL)

- A. If the use shares interior walls with any other use, the animal hospital structure shall be insulated and soundproofed, in order to minimize all loud and disturbing noises that might disturb those persons in adjoining structures or in the nearby vicinity.



- B. For animal hospitals with outdoor kennels only, if the lot containing the use is located within one-hundred (100) feet of a residential zoning district, a conditional use permit per Section 5.11 shall be required.
- C. If the use has an outdoor kennel, it shall meet the requirements of Section 8.2.5, with the exception of the minimum lot size requirements.

8.2.5 ANIMAL KENNEL; ANIMAL SHELTER

- A. Any structure which houses animals which is not fully enclosed, and all animal runs shall each be located at least one-hundred (100) linear feet from any lot line and three-hundred (300) linear feet from any preexisting principal residential structure located on another lot.
- B. An animal kennel may be an accessory use on a lot containing a principal single-family residential use in the R-2 and R-3 districts subject to the regulations contained herein.
- C. Outdoor run areas shall be located in the rear yard only and shall be enclosed by an opaque, decorative fence or masonry wall at least eight (8) feet in height.
- D. In the R-2 and R-3 zoning districts, a minimum lot area of three (3) acres shall be required.
- E. In the C-2 and C-3 zoning districts, a minimum lot area of one (1) acre shall be required.

8.2.6 AUTOMATIC TELLER MACHINE (ATM)

- A. Freestanding ATM structures shall be visible from a public street.
- B. A freestanding ATM must be located outside all required setbacks.



8.2.7 AUCTION HOUSE

- A. In the CBD, UMU, C-1 and IU zoning districts and in all TNDs, if all principal and accessory structures for the use exceed twenty-five thousand (25,000) square feet GFA, a conditional use permit shall be required.
- B. An Auction House with animals requires a Conditional Use Permit and is only allowed in the I-2 and I-3 districts.

8.2.8 AUTOMOBILE BODY SHOP; AUTOMOBILE DETAIL SHOP; AUTOMOBILE REPAIR SHOP

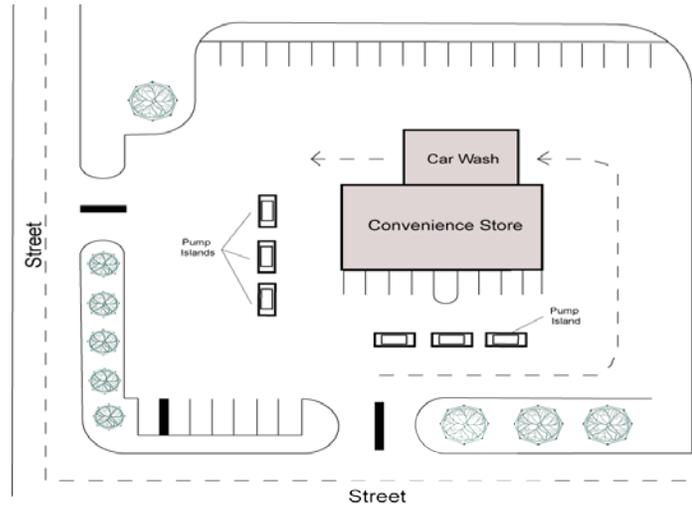
- A. All storage of equipment and materials shall be placed on the lot containing the use and shall not be on any adjacent street or lot.
- B. All painting and/or external repair of damaged vehicles and all "auto body work", shall be done behind closed doors in a properly ventilated, indoor area.
- C. All outdoor storage of damaged or wrecked vehicles to be repaired shall be screened in accordance with Chapter 11. No storage of "salvage" vehicles or parts is allowed.
- D. Any use which also has an automobile towing and wrecking service as an accessory use must meet the requirements contained in Section 8.2.10.
- E. Any use with over seven (7) spaces designated for vehicles waiting for repair must screen such spaces from any public road in accordance with Chapter 11.
- F. Maximum allowed front and side yard parking shall be equivalent to three (3) parking spaces per garage bay. Additional parking spaces shall be located in the rear yard only and shall be substantially screened from any public street before issuance of a certificate of occupancy.
- G. In the IU and R-3 zoning districts, if the lot containing the use is located within one-hundred (100) feet of a residential zoning district or the use has towing and wrecking as an accessory use, a conditional use permit shall be required.



- H. In the R-3 zoning district, the total gross floor area of all principal and accessory structures shall be no greater than three thousand (3,000) square feet.
- I. In the R-3 zoning district, a maximum of three thousand (3,000) square feet of outdoor storage shall be allowed. Said storage shall be screened from any public road. Said screening shall be in the form of a fence, wall, berm or natural plantings. Said screening shall be installed and maintained in accordance with chapter 11 of this Ordinance.
- J. In the R-3 zoning district, delivery of parts, automobiles and any other goods or materials in association with said use may only take place during the hours of operation. Operating hours shall be anytime from 7AM to 10PM.

8.2.9 AUTOMOBILE SERVICE STATION

- A. No above grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be located closer than twenty-five (25) feet to any public right-of-way and ten (10) feet to any exterior property line or within any required setback, whichever is greater. Pump island canopies shall not be located closer than ten (10) feet to a public right-of-way in the front yard or extend within any required side or rear yard setback.
- B. In the Urban Standards Overlay District only, no more than three (3) fuel pumps in the front yard by-right, any additional fuel pumps in the front yard requires a Conditional Use Permit. For corner lots, each road frontage shall be considered a separate front yard for this regulation.



- C. If the lot containing the use has more than thirteen (13) fueling pumps and is located within one-hundred (100) feet of a residential zoning district, a conditional use permit shall be required

8.2.10 AUTOMOBILE TOWING AND WRECKER SERVICE

- A. Any outdoor vehicle storage area shall be located a minimum of one-hundred (100) linear feet from any street right-of-way and two-hundred (200) linear feet from any residential zoning district.
- B. If the lot containing the use is located within three-hundred (300) feet of a residential zoning district, a conditional use permit shall be required.
- C. All damaged and wrecked vehicles must be parked in delineated parking spaces.
- D. If the vehicle storage area is greater than twenty-five (25) parking spaces then a conditional use permit is required.
- E. Vehicle storage facilities shall not be located at an elevation whereby the storage is visible from a public street after the required screening is in place.
- F. The automotive storage area shall be located in the rear yard only, and be materially screened with a six (6) foot high opaque fence in addition to other required screening provided elsewhere in this ordinance.



- G. A minimum two hundred-forty (240) square foot building for office and restroom shall be provided on site.
- H. No outdoor disassembly or salvaging of the vehicles or parts thereof shall be permitted on site.
- I. No portion of any pre-existing principal residential structure (other than the residential structure which is occupied by the owner of said use) shall be located within one hundred (100) feet of the automotive storage area.

8.2.11 AUTOMOBILE, TRUCK, BOAT, MOTORCYCLE, MANUFACTURED HOME AND RECREATIONAL VEHICLE SALES AND RENTAL

- A. All outdoor vehicle display areas shall be paved.
- B. No vehicles may be displayed or stored on or within required buffer yards, including required street yards.
- C. Paved areas reserved for the display of vehicles for sale shall not be required to be striped for individual vehicle spaces. However, off-street parking for employees and patrons shall be required to conform to the design provisions of Chapter 10.
- D. In the USO and CH Overlay districts, only two (2) rows of display vehicles allowed in the front yard.

8.2.12 BED AND BREAKFAST INN

Off-street parking in the side and rear yards shall be screened with a minimum Type A buffer yard (see Section 11.3) if the lot containing the use adjoins a residential zoning district, except the R-2 and R-3 zoning districts. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

8.2.13 BUS OR TRAIN TERMINAL, PASSENGER

The site shall be located so as to have buses directly accessing thoroughfares as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan to avoid traveling through any abutting residential neighborhoods.



8.2.14 CAMPING AND RECREATIONAL VEHICLE PARK

- A. All spaces for camping and recreational vehicles shall be located at least one-hundred (100) linear feet from any adjoining lot line.
- B. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time a certificate of occupancy is issued for the use.
- C. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.).

8.2.15 CAR WASH, AUTOMATIC; CAR WASH SELF SERVICE



- A. Vacuuming, drying and polishing facilities may not be located in the front yard.
- B. Wash bays shall not face any lot in a residential zoning district. This shall not apply in the case of lots containing such automobile washes that are



separated from such residentially zoned lots by a principal or minor arterial.

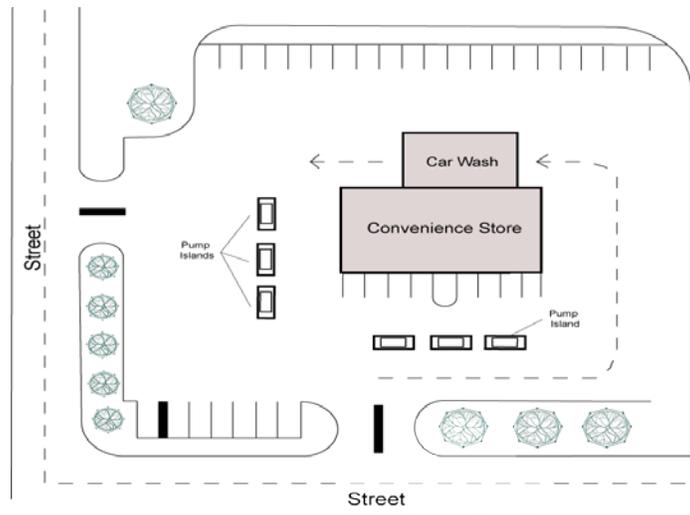
- C. All vehicular accessible areas on the lot shall be at least fifty (50) feet from any adjoining residentially zoned lot, except in cases where such lot lies directly across a principal or minor arterial.
- D. If a self-service car wash is located adjacent to a residentially zoned district, a conditional use permit shall be required.

8.2.16 CLUB, PRIVATE (WITHOUT ADULT ENTERTAINMENT); FOOD CATERING FACILITY (WITH ONSITE DINING AREAS); LOUNGE / NIGHTCLUB

If the lot containing the use is located within one-hundred (100) feet of a residential zoning district, a conditional use permit shall be required.

8.2.17 CONVENIENCE STORE

- A. The following uses shall be considered accessory to Convenience Stores: Car Washes, Automatic (in the side or rear yard only) and rental of video tapes / DVDs. All such accessory uses will not require additional parking. In no case shall such accessory uses be allowed additional signage.
- B. In the UMU and C-1 districts, access to the site shall be provided by at least one (1) principal or minor arterial, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- C. No above grade equipment for the vehicular service of gasoline, oil, or other petroleum product, shall be located closer than twenty-five (25) feet to any public right-of-way and ten (10) feet to any exterior property line or within any required setback, whichever is greater. Pump island canopies shall not be located closer than ten (10) feet to a public right-of-way in the front yard or extend within any side or rear required setbacks.
- D. In the Urban Standards Overlay District only, no more than three (3) fuel pumps in the front yard by-right, any additional fuel pumps in the front yard requires a Conditional Use Permit. For corner lots, each road frontage shall be considered a separate front yard for this regulation.



- E. Vacuuming, air, and water facilities may be located outside the building, but may not be located within any required setback or front yard.
- F. The sale of fuel at convenience stores shall be prohibited in TNDs.
- G. Restaurants within the primary building shall be required to meet parking requirements for restaurants with inside seating.
- H. Convenience stores with fuel must comply with Section 8.2.39.

8.2.18 COUNTRY CLUB; GOLF COURSE; GOLF DRIVING RANGE; MINIATURE GOLF

- A. Accessory uses including restaurants, retail shops selling golf related items, and other accessory uses normally associated with a county club or golf course may be allowed.
- B. Miniature Golf only is allowed in the NBS District.



8.2.19 DAY CARE CENTER, CLASS B; DAY CARE CENTER, CLASS C

- A. Outdoor play areas shall be located in the rear or side yards only.
- B. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height or shall meet the North Carolina Day Care regulations, whichever is more restrictive.
- C. See Section 10.6 for staging area requirements.
- D. For Class C Day Care Centers only, access to the site shall be provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- E. Class B Day Care Centers may be an accessory daycare to churches and are allowed as a use by right.
- F. In residential, NBS and I-1 zoning districts, Class B Day Care Centers not accessory to a church and Class C Day Care Centers shall require a Conditional Use Permit.

8.2.20 FLEA MARKET, INDOOR AND OUTDOOR

- A. For outdoor flea markets only, there shall be at least three hundred (300) linear feet between said use (including all facilities / parking area) and any residential district.
- B. Any flea market shall be on a lot of at least five (5) acres that fronts and has direct access from a minor arterial road or higher classification as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.2.21 FOOD CATERING FACILITY

For any use with banquet facilities, a conditional use permit shall be required if the lot containing the use is located within one-hundred (100) feet of a residentially zoned district.



8.2.22 HEALTH AND BEHAVIORAL CARE FACILITY

- A. If the facility exceeds ten-thousand (10,000) square feet gross floor area (GFA) in the OLC, O-1, NBS and C-1 zoning districts, a conditional use permit shall be required.
- B. Any facility which serves more than fifty (50) clients shall maintain a side setback of at least twenty (20) feet and a rear setback of at least forty (40) feet when the side or rear yard abuts a residential district, unless a greater setback is otherwise required for the zoning district in which it is located.

8.2.23 HOTEL; MOTEL

- A. Retail uses, lounges, and restaurants may be located as an accessory use within any motel or hotel.
- B. In the IU district, only conversion hotels (i.e., conversion of a building into a hotel from another use) shall be allowed.
- C. The following requirements apply to hotels in the OM district only:
 - 1. Only full service hotels are allowed in the OM district.
 - 2. In the OM district only, each of the additional findings of fact must be found in the affirmative by the Board of Adjustment prior to the issuance of a conditional use permit for a hotel:
 - a. The hotel will be supportive of the hospital and medical community. Examples of this include: (i) marketing of meeting rooms to the medical community; (ii) marketing and promotion of lodging to the medical community and to friends and/or relatives of hospital patients; or (iii) assignment of rooms designated to serve persons receiving out-patient care or other medical care not requiring hospitalization.
 - b. The design and exterior finish shall be of a type and quality in keeping with the existing development found in the area.
 - c. Access and traffic flow patterns for the site shall not create difficulties for emergency vehicles accessing the hospital and shall be compatible with the overall hospital complex.



8.2.24 NURSERY (GARDEN)

- A. Structures associated with the use shall be at least fifty (50) feet from any rear or side lot line and a Type A landscaping buffer shall be installed along all rear or side lot lines.
- B. Mulch and gravel piles, etc., must be located out of the front, rear and side setbacks. If the mulch and gravel piles, etc. are stored in the front yard, they must be permanently screened from the adjoining public road with either an opaque landscaping screen or a wooden fence. Such screen must have a minimum height of six (6) feet.

8.2.25 OFFICE USES WITH GREATER THAN 100,000 GFA IN THE UMU AND IU DISTRICTS

Office buildings greater than one-hundred thousand (100,000) square feet GFA are only allowed as a use by right for conversions in the UMU and IU zoning districts; otherwise, such uses shall be a conditional use in the UMU and IU zoning districts.

8.2.26 PLANNED UNIT DEVELOPMENT

A. PUD DEVELOPMENT GUIDELINES

1. Allowed Zoning Districts

Planned Unit Developments may be placed in the R-2, R-3, RMF, TMU, OLC, O-1, CBD, UMU, C-1, C-2, C-3, I-1, I-2 and I-U Districts. All PUDs must be served by a public water and sewer system and must have access onto a principal or minor arterial.

2. Maximum Building Height

All buildings shall have a maximum building height of five (5) stories, provided that buildings shall be no greater than three (3) stories in height in PUDs on sites of less than fifty (50) acres.

3. Minimum Gross Acreage

Ten (10) acres



4. Residential Component

In any residential zoning district in which a PUD is allowed, such PUD shall have residential uses that make up a minimum of sixty (60) percent of the gross acreage of the development.

5. Common Open Space

At least ten (10) percent of the gross acreage of the PUD shall be preserved as common open space. This shall include all common areas [at least one-half (1/2) of which shall be grassed or landscaped] that are readily accessible by residents and users of the PUD. At least one-half (1/2) of the required common open space shall consist of improved common areas, such as plazas, courtyards and other improved pedestrian-accessible areas specifically designed to accommodate residents and visitors. Such areas can include benches, fountains, play equipment and venues for outdoor vending stands shall not include parking areas.

All common open space shall otherwise be in accordance with Section 11.7 of this Ordinance.

6. Approval Process for a PUD

AREA OF TRACT	PIM REQUIRED	APPROVAL BODY
Less than Fifteen (15) acres	None	Administrative Process
Fifteen (15) acres or greater	Yes	Board of Commission with Conditional Use District (CD)

7. Off-street Parking Requirements

The requirements of Chapter 10 shall prevail except location of off-street parking shall be as provided for herein based on the building type. Parking decks, if used, shall be of the Option “B” and “C” variety as contained in Sections 10.9.2 and 10.9.3 of this Ordinance. Streets within the PUD are strongly encouraged to be designed to accommodate on-street parking.



8. Screening Requirements

There are no mandated screening types within the PUD, however, the Administrator may require screening based on the uses within the PUD. Screening shall be provided at the perimeter of the PUD as a Type B screen.

9. Accessory Structure Requirements

Accessory structures shall be in compliance with Section 9.9 of this Ordinance, except where otherwise provided herein.

10. Lighting, Noise, Odor Requirements

Lighting requirements shall be the same as provided in Section 9.13 of this Ordinance. Noise requirements shall be the same as provided in Section 9.23 of this Ordinance. Odor control requirements shall be the same as provided in Section 9.22 of this Ordinance.

11. Reserved

12. Uses Allowed in the PUD

Uses within a PUD are limited to those listed below. Except as specifically provided, uses are further limited to those allowed in the underlying zoning district. Refer to Table 7.1-1.

Gaston County, North Carolina
Chapter 8 – Supplemental Regulations



Use	Allowance	Supplemental Regulations	Use	Allowance	Supplemental Regulations
Amusement and Sporting Facility, Indoor	X	8.2.2	Flex Space	X	
Amusement and Sporting Facility, Outdoor	C	8.2.3	Fraternal and Service Organization Meeting Facilities	C	8.4.11
Animal Hospital, Indoor	X	8.2.4	Grooming Services	X	
Art Gallery	X		Hotel / Motel	C	8.2.23
ATM	X	8.2.6	Laundromat, closed midnight to 5:00AM	X	
Auction House, Indoor Only	X	8.2.7	Laundromat, open up to 24 hrs	C	
Auditoriums / Assembly Hall / Community Center, less than 500 seats	X		Library	X	
Auditoriums / Assembly Hall / Community Center, 500 or more seats	C	8.4.2	Manufactured Goods, Class 1	C	8.3.7
Bus or Train Terminal, passenger	X	8.2.13	Offices, including Medical Services,	X	8.2.25
Business Services	X		Park	X	8.4.14
Convenience Store, closed midnight to 5:00AM	X	8.2.17	Parking Lot	X	8.2.27
Convenience Store, open up to 24 hrs	C	8.2.17	Post Office	X	
Day Care Center, Class B	X	8.2.19	Restaurants, no fast food / drive through	X	8.2.31
Day Care Center, Class C	C	8.2.19	Retail	X	8.2.32
Development, Multi-Family	X		School for the Arts	X	
Dwelling, Single Family	X		Schools, elementary, middle, high	X	8.4.17
Essential Services, Class 1	X		School, Vocational	C	8.4.18
Essential Services, Class 2	X	8.4.8	Stadium	C	8.4.20
Essential Services, Class 4	X	8.4.9	Transit Station	C	
Financial Institution	X				

Note:

1. X = Use allowed by-right; C = Conditional Use Permit required
2. If a use located in the PUD is subject to the issuance of a conditional use permit, and if such use were shown on the site plan originally approved for the PUD through the conditional zoning process or through issuance of a parallel conditional use permit district, issuance of a conditional use permit for such use shall not be needed. In instances where such use was not indicated on and approved as part of the site plan for the conditional rezoning or the parallel conditional use district of the property for the PUD, or if the PUD were approved administratively, a conditional use permit would need to be issued for such use.
3. Additional specifications for building design and layout in PUDs are indicated elsewhere in this Section.



13. Street Requirements

- a. Streets within the PUD should have a design speed of thirty (30) miles per hour and a posted speed of twenty-five (25) miles per hour. Higher design and posted speeds may be allowed on major boulevards that provide through access to the PUD and adjoining developments.
- b. Except for major boulevards that provide access and channel traffic throughout the PUD, all streets (excluding alleys, where provided) within the PUD shall be publicly maintained.
- c. Alleys in the PUD shall have a minimum paved surface of sixteen (16) feet and a minimum right-of-way width of twenty-four (24) feet. Alleys shall meet all other applicable NCDOT design and construction, except that alleys shall not be required to have curb and gutter and shall not be required to have an inverted crown for drainage.

14. Sidewalk/Greenstrip Requirements

Refer to Section 9.18.1(G) for sidewalk requirements and Section 9.18.2 for greenstrip requirements.

15. Street Tree Requirements

Street trees in accordance with Section 11.4 shall be required on all streets within the PUD, irrespective of the underlying zoning district.

B. BUILDING AND LOT STANDARDS

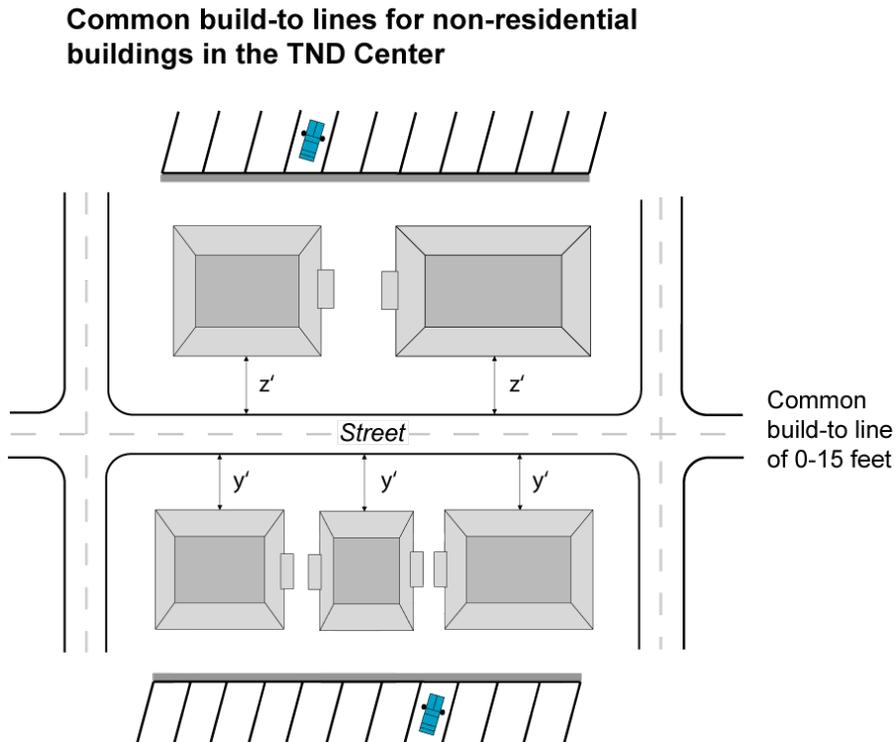
All design standards of the Urban Standards Overlay District shall apply. Additional design standards are also shown below. (The more restrictive of the design standards shall prevail):

1. Commercial Buildings

- a. Buildings facing each other on the same side of the same street shall maintain a common front build-to line behind the sidewalk. The Administrator may allow for minor deviations from the build-to line to allow for exterior amenities such as outdoor dining areas, customer drop-off points, etc.



Figure 8.2.26-1



- b. Building facades shall be parallel to the adjoining street.
- c. Off-street parking areas shall be inter-connected, wherever possible.
- d. Trash dumpsters are to be located to the rear of the building.
- e. Buildings may be served with rear-loading alleys.
- f. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, stone or stone veneer; stucco or artificial stucco; cement fiberboard; glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.



- g. Street level windows shall be transparent. Mirror or reflective glass shall not be allowed.
- h. Roofs may either be flat or pitched. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below. If pitched, principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).

2. Multi-family Buildings

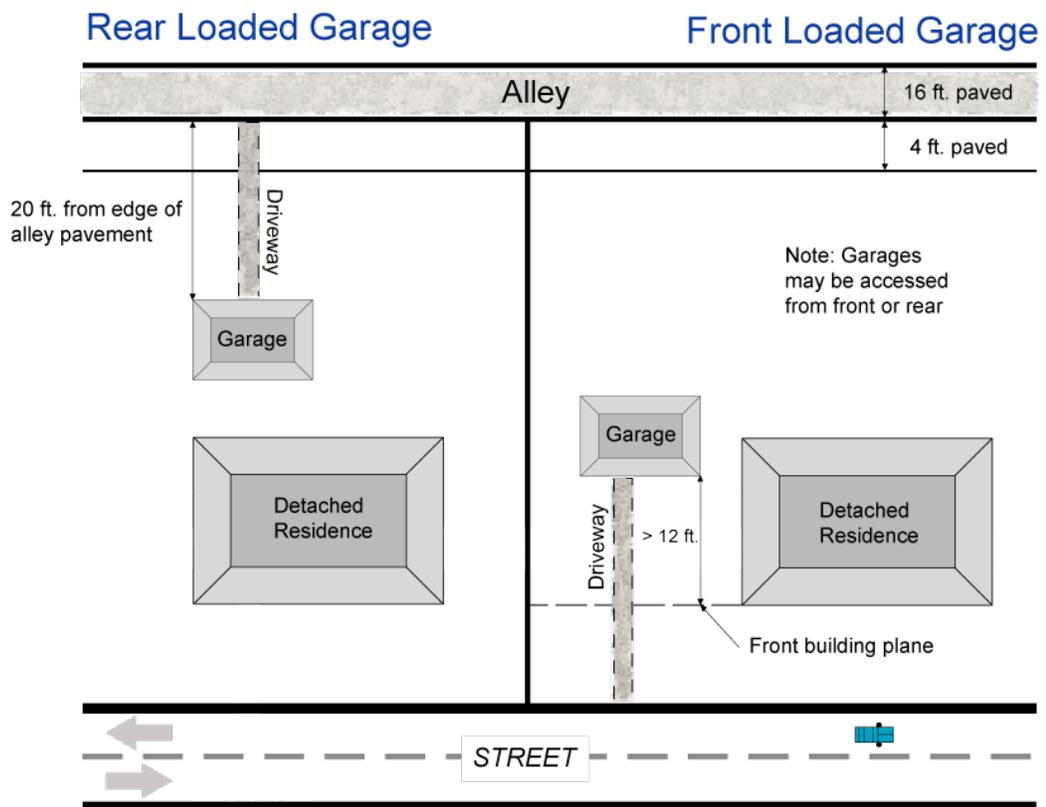
- a. Front build-to lines shall be zero to fifteen (0-15) feet behind the sidewalk.
- b. Building facades shall be parallel to the adjoining street.
- c. Trash dumpsters are to be located to the rear of the building.
- d. Primary pedestrian entrance into the building shall be from the adjoining front yard sidewalk.
- e. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, wood, cement fiberboard, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- f. Roofs may either be flat or pitched. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below. If pitched, principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e., rise over run).
- g. Multi-family residences shall be separated from detached residential uses within the PUD by a street or greenway. If not possible, residential uses adjacent to the multi-family residences shall have substantially similar and compatible architectural facades.



3. Detached Single-family Residences

- a. Garages may be attached or detached. If detached, it shall be in the side or rear yards only and designed to be entered into from the front or rear and shall be set back at least twenty (20) feet from the edge of the adjoining alley travel surface. Refer to Figure 8.2.26-2 for an illustration of this requirement.

Figure 8.2.26-2



- b. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G).
- c. Pedestrian access to the residence shall be from the adjoining front yard sidewalk.



- d. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; glass, cement fiberboard; wood or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- e. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- f. Front porches, where provided shall be a minimum of eight (8) feet in depth.
- g. Building facades shall be generally parallel to front property line.
- h. Front loaded detached garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.2.26-2 for an illustration of this requirement.
- i. Manufactured homes shall not be allowed.
- j. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may not be located in any front yard. Accessory structures greater than fifty (50) square feet in area and shall be comprised of similar exterior materials as the principal structure.

4. Attached Residences

- a. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4(G). Building facades shall be generally parallel to front property line.
- b. Pedestrian access to the residence shall be from the adjoining street.
- c. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick or brick veneer; stone or stone veneer; stucco or artificial stucco; cement fiberboard;



glass, wood, or wood materials, or similar materials. Decorative metal roofs shall be allowed. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.

- d. Principal roofs of the building must have pitches that vary from 6:12 to 12:12 (i.e. rise over run).
- e. Attached residences shall be separated from detached residential uses in the PUD by a street or greenway. If not possible, residential uses adjacent to the attached residences shall have substantially similar and compatible architectural facades.
- f. Garages may be detached and may be located in the side or rear yards only and designed to be entered into from the front or rear street. The garages shall be set back at least twenty (20) feet from the edge of any adjoining alley travel surface. Front loaded garages shall be set back at least twelve (12) feet from the front building plane of the structure (inclusive of the porch). Refer to Figure 8.2.26-2 for an illustration of this requirement.
- g. Accessory structures excluding mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may be located in any front, side or rear yard. Accessory structures greater than fifty (50) feet in area shall be comprised of the same exterior materials as the principal structure.

5. Civic Buildings

- a. A minimum ten (10) foot front yard setback shall be observed. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4. Off-street parking in the front yard shall be prohibited.
- b. Building facades shall be generally parallel to front property line.
- c. Off-street parking areas shall be inter-connected, wherever possible.
- d. Trash dumpsters are to be located to the rear of the building.



- e. Building elevations fronting and/or visible from public streets shall be veneered with any of the following: brick, brick veneer, decorative concrete block, pre-cast or field poured tilt concrete panels with texture; stone or stone veneer, flush architectural metal panels; stucco or artificial stucco; glass, wood, or wood materials, or similar materials. The Administrator or approval body, in instances where a conditional use permit or conditional zoning is involved, shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.
- f. Street level windows shall be transparent. Mirror or reflective glass shall not be allowed.
- g. Flat roofs may be permitted, provided a parapet is provided that screens all rooftop equipment from the view of pedestrians and motorists from the view below.

8.2.27 PAINTBALL FACILITY

- A. No portion of the operation activities shall be located closer than one-hundred (100) linear feet from any exterior lot line, and one-hundred fifty (150) feet to any residentially zoned lot line. At a minimum, indoor facilities shall adhere to the underlying zoning district setback requirements.
- B. The facility shall be placed on a parcel of land consisting of at least five (5) acres.
- C. The use shall not be permitted to locate adjacent or contiguous to any existing place of worship, day care or school.
- D. A public address system is permitted, provided that the speakers and other such audible equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.
- E. A lighting system is permitted, provided that the light fixtures and other such equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.



- F. Any paintball facility requiring fifty (50) or more parking spaces shall be located on a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- G. Hours of operation shall be between 7:00 a.m. to 11:00 pm, Eastern Standard Time.

8.2.28 PARKING LOT (PRINCIPAL USE)

- A. In all zoning districts except for the C-2, C-3 and Industrial zoning districts, lots shall be limited to one-half (1/2) acre or less in size.
- B. No portion of any such parking lot shall be located closer than five-hundred (500) feet to any portion of another such parking lot.

8.2.29 RACETRACK, LARGE; RACETRACK, SMALL

- A. For outdoor motor vehicle racetracks, no portion of the use shall be located closer than seven hundred fifty (750) feet to any existing principal structure on any abutting lot.
- B. A minimum lot area of forty (40) acres shall be required for large racetrack; five (5) acres for small racetracks.
- C. Large racetracks must have frontage on a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.2.30 RESTAURANT WITH DRIVE THROUGH

If the lot containing the use is located within one-hundred (100) feet of a residential zoning district, a conditional use permit shall be required.



8.2.31 RESTAURANT

Restaurants having any outside amphitheater, stage, sports equipment, playing field or court, or any provision for live or recorded acoustic or amplified entertainment outside of the building, the activity shall be located no closer than one-hundred (100) feet from any residential zoning district.

8.2.32 RETAIL

- A. In the Office Districts (TMU, OLC, O-1 and O-M), a retail establishment less than fifteen-thousand (15,000) square feet GFA shall be a use by right; uses larger than this size shall require a conditional use permit.
- B. In the O-M District, the only retail establishments allowed are: medical supply, optician, pharmacy and florist.
- C. For retail uses of between fifty-thousand (50,000) but less than one-hundred-thousand (100,000) square feet GFA, access to the site shall be provided by one (1) or more principal or minor arterials, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- D. For retail uses with greater than one-hundred (100,000) square feet GFA, access to the site shall be provided by either:
 - 1. Two (2) principal; or
 - 2. One (1) principal and one (1) minor arterial, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- E. For retail uses with greater than one-hundred (100,000) square feet GFA, the following requirements apply:

Reuse / Compartmentalization. As part of the conditional use permit review process, any retail establishment constructed after the adoption of these regulations shall be designed to include specific elements for adaptation to multi tenant re-use. Such elements may include but are not limited to the following:

 - 1. Compartmentalized constructions include plumbing, electrical service, heating, ventilation, and air conditioning.



2. Building design shall also allow for the interior subdivision of the structure into separate tenancies.
3. Facades shall be readily adaptable to multiple entrances.
4. Parking lot schemes shall be designed to enable users of any future tenants to readily walk from their vehicles to the storefront
5. Other design elements that facilitate the multi-tenant re-use of the building.

8.2.33 RODEO / ACCESSORY RODEO

- A. All activities shall take place at least one hundred (100) feet from any exterior lot line.
- B. The use shall be placed on a parcel of land of at least ten (10) acres. When the use is an accessory rodeo, a combination of contiguous parcel(s) under the same ownership totaling ten (10) acres is permissible.
- C. Food sales shall be provided for patrons of the rodeo and accessory rodeo only.
- D. A public address system is permitted, provided that the speakers and other such audible equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.
- E. A lighting system is permitted, provided that the light fixtures and other such equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.
- F. Accessory rodeos shall not exceed ten (10) shows per calendar year. A show shall consist of an event taking place for not more than five (5) consecutive days associated with the same event.
- G. Accessory rodeos are not required to have paved or graveled parking or driveway areas, provided there is an established pasture and farmland with adequate vegetative ground cover. The accessory rodeo shall have sufficient area to accommodate the required amount of parking per Chapter 10. The parking area shall remain in a well- maintained vegetative state during the life of the operation.



- H. Principal use rodeos shall be located on a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- I. Hours of operation shall be between 7:00 a.m. to 11:30 p.m. eastern standard time.
- J. All rodeo and accessory rodeo fencing material must meet all applicable safety guidelines.

8.2.34 SHOPPING CENTER

- A. Direct access to shopping centers with more than one-hundred thousand (100,000) square feet GFA shall be served by at least one (1) principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. For shopping center with greater than two-hundred fifty thousand (250,000) square feet GFA, 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 shall be provided. Proposed roadway improvements serving the site should also be detailed.
- C. Uses in a shopping center are limited to those that are allowed in the underlying zoning district. Any use shown as a "conditional use" shall require the issuance of a conditional use permit in a shopping center, irrespective of the size of that shopping center.

8.2.35 SWIMMING POOL, SALES, SERVICE AND SUPPLIES

- A. A pool dealer shall be permitted to erect up to three (3) functioning model pools outdoors on the same site as the store. Said pools may be above ground or in-ground types. A "functioning model pool" is one which is operational and maintained in a clean appearance as if fit for swimming and intended to be used as a sales display only and may also include a pool which is covered with a winterizing cover between September 15 and April 15 of any year. There are no restrictions on the number of model pools the pool store may erect indoors.
- B. Any such model pool erected outdoors shall meet the enclosure requirements for residential accessory pools found in Section 9.9(A)(11) .



8.2.36 TIRES SALES, NEW AND / OR USED

All tires for outdoor display shall be placed on a display rack only. The maximum number of tires for outdoor display shall be limited to thirty (30) at any time.

8.2.37 BODY PIERCING ESTABLISHMENT AND TATTOO PARLOR

- A. Must obtain appropriate local and state health permits.
- B. Must comply with rules governing Tattooing Operations in North Carolina.

8.2.38 MARINA, ACCESSORY

- A. Such marinas shall be allowed as a permitted accessory use to a residential development.
- B. No sale of goods or services (other than those accessory to the operation of the marina) or other commercial activities shall be allowed.
- C. The number of boat slips shall not exceed one hundred twenty-five (125) percent the number of residential units in the development which the marina services.
- D. Any off-street parking area or service area which abuts a lot located in a Residential district shall provide a Type A buffer along said abutting side and / or rear lot lines.

8.2.39 WATER SHED CRITICAL AREA RESTRICTIONS

In order to protect the quality of water in the Critical Areas as shown on the latest Gaston County Water Shed Water Supply Map, this use shall not be allowed. This use could be allowed in other areas of the County's Zoning Jurisdiction.



8.2.40 FIRING RANGE

- A. Outdoor only, no portion of the use shall be located closer than five hundred (500) feet from any existing principal residential structure on another lot; provided, however, that no existing principal residential structures shall be located closer than one thousand-five hundred (1,500) feet down range of any target.
- B. A Conditional Use Permit shall be required if detonation of explosives is intended to be conducted.
- C. Other Federal, State, and local regulations shall apply if applicable.

8.2.41 RESTAURANTS, WITHIN OTHER FACILITIES

- A. May be allowed within another use. Such restaurant shall be designed to serve customers or users of such use. Examples of such uses include snack shops in department or variety stores, employee cafeterias, snack shops or canteens in office buildings, bowling alleys, etc.
- B. Access to such restaurant shall not be directly available from outdoors.
- C. Separate off-street parking spaces for such use shall not be required.
- D. The restaurant shall be allowed up to sixteen (16) square feet of exterior wall identification signage. Said signage shall be included as part of the signage allowed for the principal use. No freestanding signs for said restaurant shall be allowed.
- E. The aggregate gross area of all restaurants within any building shall occupy no greater than ten (10) percent of the gross floor area of the building.



SECTION 8.3 INDUSTRIAL TYPE USES

8.3.1 COMMERCIAL VEHICLE AND TRUCK STORAGE

- A. All vehicle and truck storage areas shall be screened from both a public street (except for I-85) and any adjoining residentially zoned lot with a Type C screening.
- B. Commercial vehicle and truck storage for solid waste and septic tank trucks shall require issuance of a conditional use permit.
- C. In the C-3 district, if the lot containing the use is greater than ten (10) acres, a conditional use permit shall be required.

8.3.2 FLEX SPACE

- A. Only industrial uses are not required to meet the USO standards.
- B. Underlining zoning district regulates the uses.
- C. All other parking lot, screening, and setbacks apply.
- D. In the USO and converted to a non-industrial use, then it must comply with USO standards.

8.3.3 JUNKYARD AND SALVAGE YARD

- A. Outside storage of all material shall be at least one hundred (100) feet from all lot lines.
- B. Must be Type E, option 2 or 3 screening to materially screen the storage area at the time the certificate of occupancy is issued.



8.3.4 LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MAJOR)

A. USE SEPARATION

There shall be a minimum separation of one-hundred (100) feet between the fill area and any adjoining property line. There shall also be a three-hundred (300) feet minimum separation between this use and any pre-existing principal residential structure located on a lot not containing the landfill.

B. REQUIRED SCREENING

A minimum Type D screening shall be required along all property lines.

C. ACCESS

Access to the landfill by the public shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.

D. DUST

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

E. OPERATION

1. No filling is permitted in the 100-year flood way. Filling in the 100-year flood plain is permitted only if a flood development permit has been issued.
2. No filling is permitted in minor drainage ways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
3. No filling is permitted in utility easements.
4. Landfills may only operate from 8:00 a.m. until sunset, Eastern Standard Time, Monday through Saturday only.
5. Landfills shall not operate within one-hundred (100) feet of an exposed body of water or mineshaft opening.



F. MAXIMUM TIME PERIOD

Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy, provided that the Board of Adjustment, upon request, may grant one (1) or more one (1) year renewals.

G. CLOSURE

The landfill site shall permanently close when it has been filled or reached capacity. In addition, once it has been determined that the site has reached capacity, closure procedures must be completed within ninety (90) days. Landfills shall be closed with a minimum of one (1) foot of clean soil, placed in a manner that will provide good positive drainage (no standing water) with stabilized paths of travel for concentrated flows, with the perimeter slopes, graded to a maximum slope of 3:1 (i.e., three-to-one run to rise), and all areas stabilized with vegetation or by other approved means.

H. EROSION/SEDIMENTATION CONTROL

Provisions for the control of sedimentation and erosion shall be made on all sites. When required by the State, an approved erosion and sedimentation control plan shall be submitted to the Administrator prior to the issuance of the zoning permit.

I. SITE RECORDATION

A plat map and/or metes and bounds legal description designating the lot and landfill boundary area shall be recorded in the Gaston County Register of Deeds prior to the issuance of a zoning permit by the Administrator.

8.3.5 LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MINOR)

A. MAXIMUM AREA

The maximum area of Minor LCID shall be two (2) acres.



B. MAXIMUM TIME PERIOD

Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy, provided that the Board of Adjustment may, upon request, grant one (1) or more one (1) year renewals.

C. USE SEPARATION

There shall be a minimum separation of one-hundred (100) feet between the fill area and any adjoining property line. There shall also be a three-hundred (300) feet minimum separation between this use and any pre-existing principal residential structure located on a lot not containing the landfill.

D. SCREENING REQUIREMENT

A minimum Type D screening shall be required along all property / lot lines.

E. ACCESS

Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.

F. DUST

All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.

G. OPERATION

1. No filling is permitted in the 100-year flood way. Filling in the 100-year flood plain is permitted only if a flood development permit has been issued.
2. No filling is permitted in minor drainage ways unless the drainage has been piped or otherwise diverted in accordance with approved plans;
3. No filling is permitted in utility easements;



4. Landfills may only operate from 8:00 a.m. until sunset, Eastern Standard Time, Monday through Saturday.

H. CLOSURE

The landfill site shall permanently close when the landfill site has been filled or reached capacity. In addition, once it has been determined that the site has reached capacity, closure procedures must be completed within ninety (90) days. Closed landfill sites shall be covered with a minimum of one (1) foot of clean soil, placed in a manner that will provide good positive drainage (no standing water) with stabilized paths of travel for concentrated flows, with the perimeter slopes, graded to a maximum slope of 3:1 (i.e., three-to-one run to rise), and all areas stabilized with vegetation or by other approved means;

I. EROSION/SEDIMENTATION CONTROL

Provisions for the control of sedimentation and erosion shall be made on all sites. When required by the State, an approved erosion and sedimentation control plan shall be submitted to the Administrator prior to the issuance of the zoning permit.

J. SITE RECORDATION

A plat map and/or metes and bounds legal description designating the lot and landfill boundary area shall be recorded in the Gaston County Register of Deeds prior to the issuance of a zoning permit by the Administrator.

8.3.6 MACHINE, METAL AND WOODWORKING SHOP

- A. No accessory or principal structure shall be located within one-hundred (100) feet from any adjacent residential principal structure that is located in a residentially zoned district.
- B. In the R-3 district, delivery of parts, automobiles and any other goods or materials in association with said use may only take place during the hours of operation. Operating hours shall be anytime from 7AM to 10PM, Eastern Standard Time.
- C. In the R-3 district, the total gross floor area of all principal and accessory structures shall be no greater than three thousand (3,000) square feet.



- D. In the R-3 district, a maximum of three thousand (3,000) square feet of outdoor storage shall be allowed. Said storage shall be screened from any public road. Said screening shall be in the form of a fence, wall, berm or natural plantings. Said screening shall be in accordance with Chapter 11 of this Ordinance.

8.3.7 MANUFACTURED GOODS, CLASS 1

- A. In the UMU, CBD and C-1 districts, and in TNDs, only manufactured goods uses that are enclosed within a building, have no noxious odors or noxious noise shall be allowed. Tractor trailer / railcar deliveries shall not be allowed.
- B. The total gross floor area of all principal and accessory buildings in the UMU and CBD districts shall not exceed five-thousand (5,000) square feet and in the C-1 district shall not exceed ten thousand (10,000) square feet.

8.3.8 RESERVED

8.3.9 MANUFACTURED GOODS, CLASS 2

- A. No accessory or principal structure shall be located within two-hundred (200) feet from any adjacent property that is located in a residentially zoned district.
- B. The following requirements apply to mining uses only:
 - 1. The quarry and all its buildings, pits, and processing equipment shall not be located within one-hundred (100) feet from any lot line, and three-hundred (300) feet from any adjacent lot line that is located in a residentially zoned district.
 - 2. A non-climbable fence, at least six (6) feet high, shall be installed around the quarry and all of its operations as a safety device. These fences must be constructed of wire mesh with openings not to exceed two (2) inches by four (4) inches or equivalent and must be placed on the interior side of screening and/or buffering devices.



3. Access to the quarry shall not make use of any non-arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
4. Any crushing of rock or processing of material shall be done in such a way as to minimize the amount of air-borne dust created.
5. All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
6. A truck route plan shall be submitted showing routes to the site from all 4-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.
7. One (1) copy of a completed mining application form and an approved mining permit from the State Department of Environment, Health and Natural Resources, Land Quality section, shall be required prior to issuance of a zoning permit by the Administrator.
8. An operation plan shall be submitted to the Administrator prior to issuance of a zoning permit. Such plan shall include the following:
 - a. The date proposed to commence operations and their expected duration.
 - b. Proposed hours and days of operations.
 - c. Estimated type and volume of extraction.
 - d. Description of method of operation, including the disposition of topsoil, overburden, and byproducts.
 - e. Description of equipment to be used in the extraction process.
 - f. Any phasing of the operation and the relationship among the various phases.
 - g. Operating practices to comply with the performance standards applicable to the operation.
9. Rehabilitation:
 - a. Within one (1) year after the cessation of production, all equipment and stockpiles that are incidental to such



operation shall be dismantled and removed by and at the expense of the owner.

- b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainage ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

C. The following requirements apply to asphalt plants only:

1. The asphalt operation shall be enclosed by a non-climbable fence that is at least six (6) feet in height.
2. All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
3. A truck route plan shall be submitted showing routes to the site from all four-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.
4. Rehabilitation:
 - a. Within one (1) year after the cessation of production, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
 - b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.



8.3.10 MINI-WAREHOUSE

- A. All externally accessible storage compartments within the mini-warehouse shall front on a private drive having a minimum width of eighteen (18) feet to ensure sufficient room for vehicular circulation, loading, and parking.
- B. Driveways providing ingress and egress to the site shall not permit any parking or loading within thirty (30) feet of the adjoining street right-of-way.
- C. All doors to storage units that front on a public road must be screened with a Type A buffer yard.
- D. Facilities can only be used for dead storage of materials or articles and must not be used for assembly, fabrication, processing or repair.
- E. The storage of hazardous, toxic, explosive substances or any other substance is prohibited.
- F. In the C-1 or C-2 district outside the Urban Standards Overlay District, any side of a building facing a public street must be constructed with a façade of brick, stone, wood, or split-faced block. An exception is allowed for mini-warehouses located on corner lots provided that shrubbery of low-growing evergreens is planted every five (5) feet along the frontage of the secondary road. In all other zoning districts outside the USO, the building materials shall not be reflective.
- G. If the mini-warehouse facility has a locked and keyed entrance, two (2) staging spaces must be located outside of the public right-of-way.
- H. Outdoor storage must have designated parking area shown on the site plan and marked on the property.
- I. Screening must comply with Section 11.6.

8.3.11 OUTDOOR STORAGE YARD (CONTRACTOR)

If more than one (1) acre of outdoor storage area is provided, a conditional use permit shall be required.



8.3.12 PORTABLE TOILET SERVICE

No zoning permit shall be issued without proof that the applicant has received all appropriate licenses and approvals from state and local agencies for discharging into the public sewer system.

8.3.13 TRUCK TERMINAL

- A. For all lots containing the use that are less than five (5) acres in area, access shall be provided by a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. For all terminals located on lots with five (5) or more acres, access shall be provided by a principal arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan. In addition, a truck route plan shall be submitted showing routes to the site from all four-lane highways. Such routes shall be designed to minimize impacts on residential areas, schools or other uses that may be negatively affected by truck traffic.

8.3.14 WAREHOUSE

- A. In the C-2 and I-U districts, warehouse with a gross floor area of up to two-hundred fifty thousand (250,000) square feet shall be a use by right; otherwise, a conditional use permit shall be required.
- B. In the C-2 and I-U districts, access shall be provided by a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.3.15 WOOD WASTE GRINDING OPERATION

- A. In residential districts where allowed, the subject tract shall contain at least ten (10) acres of land. In non-residential districts where allowed, the subject tract shall contain at least two (2) acres of land.



- B. All entrances and exits shall be paved as provided in Section 10.4 for a distance of fifty (50) feet back from the edge of the paved street. Other areas within the tract designated or required for traffic circulation shall be at a minimum graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled. Gravel or any other dust reduction material used for traffic circulation must be maintained during the life of the operation.
- C. No grinder, screener, or other similar equipment shall be located within five hundred (500) feet of any residential dwelling with the exception of the owner's or applicant's own residential dwelling(s). The detailed site plan shall include a footprint demonstrating where the equipment will be located in relation to all dwellings located on adjoining properties.
- D. In residential districts where allowed, the operation shall have a two hundred (200) foot setback from any property line of the subject tract. In non-residential districts where allowed, the operation shall have at least a fifty (50) foot setback from any property line of the tract, except when adjoining residential districts, in which a one-hundred (100) foot setback shall be is required.
- E. Hours of operation shall be between 7:00 A.M. to 7:00 P.M. Eastern Standard Time.

8.3.16 SOLID WASTE AND SEPTIC TANK CONTRACTOR'S OFFICE AND OPERATION CENTER

- A. All vehicles and equipment associated with the operation must be located in the rear yard and be materially screened in accordance with Chapter 11.
- B. When abutting non-industrial districts, a minimum of a fifty (50) foot setback from all property lines must be maintained for all vehicles and equipment associated with the operation.
- C. Major repairs to vehicles and equipment associated with the operation shall not be allowed.
- D. When abutting residential districts, hours of operation shall be between 7:00 AM to 7:00 PM, Eastern Standard Time, Monday through Saturday.



- E. No solid waste or septic waste shall be allowed on site for more than twenty-four (24) hours.

8.3.17 LANDFILL, BENEFICIAL FILL

A permit is not required from the State for Beneficial Fill activity that meets all of the following conditions:

- A. The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock and gravel.
- B. The fill activity involves no excavation.
- C. The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
- D. The fill activity is not exempt from, and must comply with, all other applicable Federal, State and Local laws, ordinances, rules and regulations, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, mining regulations, sedimentation and erosion control regulations. Fill activity shall not contravene groundwater standards.

8.3.18 INDUSTRIAL HEAVY EQUIPMENT BULK STORAGE YARD

- A. Storage of equipment shall comply with all federal, state, and local regulations and ordinances appropriate to this storage.
- B. A minimum setback of one hundred (100) feet shall be maintained from any stream, creek, river, lake or other water way.
- C. Bulk storage of any chemicals, solvates, fluids, petroleum products, other liquids or hazardous materials used in the operation of said equipment stored on an individual site shall be prohibited.
- D. Retail and wholesale operations are not allowed.



8.3.19 ABATTOIR CLASS 1

- A. No portion of the operation activities shall be located closer than one hundred (100) feet from any exterior lot line, and one hundred-fifty (150) feet to any residential structure (not located on subject parcel), except, totally enclosed indoor facilities shall adhere to the underlying zoning district setback requirements.
- B. The facility shall be placed on a parcel of land consisting of at least five (5) acres.
- C. The use shall not be permitted to locate adjacent or contiguous to any existing place of worship, day care or school.

SECTION 8.4 CIVIC / INSTITUTIONAL TYPE USES

8.4.1 AIRPORTS; AIRSTRIP/FREIGHT AND FLYING SERVICE

- A. All uses shall meet the standards and requirements imposed by the Federal Aviation Administration and all other federal, state, or local agencies having jurisdiction.
- B. The lot containing the use shall not be located within three hundred (300) feet of an existing residential structure.

**8.4.2 AUDITORIUM / ASSEMBLY HALL / AMPHITHEATRE / COMMUNITY CENTER
(500 SEATS OR MORE)**

Access to the site shall be provided by a principal or minor arterial only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.4.3 BOTANICAL GARDEN

All maintenance and accessory structures and off-street parking facilities shall be located no closer than three hundred (300) feet from any property line unless separated from the property line by a Type C or greater screening.



8.4.4 CEMETERY

- A. Tombstones, crypts, monuments and mausoleums shall be located a minimum of twenty (20) feet from any side or rear lot line and at least thirty (30) feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which the cemetery is located.
- B. Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only).

8.4.5 CHARITABLE SERVICE FACILITY; SHELTER FOR THE HOMELESS

- A. The lot containing the use shall not be located within one-hundred (100) feet from any residentially zoned district.
- B. No such facility shall be located within one-quarter (1/4) mile of an existing shelter for the homeless.
- C. The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
- D. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and / or volunteer(s) during the hours of operation.

8.4.6 CHURCH / PLACE OF WORSHIP

- A. Any church / place of worship having a sanctuary capacity of five-hundred (500) or more seats shall be located on and have direct access to a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. Refer to Section 8.2.19(E) for additional requirements on day care centers which are associated with churches / places of worship.

8.4.7 CORRECTIONAL FACILITY

- A. The principal structure and any accessory use or structure (excluding property boundary fencing) shall be located at least five-hundred (500) feet from any property located in a residential zoning district.



- B. That property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials abutting property located in a residential district.
- C. In addition to the security fencing, the landscaping requirements for a Type B level buffer yard shall be provided on the exterior of fencing wherever it is adjacent to a street or property in a residential district.
- D. Any facility larger than five (5) acres shall have direct access to a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.4.8 ESSENTIAL SERVICES, CLASS 2

Any lot containing a wastewater treatment plant shall not be located with two-hundred (200) feet from any residentially zoned district.

8.4.9 ESSENTIAL SERVICES, CLASS 4

- A. Heliports shall be allowed on the property of any public safety stations with a conditional use permit as an accessory use.
- B. Heliports shall have a setback of minimum one hundred (100) feet from the property line and / or buildings.
- C. In the R-1, RS-20, RS-12, RS-8 districts only, building size or outdoor personnel development and training activity area over ten thousand (10,000) square feet shall require a CUP. The maximum building size or outdoor personnel development and training activity area shall be no more than twenty thousand (20,000) square feet.

8.4.10 FARMERS MARKET

In addition to the findings of facts in Section 5.11, ingress and egress to the site shall not have a negative impact on any adjoining lot or nearby street.



8.4.11 FRATERNAL AND SERVICE ORGANIZATION MEETING FACILITY

- A. In any non-residential district, if the lot contain the use is located within one-hundred (100) feet of a residentially zoned district, a conditional use permit shall be required.
- B. This use is not permitted in the RLD, RS-20, RS-12, RS-8 and RMF districts if a restaurant, nightclub, alcoholic beverages or amplified music is provided.

8.4.12 HELIPORT / HELISTOP

- A. In the OM district, heliports are only allowed in association with a hospital or other medical service provider.
- B. All heliports will meet the standards and requirements imposed by the Federal Aviation Administration and all other federal, state, or local agencies having jurisdiction.
- C. Non-emergency use (i.e., for use other than for public safety or medical purposes) of private heliports between the hours of 10:00 p.m. and 6:00 a.m. shall be prohibited. Emergencies for public safety or medical purposes shall not be subject to this requirement.
- D. Heliports located on top of buildings shall be exempt from any height limitations (except those promulgated by the FAA).
- E. A minimum of one hundred (100) foot setback shall be maintained.

8.4.13 MILITARY RESERVE CENTER

All outdoor equipment shall be screened in accordance with Section 11.6.

8.4.14 PARK

For parks larger than fifty (50) acres, a conditional use permit shall be required if the lot containing the use is located in a residential zoning district or is adjacent to a residentially zoned district.



8.4.15 RECREATION CENTER AND SPORTS CENTER

Direct access to the site shall be provided by a principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

8.4.16 RECYCLING DEPOSIT STATION

- A. Any building or structure or any outdoor recycling bins shall be located at least one-hundred (100) feet from any preexisting principal residential structure. This shall only apply to recycling deposit stations that serve as principal uses and recycling deposit stations that are in the form of manned trailers that serve as collection points for deposited clothes and other household items.
- B. No outdoor storage of goods to be recycled shall be permitted.
- C. The station shall be kept free of litter, debris, and residue.
- D. All drop-off containers and storage bins shall be durable, waterproof, rustproof, covered, and secure from unauthorized entry, and shall be clearly marked to indicate the type of material to be deposited therein.

8.4.17 SCHOOL, ELEMENTARY, MIDDLE AND SENIOR HIGH

- A. Middle and senior high schools having an enrollment capacity of three-hundred (300) students or greater shall have direct access to the site provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- B. All modular classrooms are subject to site plan review.

8.4.18 SCHOOL, VOCATIONAL

- A. Truck driving schools with outdoor maneuvering area shall be allowed in the I-1 and I-2 districts only.



- B. In the event the school engages in commerce, that is, trainees practice their developing skills with the public, then, the facility housing these transactions must abide by the regulations on that trade or industry found within this Ordinance. For example, if the school operates a repair garage for the benefit of training students and that activity is in a free standing facility, it must adhere to those regulations imposed upon automotive repair shop as both a conditional and/or "permitted based on standards" uses.

8.4.19 SOLID WASTE TRANSFER STATION

- A. Any principal or accessory structure must be located at least three-hundred (300) feet from any residentially zoned lot or fifty (50) feet from any other zoned lot line.
- B. There shall be no outdoor storage of waste products, unless entirely enclosed in containers and storage bins that are durable, waterproof, rustproof, covered, and secure from unauthorized entry.
- C. The site shall be kept free of litter, debris, and residue.

8.4.20 STADIUM

- A. Stadiums shall be a use by right if accessory to a school, and then must be located within one-quarter (1/4) of a mile from the school. Otherwise, a stadium shall be subject to the issuance of a conditional use permit.
- B. Access to the site shall be provided by principal or minor arterials only, as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan if seating for more than one-thousand (1,000) persons is provided.
- C. All principal structures (including bleachers) shall be located a minimum of one-hundred (100) feet from all lot lines.
- D. A Type B screening or higher screen will be required between said use and any abutting lot located in a residential district.
- E. Off-street parking requirements need to be met if the stadium is freestanding and not an accessory use to a school.



8.4.21 TOWER AND / OR STATION, RADIO AND TELEVISION BROADCAST

- A. The tower must be located at least two-hundred (200) feet from any residentially zoned lot or forty (40) feet from any other lot line.
- B. Towers shall be setback a minimum of two-hundred fifty (250) feet from any principal or minor arterial as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.
- C. Guy wire ground connections within thirty (30) feet of a residentially zoned lot shall be surrounded by a five (5) foot high chain-link fence located along the adjoining residential property line. Where said fencing is within clear view of a residential lot, sufficient landscaping shall be installed around the fence to screen the fence from the residential lot within five (5) years.
- D. Where a tower site is adjacent to a residentially zoned district, access to each tower base shall be secured with an eight (8) foot high wooden privacy fence with a three-strand barbed wire security top angled outward. When a tower site is adjacent to a residential district and multiple towers exist, or are being installed on the site, a nine (9) gauge, chain-link tower area perimeter fence (without a top rail) shall be installed. Said tower area perimeter fence shall be at least eight (8) feet in height and include a three (3) strand barbed wire security top angled outward. The Administrator shall determine the location of all fencing required by this section based on both security and aesthetics from adjacent properties.
- E. If tower only is to be placed on property, then Parking Regulation Number 1.0 of Chapter 10 shall apply.

8.4.22 TELECOMMUNICATION TOWERS AND FACILITIES

If it is determined that telecommunications providers cannot provide an adequate service level from collocating an antennae on an existing telecommunications tower, locating antennae on existing electrical transmission towers or similar structures, or locating/camouflaging antennae within an existing structure (see



Section 8.4.22S9) then telecommunications towers and facilities shall be allowed as a conditional use subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this Ordinance (see also Section 9.15):

- A. In Residential, Office and I-U zoning districts, all new and proposed telecommunication towers shall be of a monopole design and construction. All monopoles shall be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible.

In all Commercial and Industrial (except I-U) districts, a monopole which is designed to “telescope” or collapse inward is preferred by the County. If the applicant can demonstrate that a monopole cannot provide adequate service or structural integrity, then a lattice construction steel structure tower is acceptable. If a lattice tower is necessary, then it must be one that is designed to collapse inward upon itself.

Newly proposed telecommunication towers are prohibited in the Scenic View (SV) Overlay district.

- B. It is the intent of the County to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Gaston County. New telecommunication towers shall be capable of supporting additional communications antennas. Prior to completing an application for a telecommunication tower, the applicant shall provide to the County evidence of negotiation 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 conditional use permit process.
- C. The maximum allowable height of a tower is one hundred ninety-nine and nine tenths (199.9) feet. No increase to the height may be granted unless the applicant can prove the maximum height will not provide an adequate service level (i.e. cannot provide a reasonable level of service in the area). The height of a 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 located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, an access road of 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. Towers are prohibited on the top of buildings or structures in all the Residential, Office and I-U zoning districts as well as the Scenic View (SV) Overlay District. In Commercial and Industrial (except I-U) zoning districts, towers may be placed on roofs or walls with an approved Conditional Use Permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the tower and the proposed method of affixing the tower to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Towers on roofs may be allowed when the tower height:

1. Does not exceed more than thirty (30) percent of the height of the building or is no more than fifty (50) feet above the building / structure, whichever is less.
 2. Towers on roofs or walls shall be screened, constructed, and / or colored to match the structure to which they are attached.
- F. The County recognizes that a telecommunications facility (the original tower and antennae provider as well as any co-location entities) cannot be prohibited nor can a conditional use permit 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. The County requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- G. A minimum eight (8) 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, razor wire, or other similar types 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 Zoning Administrator 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.



- H. 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 in accordance with Type B buffer, with a five (5) feet planting strip (see Section 11.3). Evergreen shrubs should be of a size expected to reach a minimum of six (6) feet in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be drought tolerant or irrigated to ensure good health and vitality.

The installation and maintenance requirements of Section 11.1.2(E) shall apply.

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

The Administrator may waive any or all of the screening requirements upon determining existing topography or existing natural conditions on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The Administrator 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. Minimum setback requirement, on all sides of the property including road right-of-way, or leased area of a parcel, shall be seventy-five hundredths (.75) foot for every one (1) foot of actual tower height (i.e. a 199.9 foot tower would require a 149.9 foot setback on all sides), or the documented collapse zone, whichever is greater in all zoning districts in which telecommunication towers are allowed. This requirement shall not be applicable to a telecommunication tower proposing to locate in the C-3 and Industrial (except I-U) zoning districts. These setback requirements are established to prevent ice-fall materials and/or debris from tower failure or collapse from damaging off site property.

Setbacks for free standing towers in the C-3 and Industrial (except I-U) districts setbacks shall be determined by the underlying zoning district.



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

- J. Minimum lot size requirements for telecommunication towers locating in Residential, Office, Commercial (except C-3) and I-U zoning districts shall be determined by the maximum setback possible for a proposed tower.

Minimum Lot size requirement for towers locating in all other zoning districts shall be determined by the underlying zoning district.

- K. Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain a written signed certification from the property owner that no future development or subdivisions of land of 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.

- L. Towers and related facilities must be removed by the applicant and/or tower owner upon abandonment of the tower (no longer used for its original intent) for a period of three hundred sixty-five (365) consecutive days. Such removal (clearing from site) shall take place and be fully completed within ninety (90) days of the first day the tower was declared to have been abandoned for three hundred sixty-five (365) days. It shall be the responsibility of the applicant or tower owner to notify the County when the tower has been abandoned for a period of three hundred sixty-five (365) days.

- M. Any planned increase in tower height to an existing approved telecommunication tower requires the provider to apply for an amendment to the original conditional use permit. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Administrator. Planned height increases for towers which were constructed prior to the adoption to the Gaston County Zoning Ordinance and/or do not have a conditional use permit on file with the County shall be required to apply for a conditional use permit, which includes a review and approval by the County.

- N. Applications by providers to use co-location space on an approved existing tower shall be permitted by right provided that the tower height is not increased. If the co-locator or owner of the tower proposes to increase the tower's height, this shall require the co-locator or owner to apply for an amendment to the original conditional use permit, which



includes a new review and approval by the County. Co-location applicants must comply with all requirements provided in Section 8.4.24, unless provided by the original conditional use permit applicant.

- O. Free-standing signs are prohibited. Wall signs shall be limited to (i) identification signage allowed on equipment structures or fences surrounding the telecommunication tower / structure provided it does not exceed nine (9) square feet in size for the purpose of identifying the owner of said tower, and co-location availability, and (ii) "No trespassing" signs, "Danger - High Voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons.

Signs shall be on installed and/or mounted on the perimeter fence, and or on tower at the base of the tower.

No advertising signs shall be allowed on the tower.

- P. The provider shall show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a conditional use permit, or an amendment to that permit. Once approved, documentation of adequate insurance must be provided to the Gaston County Land Use Administrator every twelve (12) months.
- Q. Outdoor storage of equipment or other related or non-related items are prohibited.
- R. Associated telecommunication 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.
- S. All applications for a Conditional Use Permit (or amendment to the original Conditional Use Permit) for a telecommunication tower must include the following information in addition to any other applicable information contained in the Zoning Ordinance:
 - 1. Identification of intended provider(s);
 - 2. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one (1) user. 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;



3. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
4. Documentation that all property owners of residentially zoned property within three hundred (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 existing Conditional Use Permits.
5. Documentation that the telecommunication equipment complies with Federal Radio Frequency Emission Standards;
6. Documentation from a professional RF Engineer that towers over one hundred and ninety-nine and nine tenths (199.9) feet are necessary for a minimal level of service;
7. 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, and longitude and latitude in degrees and minutes, indicate the horizontal datum used either NAD 83 and NAD 27;
8. Documentation of monopole tower or lattice tower collapse area, for newly proposed telecommunication towers.
9. Expert testimony that demonstrates to the satisfaction of the County that the provider has explored all means for stealth tower locations and co-location opportunities. 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 of co-location space.
 - f. Documentation that the provider has sent copies of letter to owners of all existing towers within a one (1) mile radius of the proposed site, inquiring whether or not their existing tower could accommodate the proposed antennae without causing instability or radio frequency interference.
 - g. 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.
- T. In all zoning districts where telecommunication towers are allowed except for the C-3 and Industrial (except I-U) districts, any newly proposed tower shall be located at least one thousand (1,000) feet from any other existing telecommunications tower. The provider shall provide on the proposed site plan any existing towers within the one thousand (1,000) foot separation requirement.
- U. 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 Federal Aviation Administration (FAA) standards.

8.4.23 TELECOMMUNICATIONS ANTENNAE AND ASSOCIATED EQUIPMENT ON EXISTING TOWERS AND STRUCTURES

- A. Provided the structural integrity of the structure / tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunication antennae and its associated equipment buildings may locate on any existing tower, water tank/tower, building, or similar structures by right in all zoning districts so long as the addition does not increase the original height of the existing structure. Such antennae shall be painted to match the color of the building/structure or the background against which they are most commonly seen.



Note: No antennae used for the purpose of cellular telecommunication shall be mounted on any structure used solely for residential purposes.

- B. The County requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- C. Screening requirements shall not apply to telecommunications providers who camouflage (stealth locations) antennas within another structure (such as a bell steeple), or co-locate on an existing tower. Nor shall screening apply when an antenna will be mounted on an electrical transmission tower or on structures such as a water tower / tank, grain silos, etc. or similar structures.
- D. Applications by providers to use co-location space on an approved existing tower shall be permitted by right provided that the tower height is not increased. Any co-location which will results in an increase to the tower height, shall require the co-locator or applicant to apply for an amendment to the original conditional use permit, or apply for a new conditional use permit(if there is no original conditional use permit) which includes a new review and approval by the County.
- E. Outdoor storage of equipment or other related or non-related items are prohibited.
- F. The associated telecommunication antennae 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.
- G. Telecommunication antennae and associated equipment 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 Federal Aviation Administration (FAA) standards.

8.4.24 CO-LOCATION FOR NEWLY PROPOSED AND REPLACEMENT TELECOMMUNICATION TOWERS

- A. The location of antennae and its associated equipment on an approved telecommunications tower shall be permitted by right in all zoning districts



provided the tower's height is not increased and the structural integrity of the tower is not diminished or compromised as determined and documented by a licensed professional structural engineer.

- B. Newly proposed or replacement telecommunication towers up to one hundred-fifty (150) feet shall be structurally designed and built to accommodate two (2) or more users.
- C. Newly proposed or replacement telecommunication towers which exceed one hundred-fifty (150) feet shall be structurally designed and built to accommodate three (3) or more users.
- D. New telecommunication towers and replacement towers shall provide enough ground site area to accommodate future providers' ground equipment buildings associated with future co-locates.

8.4.25 FREE STANDING MONOPOLE TOWERS UP TO 199.9 FEET [LOCATED IN THE C-3 AND INDUSTRIAL (EXCEPT I-U) DISTRICTS]

- A. All monopoles shall be designed to "telescope" or collapse inward unless documentation can be provided to prove that such design is not feasible.
- B. Newly proposed telecommunication towers are prohibited in the Scenic View (SV) Overlay district.
- C. It is the intent of the County to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Gaston County. New telecommunication towers shall be capable of supporting additional communications antennas. This will assist the County in reducing the total number of towers in the County.

Newly proposed monopole telecommunication towers up to one hundred-fifty (150) feet shall be structurally designed and built to accommodate two (2) or more users.

Newly proposed monopole telecommunication towers exceeding one hundred-fifty (150) feet shall be structurally designed and built to accommodate three (3) or more users.



New telecommunication towers shall provide enough site and/or land area to accommodate future co-locates equipment buildings, and other related equipment.

- D. The maximum allowable height of monopole tower by right is one hundred and ninety-nine and nine tenths (199.9) feet.
- E. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, an access road of 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.
- F. The County requires that each applicant must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- G. A minimum eight (8) 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, razor wire, or other similar types 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 Zoning Administrator 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.

- H. 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 as per a Type B screening, with a five (5) foot planting strip (see Section 11.3). Evergreen shrubs should be of a size expected to reach a minimum of six (6) in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be drought tolerant or irrigated to ensure good health and vitality.

The installation and maintenance requirements of Section 11.1.2(E) shall apply.



The Zoning Administrator may waive any or all of the screening requirements upon determining existing topography or existing natural conditions on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met.

The Zoning Administrator 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. Setbacks for free standing towers in the C-3 and Industrial (except I-U) zoning districts setbacks shall be determined by the underlying zoning district.

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

- J. Minimum Lot size requirement for towers locating in the C-3 and Industrial (except I-U) zoning districts shall be determined by the underlying zoning districts.

- K. 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 of three hundred sixty-five (365) consecutive days. Such removal (clearing from site) shall take place and be fully completed within ninety (90) days of the first day the tower was declared to have been abandoned for three hundred sixty-five (365) days. It shall be the responsibility of the applicant or tower owner to notify the County when the tower has been abandoned for a period of three hundred sixty-five (365) days.

- L. Free-standing signs are prohibited. Wall signs shall be limited to (i) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine (9) square feet in size for the purpose of identifying the owner of said tower, and co-location availability, and (ii) "No trespassing" signs, "Danger - High Voltage" signs and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be only installed and / or mounted on the perimeter fence, and or on tower at the base of the tower.

No advertising signs shall be allowed on the tower.



- M. The provider shall show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a zoning permit by the County. Once a zoning permit is issued, documentation of adequate insurance must be provided to the Gaston County Zoning Administrator every twelve (12) months.
- N. Outdoor storage of equipment or other related or non-related items are prohibited.
- O. Associated telecommunication 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.
- P. Applications for a monopole telecommunication tower must include the following information in addition to any other applicable information contained elsewhere in the Zoning Ordinance:
 - 1. Identification of intended provider(s);
 - 2. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one (1) user. 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;
 - 3. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
 - 4. Documentation that the telecommunication equipment complies with Federal Radio Frequency Emission Standards;
 - 5. 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, and longitude and latitude in degrees and minutes, indicate the horizontal datum used either NAD 83 and NAD 27;
 - 6. Documentation of monopole tower or lattice tower collapse area, for newly proposed telecommunication towers.



- Q. 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 Federal Aviation Administration (FAA) standards.

8.4.26 BONA FIDE FARMS

Bona fide farms shall be permitted in accordance with the Table of Uses (Table 7.1-1), subject to the following:

- A. The use shall meet the definition of a bona fide farm.
- B. Bona fide farming uses shall be exempt from all zoning requirements in this UDO.
- C. Bona fide farms may be permitted to have more than one (1) principal structure.
- D. Bona fide farms shall be permitted to have accessory structures without a principal structure.
- E. The maximum height of residential structures shall conform to the underlying district requirements.
- F. Produce stands shall be permitted in conjunction with any bona fide farming use, regardless of whether the produce stand is allowed in the underlying zoning district. However, sufficient on-site parking must be provided so that no parking associated with the produce stand shall take place within a public right-of-way.

8.4.27 PRODUCE STAND

- A. A produce stand shall not be located in a road right-of-way;
- B. A produce stand shall not be located closer than ten (10) feet to any side lot line and twenty (20) feet to any side lot line which is in or abuts a Residential District, unless a greater setback is required for the zoning district in which it is located.
- C. Signs for a produce stand shall not be illuminated.



- D. If located in any Residential District, except the R-3 District, during the times of the year in which the produce stand is not in operation the stand and any structure associated with it shall not be visible from any adjoining road.
- E. If located in a Residential District, all produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located.
- F. Screening shall not be required for any produce stand.
- G. A produce stand may be located on a lot containing another principal use. If another use is located on the lot, required parking for the produce stand and the other use must both be required.
- H. Site plan review per Section 5.2 for produce stands shall not be required.