

ARTICLE I	4
AUTHORITY AND JURISDICTION	4
SEC. 1. AUTHORITY AND ENACTMENT.....	4
SEC. 2. SHORT TITLE.....	4
SEC. 3. JURISDICTION.....	4
SEC. 4. INCORPORATION OF THE ZONING MAP.....	4
SEC. 5. EXCEPTIONS TO APPLICABILITY.....	4
ARTICLE II	5
LEGAL PROVISIONS.....	5
SEC. 1. RELATION TO OTHER ORDINANCE.....	5
SEC. 2. SEVERABILITY.....	5
SEC. 3. REPEAL OF EXISTING ZONING ORDINANCE.....	5
SEC. 4. EFFECTIVE DATE	5
ARTICLE III.....	6
SEC. 1. TOWN COUNCIL	6
SEC. 2. PLANNING BOARD.....	6
SEC. 3. BOARD OF ADJUSTMENT.....	6
SEC. 4. ZONING ENFORCEMENT OFFICER.....	11
SEC. 5. ZONING PERMIT REQUIRED	11
SEC. 6. APPLICATION FOR ZONING PERMIT	11
SEC. 7. CERTIFICATE OF OCCUPANCY REQUIRED.....	11
SEC. 8. FEES.....	12
SEC. 10. TOWN ATTORNEY MAY PREVENT VIOLATION	12
SEC. 11. LIABILITY	12
SEC. 12. PENALTIES.....	12
SEC. 13. PROJECT REVIEW COMMITTEE.....	13
ARTICLE IV	15
SEC. 1. GENERAL.....	15
SEC. 2. INTERPRETATION OF COMMONLY USED TERMS AND WORDS	15
SEC. 3. DEFINITIONS OF SPECIFIC TERMS AND WORDS.....	15
ARTICLE V.....	33
ESTABLISHMENT OF DISTRICTS	33
SEC. 1. USE DISTRICTS NAMED.....	33
SEC. 2. DISTRICT BOUNDARIES SHOWN ON THE ZONING MAP	33
ARTICLE VI	36
USE DISTRICTS DESCRIBED	36
SEC. 1. R-20 RESIDENTIAL DISTRICT – R-20 AND R20(SU).....	36
SEC. 2. R-12 RESIDENTIAL DISTRICT – R-12 AND R-12 (SU).....	36
SEC. 3. RESIDENTIAL DISTRICT – R-12 AND R-12 (SU).....	36
SEC. 4. CENTRAL BUSINESS DISTRICT – CB AND CB (SU).....	36
SEC. 5. G-B GENERAL BUSINESS DISTRICT – GB AND GB (SU)	37
SEC. 6. M-1 MANUFACTURING AND INDUSTRIAL DISTRICT – M-1 AND M1 (SU).....	37
SEC. 7. SPECIAL ENTERTAINMENT DISTRICT (FLOATING).....	37
SEC. 8. MU-CD MIXED USE – CONDITIONAL.....	38
ARTICLE VII.....	39

APPLICATION OF REGULATIONS	39
SEC. 1. ZONING AFFECTS EVERY BUILDING AND USE.....	39
SEC. 2. REDUCTION OF LOT AND YARD AREAS PROHIBITED	39
SEC. 3. RELATIONSHIP OF BUILDING TO LOT	39
SEC. 4. STREET ACCESS	39
SEC. 5. USES PROHIBITED.....	39
SEC. 6. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS	40
SEC. 7. LOCATION OF ACCESSORY AND TEMPORARY BUILDINGS ON	40
RESIDENTIAL LOTS.....	40
SEC. 8. LOT OF RECORD – DATE AND PERMITTED USE.....	40
SEC. 9. ADJOINING AND VACANT LOTS	40
SEC. 10. 10’ SIDE YARD ON CORNER LOTS.....	41
SEC. 11. FRONT YARD SETBACKS	41
SEC. 12. CONDITIONS FOR MODIFICATION OF REQUIRED YARDS.....	41
SEC. 12 A THOROUGHFARE SETBACK	42
SEC. 13. EXCEPTIONS TO HEIGHT LIMITS	43
SEC. 15. NONCONFORMANCES.....	45
SEC. 16 EARLY VESTING OF DEVELOPMENT RIGHTS UPON APPROVAL OF SITE PLAN.....	48
SEC. 17. DIVISION OF LOT OR TRACT.....	52
SEC. 18 RESIDENTIAL CLUSTER DEVELOPMENT.....	52
SEC. 19. USE OF MANUFACTURED HOMES AS VEHICLES.....	55
SEC. 20. DENSITY CREDITS	55
SEC. 21. THOROUGHFARE SETBACK PROVISIONS.....	59
SEC. 22 SCREENING AND LANDSCAPING.....	60
SEC. 23. MANUFACTURED HOMES.....	63
SEC. 24. COMMUNICATION TOWER REGULATIONS	71
ARTICLE VIII.....	74
DEVELOPMENT REQUIREMENTS	74
SEC. 1. INTENT.....	74
SEC. 2. APPLICABILITY	74
SEC. 3. GENERAL SITE ARRANGEMENT	74
SEC. 4. DEVELOPMENT STANDARDS.....	75
ARTICLE X.....	82
INTERPRETATION, APPEALS & VARIANCES	82
SEC. 1. INTERPRETATIONS	82
SEC. 2 APPEALS.....	82
SEC. 3. STAY OF FURTHER ACTION	82
SEC. 4 VARIANCE.....	82
SEC. 5. APPLICATION FOR APPEAL OR VARIANCE.....	82
SEC. 6 ACTIONS SUBSEQUENT TO DECISION.....	83
SEC. 7. APPEAL OF DECISION	83
SEC. 8 FEES.....	83
ARTICLE XI	84
CHANGES AND AMENDMENTS.....	84
SEC. 1. GENERAL.....	84

SEC. 2. GENERAL AND SPECIAL USE DISTRICT REZONING.....	84
SEC. 3. THE SPECIAL USE DISTRICT REZONING PROCESS	85
SEC. 4. PUBLIC NOTICE AND HEARING REQUIRED	90
SEC. 5. APPLICATION SUBMITTED; ADVERTISING REQUIRED.....	91
SEC. 6. DECISION.....	91
SEC. 7. PROTEST PETITIONS.....	91
SEC. 8. FEES.....	92

**ARTICLE I
AUTHORITY AND JURISDICTION**

SEC. 1. AUTHORITY AND ENACTMENT

In pursuance of authority granted by the General Assembly of North Carolina in the General Statutes, specifically Chapter 160 A, Article 19, the Town of Stanley may enforce zoning regulations to promote the public health, safety, morals and general welfare; to promote orderly development of the community; to lessen congestion on the roads and streets; to secure overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, school, parks and other public facilities, all in accordance with the well considered comprehensive plan.

SEC. 2. SHORT TITLE

This Ordinance shall be known as the *Zoning Ordinance* of the Town of Stanley, North Carolina, and may be referred to as the *Zoning Ordinance*. The map which is identified by the title Official Zoning Map, Stanley, North Carolina, shall be known as the *Zoning Map*.

SEC. 3. JURISDICTION

The provision of this Ordinance shall apply within the corporate limits of the Town of Stanley and within the territory beyond such corporate limits as shown on the Zoning Map and/or described in the extraterritorial zoning resolution. The extraterritorial boundary will follow physical features when possible, but at no point will the outside boundary extend more than two (2) miles from the corporate limits in any direction.

SEC. 4. INCORPORATION OF THE ZONING MAP

The Official Zoning Map, Stanley, North Carolina and all notations, references and other information shown on the map are hereby incorporated by reference and may be a part of this Ordinance.

SEC. 5. EXCEPTIONS TO APPLICABILITY

These regulations shall not prevent the construction of any building or structure for which a building permit has been secured prior to the effective date of this Ordinance so long as the permit has not been revoked (pursuant to G.S. 160A-422) or allowed to expire. However, once constructed, any structure so erected will be subject to any and all regulations set forth in this Ordinance.

**ARTICLE II
LEGAL PROVISIONS**

SEC. 1. RELATION TO OTHER ORDINANCE

It is not intended that these regulations shall in any way repeal, annul, or interfere with the existing provision of any other law or ordinance except any ordinance which these regulations specifically replace. It is not intended that these regulations interfere with any easements, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

SEC. 2. SEVERABILITY

If any section or specific provision or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

SEC. 3. REPEAL OF EXISTING ZONING ORDINANCE

This ordinance in part carries forward by re-enactment, some of the provisions of the Zoning Ordinance of the Town of Stanley, North Carolina (adopted by the Town Council in 1986 as amended), and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights a liabilities that accrued thereunder are preserved and may be enforced. All provisions of the *Zoning Ordinance* which are not re-enacted herein are hereby repealed, with the exception of Section 79, Sign Regulations, of the existing Zoning Ordinance. All suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Zoning Ordinance, prosecution for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

SEC. 4. EFFECTIVE DATE

These regulations shall become effective January 1, 1998.

**ARTICLE III
ADMINISTRATION**

SEC. 1. TOWN COUNCIL

The Town Council, as the governing body of the Town of Stanley, acts in its legislative capacity when considering proposed amendments to the text of this Ordinance or to the zoning maps and shall observe the procedural requirements set forth in this Ordinance.

When considering amendments to this Ordinance or the *Zoning Map*, the Town Council shall follow the regular voting procedure and other requirements as set forth in other provisions of the Town Code, the Town Charter, or general law.

It is the intention of this Ordinance that the duties of the Town Council in connection with this Ordinance shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in this Ordinance. Furthermore, the duties of the Town Council in connection with this Ordinance shall be only that of considering and passing upon any proposed amendments, Special Use District permits, or repeal of this Ordinance as provided by law.

SEC. 2. PLANNING BOARD

The Planning Board shall review and make recommendation to the Town Council on all matters relating to zoning within the corporate limits and zoning jurisdiction of Stanley, North Carolina whenever such matters require the attention of the Town Council.

SEC. 3. BOARD OF ADJUSTMENT

(A Creation)

A Board of Adjustment is hereby created as provided in G.S. 160A-388 of the General Statutes of North Carolina. The Board shall consist of six (6) members and two (2) alternates. Three (3) members and (1) alternate shall be residents of the Town of Stanley, and three (3) members and one (1) alternate shall be appointed by the Gaston County Board of Commissioners as provided in G.S. 260A-362. The Term of office of the members shall be for three (3) years, except the terms may initially be staggered so as to insure continuity of experience on the Board. All members shall have equal rights and privileges in all matters.

Vacancies shall be filled for the unexpired term only. Members may be removed for cause by the Town Council or the Board of County Commissioners upon written charges after a public hearing.

(B) Rules of Procedures

The Board of adjustment shall adopt rules of procedures separate from this Ordinance which shall, at a minimum, provide for:

- general rules;
- officers and duties;
- alternate members;
- rules of conduct for members;
- meetings
- zoning appeals and applications; and
- amendments

Such rules of procedure shall accompany but shall not be a part of this Ordinance. Such rules shall be consistent with this Ordinance and G.S. 1160A, Article 19, Part 3. All meetings of the Board shall be open to the public and the minutes thereof shall be duly maintained.

(C) Powers and Duties of the Board of Adjustment

The Board shall have the powers listed below:

- to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Enforcement Officer;
- to hear and decide application for decisions on temporary and conditional use permits;
- to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the Public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in undue hardship and so that the spirit of this Ordinance will be observed and substantial justice done.

The concurring vote of five-sixths (5/6) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer or to decide in favor the applicant on any matter upon which it is required to pass under the Ordinance or to effect any variance authorized.

The Board shall not grant a variance, issue a conditional use or temporary use permit until a public hearing is held. Notice of such public hearing shall be posted on the property for which the petition is sought and in a local newspaper prior to the public hearing. This legal notice shall describe the request and appear at least once weekly for two (2) consecutive weeks, the first notice to be published not less than ten (10) nor more than twenty-five (25) days prior to the public hearing.

(D) Consideration of Proposed Variance

In considering all proposed variances to this Ordinance, the Board shall, before making any finding in a specified case, first determine that the proposed variances will not constitute any change in the district boundaries shown on the *Zoning Map* and will not impair the adequate supply of light and air to adjacent property, substantially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals, and general welfare.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use as it deems advisable in furtherance of the purposes of this Ordinance.

The Board shall not grant a variance until a public hearing is held. Before variance is granted, it shall be known that:

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;
- Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located;
- A literal interpretation of the provisions of Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located;
- The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare;
- The special circumstances are not the result of the actions of the applicant;
- The variance requested is the minimum variance that will make possible the legal use of the land, building or structure;
- The variance is not a request to permit a use of land, building or structure which is not permitted by right or by condition in the district involved.

(E) Conditions Governing Applications of Conditional Use Per

The Board of Adjustment has the power and duty to grant, in particular cases and subject to appropriated conditions and safeguards, permits for conditional uses as authorized by this Ordinance and set forth as Conditional Uses under the various use districts. The Board shall not grant a conditional use permit until a public hearing is held. The Board shall not grant a conditional use permit unless and until:

- A written application for a conditional use permit is submitted.
- Notice of the public hearing is posted on the property for which the conditional use permit is sought and there appears in a local newspaper, a notice for two (2) consecutive weeks describing the request, the first notice to be published not less than ten (10) nor more than twenty-five (25) days prior to the public hearing.

No conditional use permit shall be approved by the Board of Adjustment unless the following findings are made concerning the proposed conditional use:

- The use of development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- The use of development complies with all conditions and specifications of this Ordinance;
- The use or development will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Stanley and its environs.

(F) Temporary Use Permits:

Provisions of this section are intended to provide relief in cases of hardship on a short-term basis only.

A Class A or B manufactured home (excluding the requirement for a permanent masonry foundation) may be permitted in residential districts in a rear yard as a accessory use on a temporary basis, following the Zoning Enforcement Officer's finding, after review and recommendation of the Board of Adjustment, that a personal hardship exists. Reasons justifying separate quarter shall be limited to terminal illness of an immediate family member, destruction or partial destruction of an existing structure, a contagious disease of an immediate family member, or aging parents not financially or physically sound. A temporary use permit may also be issued for occupancy of a Class A or Class B manufactured home (excluding the requirement for a permanent masonry foundation) when construction of a built house has been undertaken by the owner of the lot.

Temporary use permits may be issued by the Zoning Enforcement Officer in the aforementioned cases for a period of twelve (12) months, and may be renewed for one (1) additional twelve-month period provided that the hardship continues to exist. Application for renewal of a temporary use permit shall be made thirty (30) days prior to the expiration date of said permit. All applications shall be made to the Zoning Enforcement Officer. The two (2) year restriction does not apply to manufactured homes used as classrooms within a school system.

All manufactured homes shall be connected to water and sewer systems approved by the Town of Stanley of the Gaston County Health Department. Manufactured home structures used as classrooms or temporary offices which do not contain restrooms or sinks and are not used as housing are not required to have water and sewer.

Additionally, temporary use permits can be issued by the Zoning Enforcement Officer for manufactured homes in non-residential districts, excluding floodplain districts, where they will be used for temporary office purposes during the construction of any permanent building or for temporary classrooms for public schools.

Any manufactured home permitted as an accessory use on a temporary basis shall be removed by 12:00 a.m. on the day of the expiration of the temporary use permit.

(G) Appeals from and to the Board of Adjustment:

Any person, taxpayer officer, department, board or bureau of the Town may within thirty (30) days from the filing of the decision of the Board, but not thereafter present to a court of competent jurisdiction a petition for a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality.

Thereupon such decision of the Board shall be subject to review as provided by law. An appeal from a decision of the Zoning Enforcement Officer may be taken to the Board of Adjustment by any person aggrieved by such decision. Such appeal shall be made in writing to the Board and the Zoning Enforcement specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the office from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of acts stated in the certificate, a stay would in his opinion cause restraining order which may be granted by the Board or by a court of record on application of notice of the Officer from whom the appeal is taken and upon due cause shown. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. AT the hearing, any party may appear in person, by agent or by attorney.

The Board of Adjustment shall hold public hearings at which specific appeals shall be heard, notice of said hearings being made public in at least two (2) of the following ways:

- Publishing a public notice in a newspaper of general circulation or two consecutive weeks, the first not less than ten (10) nor more than twenty-five (25) days prior to the public hearing;
- Posting signs concerning the hearing in the neighborhood which is affected; or
- Sending written notices to all the adjoining property owners.

With any of the three (3) methods of notice, the wording should contain the time, date, place, general nature of the question involved, and the property which will be affected.

SEC. 4. ZONING ENFORCEMENT OFFICER

The Zoning Enforcement Officer is hereby authorized and it shall be his duty to enforce and administer the provisions of this Ordinance. If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

SEC. 5. ZONING PERMIT REQUIRED

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until a site plan has been submitted to and reviewed by the Project Review Committee (if necessary), and the Zoning Enforcement Officer has issued a zoning permit.

SEC. 6. APPLICATION FOR ZONING PERMIT

Each application to the Zoning Enforcement Officer for a zoning permit shall be accompanied by plot plans in duplicate showing:

- The actual dimensions of the lot to be built upon;
- The size of the building to be erected;
- The location of the building on the lot;
- The location of existing structures on the lot, if any;
- The number of dwelling units the building is designed to accommodate;
- The approximate setback lines of buildings on adjoining lots;
- The intended use of the property;
- Such other information as may be essential for determining whether the provisions of this Ordinance are being observed; and
- Any of the above can be waived at the discretion of the Zoning Enforcement Officer.

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

SEC. 7. CERTIFICATE OF OCCUPANCY REQUIRED

A Certificate of Occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the erection or structural alteration of the building or part shall have been completed in conformity with the provisions of this Ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Ordinance. If the certificate of occupancy is denied, the

Building Inspector shall state in writing the reasons for refusal, and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

SEC. 8. FEES

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, and similar matters may be charged to applicants for zoning permits, conditional use permits, zoning amendments, appeals, variances, and other administrative relief. The amount of such fees shall be fixed by the Town Council.

SEC. 9. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES OF ZONING COMPLIANCE.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Project Review Committee or the Zoning Enforcement Officer authorize only the use, arrangement and construction set forth in such approved plans and applications, and not other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

SEC. 10. TOWN ATTORNEY MAY PREVENT VIOLATION

If any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Ordinance, or any structure or land is used in violation of this Ordinance, the Zoning Enforcement Officer shall inform the town attorney and the town attorney, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent the occupancy of the structure or land or to prevent any illegal act, conduct, business or use in or about the premises.

SEC. 11. LIABILITY

The owner, tenant, or occupant of any land or structure, or part thereof and any architect, engineer, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and be subject to the penalties and remedies provided herein.

SEC. 12. PENALTIES

Any person who violates the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor. Each day that a violation continues to exist shall constitute a

separate violation and a separate offense for the purpose of the penalties specified herein. A Warning citation shall first be issued; the noted violation should be corrected within ten days. The first Citation shall impose a \$10 fine. The second citation shall impose a \$25 fine. Third and subsequent citations shall impose a \$50 fine. If the offender fails to pay penalties, the Town may recover the penalties in a civil action in the nature of debt. This Ordinance may also be enforced by an appropriate equitable action.

SEC. 13. PROJECT REVIEW COMMITTEE

All commercial, industrial and multi-family development, must be approved prior to the start of construction by the Project Review Committee. This committee shall consist of the Town Manager, Public Works Director, Zoning Enforcement Officer, Pre-treatment Coordinator, Police Chief, Fire Chief, Board of Health, and when necessary, a representative of the Gaston County Health department or the Building Inspections Department.

(A) Powers and Duties of the Project Review Committee

The Project Review Committee shall review all pertinent applications for conditional use permits, SUD permits, and zoning permits to determine whether or not the proposed development meets the standards established in this Ordinance and all other applicable regulations within the town of Stanley. This review shall be of a technical nature only, and shall not involve negotiation with developers not the exercise of discretionary authority.

(B) Procedures of the Project Review Committee

The owner or developer of the property designated in the application shall submit the application to the Zoning Enforcement Officer for project review. Such application shall include all data required by this Ordinance.

Two copies of all required plans, drawings, and specifications shall be filed at the time of application. After review by the Project Review Committee, one copy shall be returned to the developer for his records and one copy shall be kept by the Zoning Enforcement Officer.

After receipt of the application by the Zoning Enforcement Officer, a meeting of the Project Review Committee shall be called by the Chairman (Town Manager) to review the project within thirty (30) working days. Meetings of the committee shall be held at the call of the Chairman. The developer may request a preliminary staff review prior to formal review. The Zoning Enforcement Officer or Town Manager may conduct the staff review. All meetings of the committee shall be open to the public. At the hearing, any party may appeal in person or by agent.

If the Project Review Committee shall find that a proposed project does not meet all of the standards of this Ordinance, a copy of the application, with deficiencies noted, shall be returned to the developer for modification and submittal.

In the event of failure to comply with the plans approved by the Project Review Committee, any permit issued for that project shall immediately become void. No building permits for further construction or certificates of occupancy shall be issued, until such time as the owner or developer meets with specifications to correct project deficiencies.

An application fee to be fixed by the Town Council shall be paid to the Town of Stanley for each application to the Project Review Committee to help cover the necessary administrative costs.

ARTICLE IV DEFINITIONS

SEC. 1. GENERAL

For the purpose of interpreting this Ordinance, certain words or terms are herein defined. The following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

SEC. 2. INTERPRETATION OF COMMONLY USED TERMS AND WORDS

- Words used in the present tense include the future tense.
- Words used in the singular number include the plural.
- Words used in the plural number the singular, unless the natural construction of the wording indicates otherwise.
- Words used in the masculine include the feminine.
- The words “person” includes a firm, association, corporation, trust, and company as well as an individual.
- The word “used for” shall include the meaning “designed for.”
- The word “lot” shall include the words “plat,” “parcel,” or “tract.”
- The word “shall” is always mandatory and not merely directory.
- The word “may” is permissive.
- The word “structure” shall include the word “building”.
- The words “town” or “Town” shall mean the Town of Stanley, North Carolina.

SEC. 3. DEFINITIONS OF SPECIFIC TERMS AND WORDS

The following is an alphabetical listing of words and terms used within this Ordinance.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use or building. This definition shall also include swimming pools.

ADULT DAY CARE CENTER. A day care facility in which day care is provided to seven (7) or more adolescents, or disabled, or older adults in a place other than their usual place or residence on less than a twenty-four (24) hour basis.

ADULT DAY CARE HOME. A day care facility in which day care is provided for up to six (6) adolescents, or disabled, or older adults on less than a twenty-four (24) hour basis.

ADULT ENTERTAINMENT. Adult bookstores, adult video rentals or sales, adult motion pictures theaters, adult live entertainment businesses, or massage businesses defined by State law.

AGRICULTURAL USE. The commercial production, keeping or maintenance, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forests products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental projects; or land devoted to a soil conservation or forestry management program. Uses which shall not be deemed as “agricultural uses” include (1) zoos, (2) kennels, and (3) riding stables and academies.

ALLEY. A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION. The word “alteration” shall include the following:

- Any addition to the height or depth of a building or structure,
- Any change in the location of any of the exterior walls of a building or structure, or
- Any increase in the interior accommodations of a building or structure.

APARTMENT. A dwelling unit within an apartment building consisting of a room or rooms intended, designed, or used as a residence.

APARTMENT HOUSE. A building or portion thereof used or designed as a residence and consisting of three (3) or more dwelling units including apartment hotels, apartment houses, and group housing projects.

APPRAISED VALUE. An estimate or opinion of the value of real or personal property or an interest or estate in that property as determined by a qualified appraiser.

AUTO REPAIR FACILITY (GARAGE). A duly licensed facility specializing in the restoration and repair of automobiles. The work area for such a facility must be within an enclosed building. Storage of not more than six (6) vehicles shall be permitted.

BASEMENT. That portion of any structure located partly or entirely below the average adjoining lot grade.

BED AND BREAKFAST HOME. An establishment in a private dwelling that supplies temporary accommodations to eight (8) or fewer overnight guests for a fee.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs or receiving waters in order to achieve water quality protections goals.

BOARD OF ADJUSTMENT. The Zoning Board of Adjustment of the Town of Stanley, North Carolina.

BONA FIDE FARM. Agricultural, horticultural and forest land defined by G.S. 105.277 (1,2,3) and G.S. 105.277.3.

BUFFER. A horizontal distance from the property line which may only be occupied by screening, utilities, access ways and landscaping materials.

BUFFER STREAM. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that runoff does not become channelized and which provides infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of person, animals, equipment, machine, or materials. The connection of two (2) or more buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall be deemed to make them one building. This term does not apply to camping trailers, motorized homes, pickup campers, travel trailers, or self-contained travel trailers.

ACCESSORY BUILDING. A structure customarily incidental and subordinate to the main or principal building and located on the same lot therewith.

PRINCIPAL BUILDING. See “Structure, Principal”.

BUILDING HEIGHT. The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, gambrel and pitch roofs.

BUILDING LINE. A line fixed parallel to a lot line beyond which a building cannot extend under the terms of this Ordinance. Included are front, side and rear building lines.

BUILT-UPON AREA. Built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including building, pavement, gravel roads, gravel parking lots, gravel paths, recreation facilities (e.g., tennis courts), etc. (Note: Wooded decks and the water area of a swimming pool are considered pervious.)

CANOPY TREE. A tree which, at the time of planting, has a caliper of at least one and three-fourths (1 $\frac{3}{4}$) inches and a species which, at maturity, can be expected to reach a height of at least forty (40) feet under normal growing conditions in the local climate.

CESSATION OF USE. When a use is inactive but the ability to restart it remains present.

CERTIFICATE OF ZONING COMPLIANCE. A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building structure, or use of land complies with the Zoning Ordinance.

CHILD CARE CENTER. A day care facility in which day care is provided for thirteen (13) or more children when any child is preschool-age or sixteen (16) or more children when all children are school-age.

CHILD DAY CARE A. Any child care arrangement wherein five (5) or fewer children less than thirteen (13) years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four (4) hours per day.

CHILD DAY CARE B. Any child care arrangement wherein not less than six (6) nor more than twelve (12) children less than thirteen (13) years of age receive care away from their primary residence by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians, or full-time custodians, or in the child's primary residence where other unrelated children are in care. Care must be provided on a regular basis at least once per week for more than four (4) hours per day.

CLEAR VISION AREA. The triangular area formed by joining points, using straight lines, of the center lines of intersecting or intercepting streets sixty (60) feet from their intersection/interception. This area shall provide an unobstructed view between a height of three (3) feet and seven and one-half (7 ½) feet.

CLUB OR LODGE, PRIVATE. An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a non-profit basis for the benefit of its members.

CLUSTER DEVELOPMENT. A grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including stormwater runoff impacts. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments. Planned unit developments and mixed use developments are considered as cluster developments.

COMMON OPEN SPACE. An area of land and/or water within a site designed and reserved for the use and enjoyment of the residents. This does not include streets or off-streets parking areas. Common open space shall be substantially free of structures but may contain such improvements as are in the plan as finally approved and which are appropriate for the benefit of residents of the development.

COMMUNICATION TOWER. Any tower used for communication purposes, with the exception of those used by ham radio operators, two-way local radio facilities for business or governmental purposes, and those erected by a public authority for public safety or emergency services communication purposes.

CONDITIONAL USE PERMIT. A permit issued by the Board of Adjustment for a use or development that would not be generally appropriate within the zoning district without added restriction to safeguard the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.

CONDOMINIUM. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, and undivided basis. A condominium is considered multi-family.

CONVENIENCE STORE. An establishment which is open for extended hours which sells packaged and/or prepared foods and other conveniences (which may include gasoline) primarily for consumption and use off premises. Sales of items are highly dependent upon convenience of location, store hours, speed of service and highway accessibility and are less dependent on comparison shopping.

CUSTOMARY HOME OCCUPATION. Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, nor commodity sold upon the premises except as may be produced by the occupants; provided, that not more than twenty-five (25) percent of the total floor area of the dwelling, including basement, may be devoted to such occupation and that no person, other than a resident of the premises, shall be employed in connection with the home occupation.

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DISCHARGING LANDFILL. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

DISTRICT. Any section of the Town of Stanley and its zoning jurisdiction within which regulations are uniform.

DWELLING UNIT. A habitable house, apartment, manufactured home, group of rooms or a single room that is occupied as a separate living quarters and has direct access from outside the building or through a common hall.

Duplex. A building arranged or designed to contain two (2) dwelling units.

Multi-family dwelling. A building or portion thereof, designed to contain three (3) or more dwelling units (see Apartment House, and Condominium).

Single-family dwelling. A detached building designed to contain one (1) dwelling unit.

EASEMENT. A grant by a property owner for a specified purpose and use by the public, a corporation, or individuals.

EXISTING DEVELOPMENT. Those projects, not requiring a state permit, that are built or those projects that at a minimum have met one of the following criteria under North Carolina zoning as of the effective date of this Ordinance based on:

- Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project (vests for a two year period), or
- Having an outstanding valid building permit as authorized by the General Statutes (G.S. 160A-385.1), or
- Having an approved site specific or phased development plan as authorized by G.S. 160A-385.1).

For projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, existing development shall be defined as those projects that are built or those projects for which a state permit was issued prior to August 3, 1995.

FAMILY. Any number of persons related by blood, adoption, or marriage, and living together in one (1) dwelling unit as a single housekeeping entity; the term includes domestic servants.

FAMILY CARE UNIT. A group of not more than six (6) residents, exclusive of supervisory personnel, who need not be related by blood, marriage, or adoption, living together in a residential home as a single housekeeping unit. The residential home may be provided by an agency, organization or individual for persons who need sheltered living conditions for rehabilitation or extended care purposes.

FAMILY SUBDIVISION. A division of a tract of land (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveying by the grantor from the tract to any one relative; or (b) to divide from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

FENCE. An outdoor structure placed around a parcel of land and constructed of either masonry, metal or wood which provides either a physical barrier or visual screen between properties.

FLOATING ZONE. A zone that is nonexistent until a petition to rezone to such is presented and approved by the Town Council; such a designation does not appear on the zoning map until such time.

FRONTAGE , Street. The distance between the two (2) side lot lines as measured along the front building line.

GAME ROOM. Any place of business that operates four (4) or more mechanical games Or pay devices (excluding vending machines and photo laminating machines) fro which change is made, either directly or indirectly.

GROSS FLOOR AREA. The total floor area of a building including basements, mezzanines and upper floors, excluding separate service facilities outside the main building such as boiler rooms, and maintenance shops.

GROUP HOMES. A transitional housing facility for fifteen (15) or fewer residents, licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provided room and board, personal care and rehabilitative services to persons receiving therapy or counseling, to assist them to adjust to society.

HAZARDOUS MATERIAL. Any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (Oil and Hazardous Substances).

HOTEL (MOTEL). A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guest and which may have dining facilities in the same building.

INDUSTRIAL DEVELOPMENT. Any non-residential development that requires a NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

JUNK. Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use of disposition.

JUNKYARD. Any area, lot, land, parcel used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery to two (2) or more unregistered, inoperable motor vehicles or other type of junk.

LANDFILL. A facility for the disposal of solid waste on land in a sanitary manner in Accordance with Chapter 130A, Article 9 of the N. C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

LOADING AREA. A completely off-street space or berth on the same lot as a business or industry for the loading or unloading of freight carriers with ingress and egress to public street.

LOT. A parcel of land occupied or intended for occupancy by a structure or group of structures together with any accessory structures or uses including the open space required under this Ordinance.

Corner Lot. A which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five degrees (45) and less than one hundred and thirty-five degrees (135) with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning compliance permit.

Interior Lot. A lot other than a corner lot.

Through Lot. An interior lot having frontage on two parallel streets.

LOT DEPTH. The mean distance between the front and rear lot lines.

LOT LINE. A line dividing one parcel of property from another parcel of property or from a street right-of-way.

Front Lot Line. The street right-of-way boundary at the front of the lot, that is, from the front lot line. Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

Rear Lot Line. The line of a lot which is opposite and farthest, on average, from the front lot line. Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

Side Lot Line. Any lot line which meets an end of a front lot line. Where a lot abuts a street along the side of a lot, the side lot shall be deemed to coincide with the street right-of-way.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Gaston County, or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between side lot lines measured at the front building line.

MANUFACTURED HOME. A dwelling unit that: 1) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings; 2) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site in its own chassis; and 3) exceeds forty (40) feet in length and eight (8) feet in width.

Class A Manufactured Home. A (**doublewide**) manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria.

- The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- The manufactured home has a minimum of 1200 square feet of enclosed heating living area.
- The pitch of the roof of the manufactured home has a minimum vertical rise of two and two tenths (2.2) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (show reflectivity does not exceed that of gloss white paint), wood, or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and Access, is installed under the perimeter of the manufactured home.
- Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, and attached firmly to the primary structure and anchored securely to the ground.
- A continuous, permanent masonry, vinyl, or metal curtain wall or foundation, unpierced except for ventilation and access, is installed under the masonry, vinyl, or metal curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home.); and
- The moving hitch, wheels and axles, and transporting light have been removed. (Note: Within a park, one or more of these may remain intact).

It is the intent of these criteria to insure that a Class A manufactured home, on an individual lot, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Class B Manufactured Home. (singlewide) A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home. The following criteria must also be satisfied:

- The manufactured home is set up in accordance with the standards set by the North Carolina Department
- Stairs, porches, entrance platforms, ramps and the means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance, and attached firmly to the primary structure and anchored securely to the ground.
- The moving hitch, wheels and axles, and transporting light have been removed. (Note: Within a park, one or more of these may remain intact).
- A continuous, permanent masonry, vinyl, or metal foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the manufactured home. (Note: Within a park, a continuous, permanent masonry, vinyl, or metal curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home).

It is the intent of these criteria to insure that a Class B manufactured home, on an individual lot, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Class C Manufactured Home. A manufactured home that does not meet the definition either a Class A or B manufactured home and was built after July 1, 1976.

Class D Manufactured Home. A manufactured home built prior to July 1, 1976.

MANUFACTURED HOME PARK. Land used or intended to be used for occupancy by manufactured homes used as living quarters designed and operated in accordance with the applicable provisions of this Ordinance. This definition shall not include manufactured homes sale lots on which unoccupied manufactured homes are parked for purpose of inspection and sale.

MANUFACTURED HOME SPACE. Any parcel or ground within a manufactured home park, designed for the exclusive use of one (1) manufactured home.

MIXED USE. A land use pattern that provides for residential uses to be interspersed with commercial uses within the same complex or building. Mixed use can also refer to different categories of nonresidential uses such as institutional, retail, and office within the same complex or building.

MODULAR HOME. A dwelling unit constructed in accordance with the construction standards of North Carolina Uniform Residential Building Code for one-and-two Family Dwellings and composed of components substantially assembled in a manufactured plant and transported to the building site for final assembly and placement on a permanent foundation.

NONCONFORMANCE. Any use, structure, lot, or sign which does not conform to the regulations of the Zoning Ordinance either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

- **Non-Conforming Lot.** A lot which does not conform to the dimensions required by this Ordinance.
- **Non-Conforming Sign.** A sign which does not conform to the provisions of this Ordinance.
- **Non-Conforming Structure.** A structure which does not conform to the height, bulk, or setback standards set forth in this Ordinance or which does not meet the requirements for the type of structure allowed.
- **Non-Conforming Use.** Any use of building or land which does not conform to the use regulations of this Ordinance for the district in which it is located.

NON-RESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

NON-CONFORMING LOT OF RECORD. A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance that does not meet the minimum lot-size or other development requirements.

NURSING CARE INSTITUTION: A home for persons aged, ill, or handicapped in which two (2) or more persons not of the immediate family of the owner or manager of said home are provided with food, shelter, and nursing care. The term nursing care institution includes convalescent homes, homes for the aging, sanitariums, homes for the blind, rest homes, or any similar establishments.

OBSTRUCTION. Any structure, fence, shrub, bush, tree, flower, plant, motor vehicle or any other object that obscures, impairs, or prevents view or sight through, or over or across the clear vision area as herein defined.

OPEN STORAGE. Any unroofed storage area, whether fenced or not.

OVERLAY ZONING. Additional zoning restrictions which are superimposed on the underlying zoning district.

PARKING SPACE. A space for the parking of a motor vehicle within a public or private parking area.

PATIO HOME. A single family dwelling unit designed for greater than average density per acre, retaining privacy through the use of blank sidewalls.

PLANNING BOARD. The Planning Board of the Town of Stanley.

PLAT. A map or plan of a parcel of land which is to be, or has been, subdivided.

PRINCIPAL USE. The primary purpose or function that a lot serves or is intended to serve.

PRODUCE STAND. A temporary structure from which seasonal and/or locally grown produce is sold.

PROTECTED AREA. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within ten (10) river miles upstream of and draining to the intake located directly in the stream or river, or to the ridge line of the watershed (which ever comes first).

PUBLIC SEWAGE DISPOSAL SYSTEM. A single system of sewage collection, treatment and disposal owned and operated by a sanitary district, a metropolitans sewage district, a water and sewer authority, a county or municipality, or a public assembly.

PUBLIC UTILITIES. Water and sewer production plants and distribution systems owned by a government agency.

PUBLIC WATER SUPPLY. Any water system so defined and regulated by G.S. 130-166.

RECREATIONAL SERVICES, INDOOR. Establishments engaged in providing indoor amusement or entertainment services. Included are dance studios, bowling centers, physical fitness facilities and membership sports and recreation clubs.

RECREATIONAL SERVICES, OUTDOOR. Establishments engaged in providing outdoor amusement or entertainment services. Included are athletic fields, amusement parks, batting cages, miniature golf courses but not go-cart raceways.

RECREATIONAL VEHICLE. See “Trailer, Camper.”

RESIDENTIAL DEVELOPMENT. Buildings for residences such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

RESTAURANT. A commercial establishment where food is prepared and served for public consumption.

RETAIL BUSINESS. An establishment providing tangible services for immediate use to the consumer.

RURAL HOME OCCUPATION. A nonresidential use conducted in an accessory structure by the occupants of the lot upon which it is located, provided the following conditions are met:

- No more than one (1) accessory structure may be used in conjunction with the rural home occupation; and
- Said accessory structure shall be located in the rear yard only and shall be located at least seventy-five (75) feet from any existing principal residence located on an adjacent parcel of land.

SCREEN. A wall, a fence, or a planted strip composed of deciduous or evergreen trees, or a mixture of tree and dense shrubs.

SELF-CONTAINED TRAVEL TRAILER. A travel trailer which may operate independently of connections to electricity, water, and sewer for a limited period of time having its own battery or LP gas system or both, to operate lights, refrigerator, stove and heater, and having a water tank with a pressure system, and having a toilet with a holding tank.

SELF-SERVICE STORAGE FACILITY. (Mini-Warehouse). A building or group of buildings in an controlled access and fenced compound that contains varying sizes of Individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

SERVICE STATION. A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.

SETBACK. The required distance between any structure and the applicable lot line (s) (front, rear, side) of the lot on which the structure is located.

SHOPPING CENTER. A group of commercial establishments which are planned and developed and owned or manager as a unit with off-street parking provided on the premises.

SIGNS. Any form of publicity visible from any public street directing attention to an individual activity, business, service, commodity, or product and conveyed by means of words, figures, numerals, lettering, emblems, devices, designs, trade marks, or trade names or other pictorial matter designed to convey such information and displayed by means of bills, panels, posters, paints, or other devices erected on open framework, or attached or otherwise applied to posts, stakes, poles, trees, buildings, or other structures or supports.

Attached Sign. Any sign physically attached to the principal or accessory structure on a lot.

Banner Sign. Any sign consisting of paper, plastic, fabric, or similar non-rigid material intended to be hung with or without frames. National flags or flags of political subdivisions shall not be considered banners for the purpose of this article.

Bench Sign. A sign located on any part of the surface of a bench or seat.

Billboard. See “Off Premises Sign.”

Business Sign. See “On Premises Sign.”

Canopy Sign. Any sign suspended from or attached to the side, front, or underside of a canopy or awning.

Construction Sign. A sign on the lot or a building to be constructed or under construction, alteration, or repair, stating, but not limited to, the purpose for which the building is intended, the names of the architects, engineers, contractors, developers, financiers, or others involved, the square footage of the structure or other pertinent data.

Changeable Copy Sign. A sign designed so that characters, letters, or illustrations can be rearranged without altering the face, surface size, or shape of the sign.

Directory Sign. A sign on which the names and locations of occupants or the use of a building is given.

Emergency/Warning Sign. A sign warning the public of a danger to public health and safety.

Flag. An usually rectangular piece of fabric of distinctive design that is used as a symbol of a nation, political subdivision or private charitable, religious, or public organization.

Flashing Sign. A sign which displays flashing, blinking, or intermittent light of changing intensity.

Freestanding Sign. A sign which is supported from the ground and which is wholly independent of any other structure for support.

Gasoline Pump Sign. A sign which is displayed on the pump or pump island and announces the brand, grade of motor fuel or kerosene or whether or not the pump or island is self-service or full service.

Gasoline Price Sign. A sign which is displayed at a service station and announces the price of motor fuel or kerosene.

Holiday Decorations. Decorations associated with holiday seasons.

Home Occupation Sign. A sign identifying a permitted home occupation conducted on the premises of the dwelling unit occupied by the operator of such home occupation.

Illuminated Sign. A sign internally or externally illuminated in any manner by an artificial light source.

Industrial Direction Sign. A sign giving directions to an industrial or commercial site and which contains only an arrow and the name of the business or industry.

Institutional Sign. A sign denoting the name of and service provided by a public, religious, or charitable institution.

Integral Sign. A memorial sign or tablet indicating the name of a building and/or date of erection and cut into masonry or constructed of bronze, brass, iron, or other incombustible materials and mounted on the face of a building.

Local Interest Sign. A sign of temporary nature used to advertise or announce a particular event of normally local concern.

No Loitering Sing/No Trespassing Sign. A sign which is placed to inform the public of regulations relating to the specific property on which the sign is located.

Occupant/Street Number. A sign which is placed to inform the public of regulations relating to the specific property on which the sign is located.

Off Premises Sign. A sign which advertises or publicizes a product, service, or event not available or not occurring on the premises or lot upon which the sign is located.

On Premises Sign. A sign which directs attention to a business, profession, commodity, service, or entertainment sold or offered upon the premises where such sign is located.

Painted Wall Sign. A sign painted directly on the wall of a structure.

Permanent Sign. A sign erected, located, or affixed in a manner enabling continued use of the sign for a relatively long, unspecified period of time.

Political Campaign Sign. A sign pertaining to a candidate for public office or to a political party and/or its view and beliefs.

Portable Sign. A sign mounted on wheels, trailer, truck bed, A-frame or any other device capable of being readily moved from one location to another.

Professional Name Plate. A sign on a commercial or professional building or structure bearing only the name and/or its view and beliefs.

Projecting Sign. A sign attached perpendicular to a building wall.

Public Sign. A sign erected by a government agency.

Public Service Sign. A sign directing the public to a public facility, such as a public telephone, restroom, hospital, school, historic, or scenic place.

Real Estate Sign. A sign erected, constructed or displayed in whole or in part upon or over the roof of a building.

Roof Sign. A sign erected, constructed or displayed in whole or in part upon or over the roof of a building.

Signboard. A specific background upon which symbols are affixed or the smallest rectangle which would completely enclose all parts of the sign.

Special Event Sign. A sign erected on the premises of an establishment having grand opening or special event, including a yard sale.

Subdivision or Tract name Sign. A sign located on a subdivision or tract and identifying the name of the subdivision or tract.

Temporary Sign. A sign intended to be displayed for a short period of time.

Time and Temperature Sign. An illuminated sign which displays time and/or temperature by means of a light display.

Traffic Directional Sign. A sign directing vehicular traffic movement within the property on which the sign is located.

Wall Sign: A sign attached parallel to the face of a building wall and confined within the limits of such a wall.

Wind Activated Sign. A sign, balloon, streamer, pennant, placard, propeller or other device designed to attract attention to an activity through sign movement caused by wind.

Window Sign. A sign mounted on or attached to a window and visible from a public street or right-of-way.

SIGN AREA. The area measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire advertising copy area, excluding architectural trim and structural members. In computing area, only one (1) side of a double faced sign shall be considered.

STORY. That portion of a principal building included between the surface of any floor and the surface other than next floor above or, if there is no floor above, the space between the floor and the ceiling next above. A basement is not counted as a story.

STREET. A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Private Street. A privately-owned and maintained street which provides the principal means of vehicular access to abutting properties.

Temporary Structure. A structure intended for temporary offices, headquarters, residence, classrooms, etc. on the same lot or tract of land being used or developed for a directly related permanent use.

SWIMMING POOL. A structure, either above ground or in ground, used for swimming; this includes all impervious areas surrounding the water as well as decking, ladders, and slides associated with us of the facility.

TOWN COUNCIL. The Town Council of Stanley, North Carolina.

TOWN HOUSE. A single family dwelling unit in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more fire resistant walls. Each unit occupies one (1) zoning lot.

TRACT. An area, parcel, site, piece of land, or property which is the subject of a development application.

TRAILER, COMAPER (RECREATIONAL VEHICLE). A vehicle with or without its own motor power, equipped or used for recreational purposes and mounted on wheels or designed to be so mounted and transported.

UNDERSTORY TREE. A tree which, at the time of planting has a caliper of at least one and one-half (1 ½) inches and a species which at maturity, can be expected to reach a height of at least twenty (20) feet under normal growing conditions in the local climate.

USE. The purpose or activity for which a piece of land or its structure(s) is designed, arranged, or for which it is occupied or maintained.

Principal Use. The main use of land or structure(s) on a lot as distinguished from an accessory use.

VARIANCE. A modification of the existing Zoning Ordinance which is not contrary to the public interest, where strict enforcement of this Ordinance would cause undue hardship to the applicant because of circumstances unique to the individual property (not caused by the owner or applicant) on which the variance is granted.

Major Watershed Variance. A variance that results in any one or more of the following:

- The complete waiver of a watershed management requirement;
- The relaxation, by a factor of more than ten (10) percent, of any watershed management requirement that takes the form of a numerical standard; or
- The relaxation of any watershed management requirement that applies to a development proposal intended to qualify under the high density option.

WATERSHED. The entire land area contributing surface drainage to a specific point (e.g., the water supply intake).

WATERSHED ADMINISTRATOR. The zoning Enforcement Officer shall function as the Watershed Administrator.

YARD. A space on the same lot with a principal building which is open, unoccupied, and unobstructed by structures from ground to sky except where encroachments and accessory structures are expressly permitted under this ordinance.

Front Yard. A yard extending the full width of the lot, situated between the front lot line and a line parallel thereto passing through the nearest point of the principal structure.

Rear Yard. A yard extending the full width of the lot, situated between the rear lot line and a line parallel thereto passing through the nearest point of the principal structure.

YARD SALE. An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups.

ZONING ENFORCEMENT OFFICER. An official of or person designated by the Town of Stanley charged with enforcing the Zoning Ordinance.

**ARTICLE V
ESTABLISHMENT OF DISTRICTS**

SEC. 1. USE DISTRICTS NAMED

The purpose of this Article is to list and describe the zoning districts herein adopted. A person seeking to rezone a tract of land may choose to petition for general use rezoning or special use rezoning. General use rezoning would allow the petitioner to pursue any of the listed permitted uses for that district. Special use rezoning would require the petitioner to specify the actual use intended. That use must be a permitted or conditional use listed for the corresponding general use district. For a more detailed discussion, please refer to Article XI.

For the purpose of this Ordinance the Town of Stanley and its two (2) mile extraterritorial jurisdiction are hereby divided into the following use districts:

R-20	Residential District, (low density)
R-20 (SU)	Residential District – Special Use (low density/ agriculture)
R-12	Residential District (low density)
R-12(SU)	Residential District – (medium/high density)
R-8	Residential District - Special Use (medium/high density)
CB	Central Business District
CB (SU)	Central Business District – Special Use
GB	General Business District
GB (SU)	General Business District – Special Use
M-1	Manufacturing and Industrial District
M-1 (SU)	Manufacturing and Industrial District – Special Use
SE (F)	Special Entertainment District (floating)

SEC. 2. DISTRICT BOUNDARIES SHOWN ON THE ZONING MAP

The boundaries of the districts are shown on the Zoning Map accompanying this Ordinance. The Zoning Map and all the notation, references and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map is posted at the town Hall in Stanley and is available for inspections by the public.

SEC. 3 DUE CONSIDERATION GIVEN TO DISTRICT BOUNDARIES

In the creation, by this Ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well considered comprehensive plan for the physical development of the community.

SEC. 4 RULES GOVERNING INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exist as to the boundaries of any of the aforesaid districts, as shown on the Zoning Map, the following rules shall apply:

- Where such district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be construed to be said boundaries;
- Where district boundaries are so indicated that they approximately follow lot lines, shall be construed to be said boundaries;
- Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, alleys, or highway, or the right-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map;
- Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center line, street lines or railroad right-of-ways lines shall be constructed to be such boundaries;
- Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than fifty (50) feet beyond the district boundary line (the term "least restricted" shall refer to all zoning restrictions);
- In unsubdivided property, the location of zoning boundaries shall be determined by use of the scale appearing on the map;
- In subdivided property, the location of zoning boundaries shall be construed to be the nearest parallel lot line, however, if the zoning boundaries lie at a scaled distance greater than twenty-five (25) feet from any parallel or approximately parallel lot line, the boundary shall be determined by use of the scale;
- In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the Zoning Map as to location of such boundaries.

**ARTICLE VI
USE DISTRICTS DESCRIBED**

SEC. 1. R-20 RESIDENTIAL DISTRICT – R-20 AND R20(SU)

This district is established as a district in which the principal use of the land is for (low density residential or agricultural purposes) single-family residences (and to provide and protect low density residential areas for those desiring that type of environment). Please refer to Appendix I for a list of permitted uses. Permitted structures include those which meet the dimensional restrictions listed in Article VII. Manufactured homes on individual lots are permitted and manufactured home pears are conditional uses in accordance with the provisions of Article VII Sec. 23.

SEC. 2. R-12 RESIDENTIAL DISTRICT – R-12 AND R-12 (SU)

This district is established to provide for medium density neighborhoods consisting of single-family residences (or as a district in which the principal use of land is for low density single-family purposes along with limited home occupations and public and private community uses). Structures within this district are permitted where both public water and sewerage are available. Please refer to Appendix I for a list of permitted uses. Permitted structures include those which meet the dimensional restrictions listed in Article VII, Sec. 14. Individual manufactured homes are permitted only in conjunction with a temporary use permit.

SEC. 3. RESIDENTIAL DISTRICT – R-8 AND R-8 (SU)

This district is established as a medium to high density district in which the principal use of land is for single-family, duplex , and multi-family residences. Structures within this district shall have both public water and sewerage, where available. Please refer to Appendix 1 for a list of permitted uses. Permitted structures include those which meet the structural and dimensional restrictions listed in Article VII. Individual manufactured homes are permitted only in conjunction with temporary use permits.

SEC. 4. CENTRAL BUSINESS DISTRICT – CB AND CB (SU)

This district is the central shopping area of the town. It is established for those uses which normally require a central location and which provide merchandise and services to be used by the entire town and its environs. It is intended that this district shall develop and be maintained as a tightly-knit core of commercial, professional, and governmental activity. Please refer to Appendix I for a list of permitted uses.

SEC. 5. G-B GENERAL BUSINESS DISTRICT – GB AND GB (SU)

This district is established to provide areas within the community for businesses which normally require a significant flow of traffic. Such uses depend on exposure to large flows of traffic associated with major thoroughfares. It is intended that this district be developed with as little impact on surrounding land uses and thoroughfares as possible. Please refer to Appendix I for a list of permitted uses.

SEC. 6. M-1 MANUFACTURING AND INDUSTRIAL DISTRICT – M-1 AND M1 (SU).

This district is established for those areas of the community where the principal use of land is for manufacturing, industrial, and warehousing uses. These uses, by their nature, may create some nuisance and are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties. It is not intended to permit in this district any use which is inherently obnoxious because of noise, odors, smoke, light, dust, or dangerous materials. Please refer to Appendix I for a list of permitted uses.

SEC. 7. SPECIAL ENTERTAINMENT DISTRICT (FLOATING)

(A) Intent

The intent of establishing the provisions of this district is to ensure that sexually oriented businesses will be appropriately located within the Town's jurisdiction to prevent unwanted and unacceptable adverse impacts upon surrounding properties. This new zoning designation shall only be applied to portions of the Manufacturing (M-1) District after obtaining a rezoning from the Town Council. For this reason, the actual designation of the floating district on the zoning map does not appear.

(B) District Requirements

- No special entertainment establishment shall be located within 1,000 feet of any other special entertainment establishment. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest point of the lot line or boundary of the closest similar establishment.
- No establishment shall be located within 500 feet of any portion of a residentially zoned lot. All measurement shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest lot line or boundary of a residentially zoned lot.

- No establishment shall be located within 1,000 feet of any lot upon which a school, child day care center, or church is located. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the proposed special entertainment establishment will be located to the nearest lot line or boundary of a lot upon which a school or church is located.

SEC. 8. MU-CD MIXED USE – CONDITIONAL

This district is established for areas in our community which can support a medium to high density of different uses either under one roof or in a special area such as a redevelopment of a mill site.

These are permitted where both water and sewerage are available. Uses are to include: residential, business and manufacturing. This classification is only approved with a Conditional Use Permit with review of the Planning Board and recommended by them to the Town Council for approval.

Please refer to Appendix 1 for a list of possible uses (under C-B and G-B) along with residential that would be considered under a Conditional Use.

**ARTICLE VII
APPLICATION OF REGULATIONS**

SEC. 1. ZONING AFFECTS EVERY BUILDING AND USE

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations here in specified for the district in which it is located.

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

SEC. 2. REDUCTION OF LOT AND YARD AREAS PROHIBITED

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size of area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SEC. 3. RELATIONSHIP OF BUILDING TO LOT

Every building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified and in no case shall there be more than one (1) principal building or structure and its customary accessory buildings or structures on any lot, except in the case of a planned unit development.

SEC. 4. STREET ACCESS

No building shall be erected on a lot which does not have access to a paved street whether public or privately maintained. A one-family dwelling may be constructed on a lot which does not abut a street provided such lot existed as such prior to the date this Ordinance became effective and provided such lot is provided access to a public street by a publicly recorded easement at least twenty (20) feet in width for the exclusive use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for service and emergency vehicles. All private streets shall be constructed and maintained in accordance with the specifications set forth by the North Carolina Department of Transportation's Minimum Construction Standards for Subdivision Roads, July 1, 1985.

SEC. 5. USES PROHIBITED

If a use or class of uses is not specifically indicated as being permitted in a district either as a right or as a conditional use, then such use or class of use is prohibited.

SEC. 6. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS

On a corner lot in any residential district, no planting, structure, sign, fence, wall, or obstruction to vision more than three (3) feet in height measured from the center of line of the street shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines each of which is thirty-five (35) feet distant from the point of intersection.

SEC. 7. LOCATION OF ACCESSORY AND TEMPORARY BUILDINGS ON RESIDENTIAL LOTS.

On any residential lot, accessory buildings shall not be located in any required front or side yard, shall not cover more than thirty percent (30%) of any required rear yard and shall be at least five (5) feet from any other building on the same lot and shall be a minimum of ten (10) feet from any lot line.

Accessory or temporary buildings or structures designed or used for human habitation as permitted by this Ordinance shall be located no closer to the principal building than thirty (30) feet and shall meet the side yard requirements for the district in which located.

SEC. 8. LOT OF RECORD – DATE AND PERMITTED USE

In any district in which residences are permitted, where a lot has an area or width of less than the required area or width and was a lot of record on or before the effective date of this Ordinance, such lot may be occupied by a single-family dwelling; provided, that the minimum front, rear, and side yard requirements for the district in which it is located are met. This provision shall not apply to any lot to which the provisions of Article VII, Section 9 apply.

In all other districts where a lot has an area or width of less than the required area or width and was a lot of record on or before the effective date of this Ordinance, such lots may be occupied by a permitted use; provided, that all other requirements of the district are met. This provision shall not apply to any lot to which the provisions of Article VII, Section 9 apply.

SEC. 9. ADJOINING AND VACANT LOTS

If two (2) or more adjoining and vacant lots of record are in single ownership at any time after the effective date of this Ordinance, and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot which meets the minimum requirements of this Ordinance for the district in which such lots are located.

SEC. 10' SIDE YARD ON CORNER LOTS

In residential districts, the minimum width of the side yard along an intersection of streets shall be a minimum of ten (10) feet beyond the side yard dimension required in the district. Accessory buildings in the rear yard shall also comply with the side yard requirement.

SEC. 11. FRONT YARD SETBACKS

The front yard requirements of this Ordinance shall not apply to any lot where the front yard coverage on developed lots located wholly or in part within one hundred (100) feet to each side of such lot and located within the same block and zoning district and fronting on the same street as such lot is less than the minimum required front yard. In such cases, the yard on such lot may be less than the required front yard but not less than the average of the existing front yards on the developed lots; provided, that the front yard on such lot shall not be less than one-half (1/2) of the required front yard.

All measurements for front yard setback shall be made from the pavement edge of the street or the right-of-way (see Article VII, Section 14).

SEC. 12. CONDITIONS FOR MODIFICATION OF REQUIRED YARDS

Requirements for front, rear and side yards may be modified under the following conditions.

- Cornices, eaves, steps, gutters, bay windows less than ten (10) feet wide, fire escapes, fire balconies, fire towers and similar features may project not more than two and one-half (2 ½) feet into any required yard.
- Necessary retaining walls and fences less than six (6) feet high, when located in the rear yard, shall be exempt from the yard requirements of this Ordinance; except that on a corner lot no fence more than three (3) feet in height shall be located within any yard or building setback required along the side street line by any other provision of this Ordinance. The height of any fence located within a yard abutting on a street line shall be measured from the sidewalk; and if there is not a sidewalk, or curb, from the center line of the street. All other fence heights shall be measured from natural grade (terraces, steps and uncovered porches which are not in any part more than four (4) feet above the ground floor level and within two and one-half (2 1/2) feet of any lot line shall be exempt from the yard requirements of this Ordinance).

SEC. 12 A THOROUGHFARE SETBACK

Introduction:

Per G.S. 160A-306 local governments have the authority to (i) classify all or a portion of the streets in their jurisdiction according to their size, present and anticipated traffic loads, and other similarly relevant characteristics, and (ii) establish minimum distances that buildings and other permanent structures or improvements constructed along class or type of street shall be set back from the center line of the existing or proposed major or minor thoroughfare. Accordingly, such regulations shall be applied to lots along any thoroughfare, or portions thereof, identified on the most recently adopted version of the Thoroughfare Plan of the Gaston Urban Area by the Stanley Town Board, for which a functional design and surveyed centerline exists. The location of all such applicable thoroughfares (or portions thereof) shall be available for public review and inspection in the office of the Lead Planning Agency during normal business hours.

Application

- A. Said regulations shall apply if the functional design and surveyed centerline had been adopted by the Stanley Town Board prior to submittal of the zoning permit application.
- B. The minimum yard or setback prescribed by each zoning district shown in Article 6 shall begin to be measured from a point fifty (50) feet from the centerline of any major thoroughfare depicted on the Thoroughfare Plan, and forty (40) feet from the centerline of any such minor thoroughfare.
- C. A thoroughfare setback or yard shall also be established on all applicable lots where existing rights-of-way are not large as herein prescribed (i.e. fifty feet on either side of the centerline). The thoroughfare setback area can be used for any use allowed in the underlying zoning district, except for those permanent uses which are prohibited in a required setback or yard area. Except where otherwise prohibited, the thoroughfare setback may be used to satisfy minimum lot size, off-street parking, and open space requirements.

FIGURE 1

THOROUGHFARE SETBACK ILLUSTRATION

(Assuming a Zoning District with a Standard Minimum 40 Foot Setback)

Building Site w/
Thoroughfare Setback

CHART NEEDS TO BE INSERTED HERE

- D. The standards contained in Subsections A and B shall not apply to a development located on a lot in which such thoroughfare setback would normally be required which meets on or more of the following circumstances.
1. A project which had a valid building permit in effect as of the effective date of this amendment where such permit allows for construction or development to take place within the required thoroughfare setback.
 2. A project which had an approved and valid sit specific or phased development plan in place as of the effective date of this amendment where such development plan allows for construction to take place within the required thoroughfare setback.

Appeal

An affected property owner shall have the right to appeal the thoroughfare setback requirements as provided herein to the Board of Adjustment for a variance to these regulations. The Board of Adjustment shall grant such a variance after having first conducted a public hearing and having determined that:

- a. The peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of these requirements; and,
- b. The property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted; and
- c. Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties. The public hearing shall be advertised in a manner prescribed by Section 101.22

SEC. 13. EXCEPTIONS TO HEIGHT LIMITS

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain a building, skylights, towers, fans or similar equipment required to operate and maintain a building, skylights, towers, steeples, flagpoles, chimneys, wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein specified if so approved by the Project Review Committee. The Project Review Committee shall not approve such structures if they determine that these structures may pose health, safety, or welfare risks to surrounding property. No penthouse or roof structure or

any space above the height limit shall be allowed for the purpose of providing additional floor space.

SEC. 14 DIMENSIONAL REQUIREMENTS (IN FEET)

DISTRICT	MIN. LOT SIZE(G)	MIN. F. YARD SETBACK	MIN. S. YARD SETBACK	MIN. R. YARD SETBACK	MIN. LOT WIDTH AT BLDG. LINE	MAX BUILDING HEIGHT
<u>R20</u>						
W/O Public						
Water or						
Sewer						
SF	20,000	30	15(b)	25	100(a)	35
With water						
Or sewer						
SF	15,000	30	15(b)	25	100(a)	35
<u>R-12</u>	12,000	30	15(b)	25	80 (a)	35
<u>R-8</u>						
SF	8,000	25	10(b)	25	70(a)	35
Duplex	12,000	25	10(b)	25	80(a)	35
MF	8,000(h)	25	10(b)	25	80(a)	3 stories
Density shall not exceed 10 units						
Per acre or fraction thereof 4/1/02 12 units permitted with approved conditional plan						
<u>CB</u>	n/a	none	none(c)	none (d)	none	35(e)
<u>GB</u>	n/a	30	15(b)	none(d)	none	35
<u>M1</u>	n/a	50	20(b)	25(f)	100	35
<u>R-20</u>		50	35	40	100(a)	35
Non-residential Uses						
Cemetery – 5 acres						
Public/Private School – 10 acres						
Church – no cemetery – 20,000 sq. ft.						
Park & Rec Facility (1/2 acre)						
All other uses – 20,000 sq. ft. 25						
<u>R-12</u>		30	12 ½(B)	30	80(A)	35
Non-Res. Uses						
Cemetery – 3 acres						
Church (no cmtry-15,000 sq. ft.)						
All other uses – 15,000 sq. ft.						

- (a) In addition and unless otherwise provided herein, all non-cul-de-sac lots in R zones shall have a minimum lot street frontage of sixty (60) feet.
- (b) For corner lots, add ten (10) feet on the street side.
- (c) None required, but when side yard is provided, shall be a minimum of five (5) feet.
- (d) Twenty (20) feet required when abutting a residential zone.
- (e) May be extended to fifty (50) feet upon conditions set (for fire safety) by the Town Council.
- (f) Lot sizes for single and two-family lots may be reduced below that which is shown in accordance with the issuance of density credits per Section 20.
- (g) Multi-family densities may be increased above that which is normally allowed in accordance with the issuance of density credits per Section 20.
- (h) Multi-family densities may be increased above that which is normally allowed in accordance with the issuance of density credits per Section 20.

SEC. 15. NONCONFORMANCES

Any parcel of land, use of land, building or structure existing at the time of the adoption of this Ordinance, or any amendment thereto, that does not conform to the requirements of the district in which it is located, may be continued and maintained subject to the following provisions:

(A) Non-conforming Lots

- Vacant Lots

This category of nonconformance consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Gaston County, which at the time of adoption of this Ordinance fail to comply with the minimum area and/or width requirements of the districts in which they are located. Any such non-conforming lot may be used for any of the uses permitted in the district in which it is located provided that:

1. Where the lot area is not more than twenty percent (20%) below the minimum specified in this Ordinance, and other dimensional requirements are otherwise complied with, the Zoning Enforcement Officer is authorized to issue a zoning compliance permit;
2. Where the lot area is more than twenty percent (20%) below the minimum specified in this Ordinance or other dimensional requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimension;
3. Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall combined to create a single lot or lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

- Occupied Lots

This category of nonconformance consists of lots, occupied by buildings or structures at the time of the adoption of this Ordinance, that fail to comply with the minimum requirements for area, width, yard and setbacks for the district in which they are located. These lots may continue to be used.

(B) Non-conforming Uses of Land

This category of nonconformance consists of lots used for storage yards, used car lots, auto wrecking, junkyards, and similar uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under the Ordinance, in the district in which it is located. A legally established non-conforming open use of the land may be continued except as follows:

- When a non-conforming open use of land has been changed to a conforming use, it shall not thereafter revert to any non-conforming use;
- A non-conforming open use of land shall be changed only to a conforming use;
- A non-conforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming;
- When any non-conforming open use of land is discontinued for a period in excess of 180 days, any future use of the land shall be limited to those uses Permitted in the district in which the land is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

(C) Non-Conforming Structures

This category includes any structures not in conformance with the restrictions of this Ordinance after the effective date of adoption. Such non-conformances shall include, but not limited to, height, bulk, and setback. Such non-conforming structures shall be allowed to remain with the following conditions:

- A non-conforming structure may not be enlarged or altered except where maintenance and repair are necessary to keep the structure in sound condition;
- When any non-conforming structure is removed, it may not be replaced with another non-conforming structure;
- When any non-conforming structure is damaged, repair must follow the guidelines listed in Article VII, Section (D); and
- When structural alterations are required by law or ordinance to secure the safety of the structure.

(D) Reconstruction of Damaged Buildings or Structures

Any non-conforming structure or structure containing a non-conforming use which has been damaged by fire, wind, flood or other causes may be repaired and used as before provided:

- Damage does to exceed fifty percent (50%) of assessed value;
- Repairs are initiated within twelve (12) months and completed within two (2) years of such damage;
- The total amount of space devoted to a non-conforming use may not be increased;
- Reconstructed non-conforming structures may not be made non-conforming by the repairs; and
- Where possible, any non-conforming structure shall be repaired or reconstructed in such a manner so as to minimize or ameliorate the nonconformance(s).

(E) Continuation of Non-Conforming Manufactured Home Parks

Manufactured home parks that become non-conforming uses shall permitted to continue operation subject to the following stipulations:

- Non-conforming manufactured home parks may not be expanded or increased in size not shall any additional spaces be added to the site;
- When a site at a non-conforming manufactured home park is vacated, another manufactured home may not be placed on that site;
- If an existing non-conforming manufactured home on a conforming lot is removed, it shall only be replaced with a conforming structure or building;
- If a non-conforming manufactured home is abandoned for a period of more than 180 days, the rehabilitation of the manufactured home shall be prohibited. The date of abandonment shall be that date at which the abandonment of the manufactured home becomes evident; and
- Under no circumstances shall a conforming manufactured home park be change to become non-conforming.

(F) Continuation of Non-Conforming Manufactured Homes on Individual Lots

Non-conforming manufactured homes located on individual lots may continue but they shall only be replaced by a conforming dwelling unit. The replacement dwelling unit may not be another non-conforming structure. Manufactured homes on non-conforming lots may be continued. At such time as they are removed, the re-establishment of a manufactured home or any other structure on that lot shall be governed by Section 8.

If a manufacture home is abandoned for a period of more than 180 days, the rehabilitation of the manufactured home shall be prohibited. The date of abandonment shall be that date at which the abandonment of the manufactured home becomes evident.

(G) Non-Conforming uses of Structures.

This category of non-conformance consists of buildings or structures used at the time of enactment of this ordinance for purposes or uses not permitted in the district in which they are located. Such uses may be continued as follows:

- An existing non-conforming uses of structure may not be changed to another non conforming use;
- When a non-conforming use of a structure has been changed to a conforming use, it shall not hereafter be used for any non-conforming use;
- A non-conforming use of a structure may not be extended or enlarged, not shall a structure containing a non-conforming use be altered except as follows:

Structural alterations as required by law or ordinance to secure the safety of the structure are permissible;

Maintenance and repair necessary to keep a structure containing a non-conforming use in sound condition are permissible; or

Expansion of anon-conforming use of a building or structure into portions of the structure which, at the time the use became non-conforming, were already erected and arranged or designed for such non-conforming use is permissible.

- When any non-conforming use of the building or structure is discontinued for a period in excess of 180 days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

SEC. 16 EARLY VESTING OF DEVELOPMENT RIGHTS UPON APPROVAL OF SITE PLAN.

Pursuant to G.S. 160A-385.1 and not withstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific development plan. The procedure for establishing a vested right is set forth in this section.

(A) Definitions

For the purpose of this section only, the following definitions shall apply:

- Landowner. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan in the manner allowed by this Ordinance.
- Property. All real property subject to zoning regulations and restrictions and zone boundaries of the Town of Stanley.
- Vested Right. The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(B) Submission of a Site Specific Development Plan

To apply for vested right, a landowner shall first submit the Zoning Enforcement Officer a site specific development plan. The plan shall be submitted in completed form at least ten (10) days prior to the next regularly scheduled or called Planning Board meeting. The site specific development plan shall be considered complete if submitted with a fee (in accordance with a fee schedule adopted by the Town Council) and accompanied with all information required for the submittal of a conditional use permit application.

(C) Planning Board Review

The Planning Board shall have a maximum of thirty-one (31) days from date it initially met to review the application to submit a recommendation to the Town Council. The Planning Board may at any time during this period, require additional information to evaluate an application. Should such information be requested, the review period shall not resume being counted until such information is presented to the Planning Board.

If no recommendation is made to the Town Council after the end of the thirty-one (31) day review period, the application shall be forwarded to the Town Council without a recommendation.

(D) Public Hearing

Once a recommendation is received from the Planning Board (or the thirty-one day period expires without a recommendation), the Town Council shall conduct a public hearing on the application. Notice of the public hearing shall be given as follows:

- A notice shall be published in a newspaper having general circulation in the Stanley area once a week, for two (2) successive weeks, the first notice to be

published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the public hearing.

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

(E) Town Council Action

Once the public hearing has been held, the Town Council shall determine whether or not to approve the site specific development plan and accord the vested right. In approving an application for vested right of a site specific development plan, the Town Council may attach fair and reasonable ad hoc conditions to the approval, such conditions being necessary to protect the public's health, safety and welfare. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council may not require the landowner to waive his vested right as a condition of developmental approval.

The Town council may approve the site specific development plan if it has evaluated an application and determined that:

- The use meets all required specifications of the zoning ordinance;
- The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed; and
- If the site specific development plan is vested for a period of greater than two (2) years, this shall be based on one or more factors so described in Section (F).

The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings) shall rest entirely with the landowner.

If the use or development for which the site specific development plan is submitted is a conditional use, the Town Council may approve the site specific development plan contemporaneously with the approval of the conditional use permit. In no case, however, may a site specific development plan be approved for a use or development which requires the issuance of a conditional use permit without the conditional use permit having first been issued.

(F) Effect of Approval

The effect of the Town Council approving a site specific development plan shall be to vest such site plan for a period of two (2) years from the date of approval. If the landowner requests, however, the Town Council may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any site plan beyond a two (2) year period may only be authorized by the Town Council where it is found that

due to the size or magnitude of the proposed development a two-year vesting period would not be sufficient time for the landowner to commence the project.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the approved site specific development plan. Failure to abide by their terms and conditions placed upon such approval will result in the forfeiture of the vested right so accorded.

A vested right, once established as herein provided, shall preclude any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development except under the following conditions:

- The affected landowner provides written consent to the Town of his desire to terminate the vested right; or,
- The Town determines, after having advertised and held a public hearing (as provided for in Article X, Sec. 4D), that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site specific development plan; or,
- Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
- The Town determines, after having advertised and held a public hearing (as provided for in Article X, Sec. 4D), that the landowner or his representative intentionally supplied inaccurate information or added material misrepresentations which made a difference in the approval by the Town of the site specific development plan; or,
- Upon the enactment or promulgation of a State or Federal law or regulations which precludes development as contemplated in the site specific development plan. In such case the Town may (after having advertised and conducted a public hearing as provided for in Article X, Sec. 4D) modify the affected provisions upon a finding that the change in State or federal law has a fundamental effect on the plan.

Once a vested right is granted to a particular site specific development plan, nothing in this section shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

(G) Revocation or Expiration of a Vested Right

The vested right resulting from the approval of a site specific development plan may be revoked by the Town Council as provided for in Section (F). In addition, a revocation

may occur if the Town Council determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance.

The vested right granted to the landowner shall automatically terminate two (2) years from the date of the approval of the site specific development plan (unless a longer vesting period was previously approved by the Town council). In such case, the vested right shall be terminated at the end of such period.

(H) Revocation of Building Permit

A building permit issued by Gaston County pursuant to G.S. 160A-417 may not be revoked because of the running time for the building permit on a piece of property for which a site specific development plan has been approved and the vested right period has not otherwise expired.

(I) Amendments to the Zoning Ordinance

The establishment of a vested right on a piece of property for a site specific development plan shall not preclude the Town from establishing and putting into place one or more overlay districts which may impose additional restrictions on said property, provided such restrictions do not affect the allowable type of intensity or use. Otherwise such regulations shall become effective with respect to the subject property upon the expiration or termination of the vested right. The Town may also enforce on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.

SEC. 17. DIVISION OF LOT OR TRACT

Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term “least restricted” shall refer to zoning restrictions, not the lot or tract sizes.

SEC. 18 RESIDENTIAL CLUSTER DEVELOPMENT

(A) Purpose

The purpose of cluster development is to permit a procedure for development which will result in improved living and working environments; which will promote more economic subdivision layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open

space to serve recreational, scenic, and public service purposes, and other purposes related thereto, within the densities established for the cluster net tract area. For details on permitting, refer to Article VII, Section 18 (H).

1. Variations in lot areas are permitted.
2. Procedures are established to assure adequate maintenance and restricted use of open space areas for the benefit of the inhabitants of the subdivisions or for dedication to public use.
3. Procedures are established to assure adequate protection of existing and potential developments adjoining the proposed cluster development.

(B) Dwelling Types and Acreage

1. Only those types of single-family residential dwellings that are allowed in the R-20 district may be permitted in cluster developments, under a conditional use permit.
2. Cluster developments shall consist of at least five (5) acre tracts, except that cluster developments that are found by the Board of Adjustment to be a logical extension of an existing or approved cluster development, may contain a smaller acreage.

(C) Maximum Number of Lots

To determine the maximum number of lots, subtract twenty percent (20%) (the approximate area needed for roadways) from the gross area of land to be developed-divide by the minimum lot size within the R-20 district. Under no circumstances shall the number of lots approved for clustering be in excess of the number that would have been approved for a traditional subdivision.

(D) Board of Adjustment Approval Required

No cluster development may be constructed except in accordance with a Preliminary and then Final Subdivision Plat approved by the Board of Adjustment.

(E) Modificaiton of Yard and Lot Requirements

Such modifications or reductions (in the same proportion as the lot size reduction) are permitted so long as they are indicated in the preliminary subdivision plat; however, the particular yard (normally the back or side)

(F) Common Space

1. Open Space Standards – At the discretion of the developer, a cluster

development may utilize a range of lot sizes not in conflict with Subsection (B) (above), and provided further that the common area shall be held in nonprofit corporate ownership by the owners of the lots within the development. It is suggested that the Town Attorney review for thoroughness the Homeowners Association agreement.

In consideration of the purposes served by a cluster development, the title to such areas as provided shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. Improvements clearly incidental to the purposes of these provisions may be made within the open space provided that the maximum coverage of such improvements shall not exceed twenty-five percent (25%) of the open space.

2. Access of Open Space – All lots created within the development shall have direct access to all parks or open space as provided by means of public streets, dedicated walkways, facts of physical contiguity, other lands or lands in common ownership by all residents.
3. Open Space Provisions _ Where the open space is to be deeded to a homeowners' association or other such non-profit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association of nonprofit organizations. This declaration (a copy of which shall be retained by the Town Clerk) shall be submitted with preliminary plat approval and shall include but not be limited to the following:
 - a. The homeowners' association or the nonprofit organization shall be established before any lots are sold;
 - b. Membership shall be mandatory for each lot buyer and any successive buyer;
 - c. The association shall provide for liability insurance, any taxes, and maintenance of all grounds and facilities; and
 - d. Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property.

(G) Private Roads

Should private roads be incorporated into the design of the residential cluster development, the pertinent portions of the Stanley Subdivision Regulations shall apply.

(H) Approval Process

Before a conditional use can be permitted, a site plan must be approved by

the Board of Adjustment. The site plan shall show the following information:

1. location, arrangement, and dimensions of automobile parking spaces, width of aisles, number of spaces, and angle of parking;
2. location and dimensions of vehicular entrances, exits, and drives;
3. general drainage system;
4. location and materials of walls and fences;
5. ground cover, topography, slopes, banks, and ditches;
6. the location and general exterior dimensions of the various residences;
7. the location, dimensions, and arrangements of areas to be devoted to planting lawns, trees, and other plants;
8. the plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone, and electric service (all utilities will be constructed to city standards);
9. an analysis of anticipated traffic volume;
10. sedimentation and erosion control plan;
11. evidence that the North Carolina department of Transportation has been made aware of the proposed development and that the developer, if required, will coordinate planning for the development with this agency;
12. plans for refuse disposal equipment and method of refuse disposal such as compactors and dumpsters, if pertinent;
13. delineation of areas to be constructed in phases and sequential order; and
14. any other reasonable conditions felt necessary by the Board of Adjustment.

SEC. 19. USE OF MANUFACTURED HOMES AS VEHICLES

Manufactured homes shall be used for residential purposes only, except when serving as a manufactured home sales lot office, or as a temporary sales structure.

Vehicles (cars, trucks, buses, recreational vehicles, etc.) shall be used for transportation purposes, and not for storage purposes, and not as a dwelling unit.

SEC. 20. DENSITY CREDITS

(A) Introduction

The purpose of this Section is to allow for the usage of density credits in association with the dedication of road right-of-way. The Thoroughfare Plan of the Gaston Urban Area shows the locations of existing and proposed thoroughfares in the Stanley area. Per G.S. 13-66.10, dedication of right-of-way in conformance with the Thoroughfare Plan, may be required by a local government. In association with such dedication, G.S. 126.66.10 also permits local elected bodies to grant credits is viewed as a means of fostering the orderly, timely, and cost-effective credits is viewed a means of fostering the orderly, timely, and cost-effective development and/or improvement of thoroughfares in the Stanley area.

(B) Definitions

- 1. Functional Design.** A preliminary roadway design shall be approved by the Stanley Town Council on a topographic map at a scale no smaller than 1 inch equals two-hundred feet (1"=200') showing the horizontal width, centerline and typical cross-section for a proposed roadway. Cross-sections shall show roadway and lane width, and right-of-way width, and may also show utility easements, and other roadway improvements that describe the final appearance of the road (i.e., sidewalks, tree plantings, bikeway facilities, etc.). Typical cross-sections should be based on NCDOT recommended street designs. All functional designs are maintained at the Metropolitan Planning Office facilities located in the Gastonia City Hall and available for public inspection during normal business hours.
- 2. Thoroughfare Plan.** The version of the Thoroughfare Plan of the Gaston Urban Area most recently adopted by the Stanley Town Council.
- 3. Density Credit.** The potential for the improvement or subdivision of part or all of a parcel of real property as permitted under the terms of the Stanley Zoning Ordinance.

The following terms are to be used in computing and applying density credits –

A1+ Entire area of land to be dedicated for thoroughfare right-of-way purposes if direct access to such thoroughfare by abutting lots from the tract in question is not permitted.

A2= If direct access from abutting lots (on the tract in question) to the thoroughfare is allowed, the difference between the area of land dedicated for right-of-way purposes and that which would normally be required per the Stanley Subdivision Ordinance.

B = Area of tract prior to right-of-way dedication.

C = A – (A1 and A2), (i.e., land in tract remaining after dedication is made).

D = Minimum lot size requirement prior to application of density credit bonus.

E = Minimum lot size after application of density credit bonus (“A1 or A2/B” X “D”).

F = Maximum multi-family units per acre without density credit bonus.

(C) Right-of-Way Dedication

1. Per G.S. 136-66.20, density credits may be granted by the Stanley Town Council whenever right-of-way dedication, in accordance with the Thoroughfare Plan, is

- required for a tract of land located within the planning jurisdiction of the Town of Stanley, and such tract is proposed for subdivision or use of land pursuant to a zoning permit.
2. Right-of-way dedication may be so required by the Stanley Town Council in situations where land subdivision is not involved, if the Town Council determines that:
 - a. Said dedication does not result in the deprivation of all reasonable use of the original tract; and
 - b. The dedication is reasonably related to the traffic generated by the proposed use of land, or the impact of the dedication is mitigated by other measures including the use of density credits, as herein prescribed, on contiguous land owned by the subdivider.
 3. If the full width of the thoroughfare for which land is to be dedicated is completely contained within the tract of land to be used or developed, up to 100 percent of the right-of-way needed to construct or enlarge the thoroughfare on that tract shall be provided.

If a portion of such thoroughfare is located on the property proposed to be subdivided or developed, the corresponding proportion of land on that tract may be required to be dedicated.

4. Dedication of land, as provided herein, shall be offered to the public. Proof (in the form of an instrument having been recorded in the Gaston County Deeds Office) of such dedication having been made shall be furnished to the Zoning Enforcement Officer prior to the issuance of any zoning permit.
5. Any land so dedicated shall substantially be that as needed for the thoroughfare right-of-way in question as shown on the Thoroughfare Plan.

(D) Application of Density Credits

1. The usage of density credits shall be applicable on a particular tract only if approved by the Town Council.
2. The Amount of density credits granted by the Town Council shall be computed as follows.
 - a. If the tract(s) which abuts the proposed thoroughfare, or lots created from said tract which abut the thoroughfare, will be able to directly access the thoroughfare, density credits will be computed only for that area of land dedicated (per the Thoroughfare Plan) which is in excess of that which would normally be required to be dedicated as called for in the Stanley Subdivision

Regulations Ordinance.

Irrespective of the above, the Stanley town Council shall have the authority to issue density credits based on the full right-of-way width, having determined that the proposed road location will significantly aid in the flow of traffic both in the immediate vicinity and throughout the community.

- b. If the tract(s) which abuts the proposed thoroughfare, or lots created from said tract which abut the thoroughfare, are not permitted access or are otherwise unable to access the thoroughfare, density credits are to be calculated using the full-width of the right-of-way dedication area.
3. The result of the application of density credits shall be to allow for a level intensity of development above that which would normally be allowed in the underlying general zoning district and the creation of lots which may be smaller in area than otherwise called for in the underlying zoning district.

(E) Density Credit Calculations

The following formulae shall be used in calculating the additional amount of development allowed using density credits:

1. Single-Family (including lots containing individual manufactured homes) and Two-Family lots.

The density credit bonus is derived by dividing the area dedicated for thoroughfare right-of-way purposes (A1) or (A2) by the area of the entire tract and then multiplied by 100 (A1 or A2) B X 100). The ensuing figure may be used on a percent-by-percent basis to reduce the minimum lot size by up to twenty-five (25) percent. Irrespective of the use of density credits, all yard, height, parking, and setback requirements as stated in this Ordinance are to be observed.

Additionally, all lots will either utilize a well and/or septic system or are located within the Watershed District must meet the minimum lot area, maximum density, and other standards prescribed by the Gaston County Environmental Health Division or the Gaston County Watershed Administrator. (Refer to Figure 1 for an illustrative example.)

2. Two-Family Developments and any other Developments where Density is Measured on a Units per Acre Basis.

The density credit bonus (A1 or A2/B) shall be multiplied by the maximum density level ("F") in the underlying zoning district. The resulting figure is then added to "F" and then Multiplied by "C", the remaining developable land in the tract once the right-of-way dedication has been made. In no case may the subsequent density level be raised by more than twenty-five (25) percent over that level which is normally allowed in the underlying zoning district. Irrespective of the use of density credits, all yard, height, parking, and setback requirements stated in this Ordinance are to be observed.

Additionally, all lots that will either utilize a well and/or septic system or are located within the Watershed District must meet the minimum lot area, maximum density, and

other standards prescribed by the Gaston County Environmental Health Division or the Gaston County Watershed Administrator (Refer to figure 2 for an illustrative example.)

4. Non-Residential Developments

The Area to be computed for the density credit shall first be determined)A1 or A2). Such area may be used to reduce the number of required off-street parking spaces at a ration of one off-street parking space reduction per 330 square feet of available density credit area. In no case may the number of off-street parking spaces be reduced by greater than ten (10) percent over that which is normally required. All other applicable provisions of this Ordinance shall be observed.

Additionally, all lots that will either utilize a well and/or septic system or are located within the Watershed District must meet the minimum lot area, maximum density, and other standards prescribed by the Gaston County Environmental Health Division or the Gaston County Watershed Administrator (Refer to Figure 3 for an illustrative example.).

SEC. 21. THOROUGHFARE SETBACK PROVISIONS

(A) Introduction

Per G.S. 160A-306, local governments have the authority to (i) classify all or a portion of the streets in their jurisdiction according to their size, present and anticipated traffic loads, and other similarly relevant characteristics, and (ii) establish minimum distances that buildings and other permanent structures or improvements constructed along a class or type of street shall be set back from the center line of the existing or proposed major or minor thoroughfare. Accordingly, such regulations shall be applied to lots along any thoroughfare, or portions thereof, identified on the most recently adopted version of the Stanley Thoroughfare Plan, for which a functional design and surveyed centerline exists. The location of all such applicable thoroughfares (or portions thereof) shall be available for public review and inspection in the office of the Lead Planning Agency (i.e., City of Gastonia) during normal business hours.

(B) Application

1. Said regulations shall apply if the functional design and surveyed centerline had been adopted by the Stanley Town Council prior to submittal of the zoning permit application. The minimum yard or setback prescribed by each zoning district shown in Article VII,
2. Sec. 14 shall begin to be measured from a point fifty (50) feet from the centerline of any major thoroughfare depicted on the Thoroughfare Plan, and forty (40) feet from the centerline of any such minor thoroughfare. (Refer to Figure 4 for an illustrative example.)
3. A thoroughfare setback or yard shall also be established on all applicable lots where existing right-of-way are not as large as herein prescribed (i.e., fifty feet on either side of

the centerline). The thoroughfare setback area can be used for any use allowed in the underlying zoning district, except for those permanent uses which are prohibited in a required setback of yard area. Except whereas otherwise prohibited, the thoroughfare setback may be used to satisfy minimum lot size, off-street parking, and open space requirements.

4. The standards contained in Subsections A and B shall not apply to a development located on a lot in which such thoroughfare setback would normally be required which meets one(1) or more of the following circumstances:

- a. a project which had a valid building permit in effect as of the effective date of this Ordinance where such permit allows for construction or development to take place within the required thoroughfare setback
- b. a project which had an approval and valid sit specific or phased development plan in place as of the effective date of this Ordinance where such development plan allows for construction to take place within the required thoroughfare setback.

(C) Appeal

An affected property owner shall have the right to appeal the thoroughfare setback requirements as provided herein to the Board of Adjustment for a variance to these regulations. The Board of Adjustment shall grant such a variance after having first conducted a public hearing and having determined that:

1. the peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirements; and
2. the property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted; and
3. balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties. The public hearing shall be advertised in a manner prescribed by Article III, Sec. 3 (G).

SEC. 22 SCREENING AND LANDSCAPING

The intent of these screening requirements shall be to separate certain zoning districts from other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy. Any screening required under this Section shall materially screen the subject use between the ground level and the height of the required screening from the view of the adjoining property.

(A) Required Screening

1. When a Business (B) or Manufacturing (M) District abuts a Residential (R) District, screening shall be provided on the lot(s) which are located in the Business (B) District or Manufacturing (M) District at the time such lots are developed or if an existing use which does not meet all screening requirements is expected or when any existing principal or accessory structure on such lot is expanded.
2. All multi-family developments shall be screened from all other lots which lie in a Residential (R) District. In no case shall screening be required between two lots. Both of which contain multi-family developments.
3. Within any Business (B) or Manufacturing (M) District, screening shall be required for the open storage of any non-retail goods or any unenclosed structure consisting of a roof (but no walls) used for storage of materials, products, wastes or equipment, whenever such storage or structure is located within 100 feet of the street right-of-way line. Screening shall be placed on the property so as to effectively screen such open storage or structure from the public view from any street right-of-way. All such required screening shall be placed on the lot within five and one-half (5 ½) years from the effective date of this Ordinance.
4. Other situations as specifically listed in the Zoning District Regulations or in the Conditional Use Regulations.
5. All manufactured home parks shall be screened along the rear and side property lines. They shall also be screened from all other lots which lie in a Residential (R) District.

(B) Location of Screening

Any screening required by Section 22(A) 1, 2, and 4 shall be located along side and/or rear property lines of the lot(s) in questions except that screening shall not be required along any street or railroad-right-of-way unless otherwise stipulated in this Ordinance or required as a condition for a conditional use permit.

(C) Specifications for Screening

The area used for screening shall be free of all encroachment by structures, parking areas, or other impervious surfaces except driveway connecting the lot to ingress and egress point, mailboxes, boundary fences and any walls or fences to be included as part of the screen area. Except as required for Section 22(A)3, the amount and type of screen materials to be planted per 100 linear feet shall be as indicated in Figure 5. an opaque wall or fence (per Section 22(F) 1) shall be all which is required to satisfy the screening requirement of Section 22(A)3.

All screen materials planted shall be free from disease, installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth, properly guyed or staked, and planted in a manner which is not intrusive to utilities and/or pavement and planted in accordance with Section 22(F) of this Article.

(D) Relief to Screening Requirements

In the event that unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and/or maintain the required screen, the Zoning Enforcement Office shall have the authority to alter the requirements as outlined in Section 22 of this Article are maintained. Such an alteration may occur only at the request of the developer, who shall submit a plan to the Zoning Enforcement Officer showing existing site features that would screen the proposed use and any additional screen materials the developer will plant or construct to screen the proposed use. The zoning Enforcement Officer shall have no authority to provide said relief unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

(E) Existing Screened Areas

In cases where screening is required to be installed under this Ordinance and an existing screening area exists, further planting and/or improvements shall not be required, provided said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this Ordinance. If the screened area is deficient, the developer shall make needed improvements and/or additions to satisfy the screening requirements and intent of this Ordinance.

(F) Screen Construction and Installation Maintenance

The plantings, fences, walls, or berms that constitute a required screen shall be properly installed and maintained in order for the screen to fulfill the purpose for which it is established.

Walls, fences, and berms shall be constructed in a durable and attractive fashion in accordance with any applicable codes and generally accepted construction and workmanship practices and meet all specifications herein. Plant species shall be of a variety which can grow in healthy manner under local climate conditions, not highly prone to disease and be expected to grow in a manner to meet the spirit and intent of this Section. Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.

The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and

debris, to keep planting healthy and orderly in appearance, and to keep walls, fences, and berms in good repair and neat appearance. Any vegetation that constitutes part of a screen shall be replaced by the property owner in the event that it dies. All screen materials shall be protected from damage by erosion, motor vehicles or pedestrians.

(G) Screening Required Prior to Issuance of Certificates of Occupancy

After the effective date of this Ordinance, a Certificate of Occupancy shall not be issued for any use located on a lot(s) upon which screening is required, unless such screening is provided on said lot(s) as hereby specified. Due to the nature of the local growing season, the developer may request that natural plantings be installed no later than six (6) months after the date of issuance of the Certificate of Occupancy. Should this be requested and granted, all necessary plantings must be installed by the specified date. Otherwise, the Certificate of Occupancy shall be considered null and void.

SEC. 23. MANUFACTURED HOMES

(A) Manufactured homes on Individual Lots

All manufactured homes on individual lots shall conform to the restrictions listed in Article VII, Section 14. Any existing Class C manufactured homes must meet the Class A or B definition (whichever is applicable). Any existing Class D manufactured home may remain as a non-conforming structure; however, should it be moved for any reason whatsoever, it shall only be replaced by a Class A or B manufactured home or a single family dwelling.

Class D manufactured homes presently located within the Town of Stanley's zoning jurisdiction may not be moved within said jurisdiction and shall not be eligible for an applicable building permit. Class D manufactured homes may not be brought into the Town's zoning jurisdiction from anywhere in Gaston County or beyond.

A manufactured home allowed on a temporary basis must bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act.

No manufactured home shall be occupied unless tied down, supported on masonry blocks or jacks, connected to utilities, and provided with underpinning from the bottom of the wall to the ground, made of vinyl, prepainted aluminum material or other material specifically manufactured for manufactured homes.

(B) Manufactured Home Park Specificaitons.

The following provisions regulating the construction, location and design of manufactured home parks are intended to: further an orderly spatial development; secure an environment that insures adequate health and safety and welfare standards; and insure

that adequate facilities for transportation, parking, water, sewerage and recreation are provided.

- The lot area for a manufactured home park shall be at least five (5) acres. All areas to be included in said park shall be clearly shown on site plans as required by this Ordinance.

There must be at least five (5) improved manufactured home spaces at first occupancy. Any existing manufactured home park containing less than five (5) manufactured home spaces shall not be considered non-conforming if otherwise in conformance with the standards contained in this Ordinance. No manufactured home space shall be occupied, nor may a certificate of occupancy be issued unless the requirements of this Ordinance have been met. The requirements of a minimum of five (5) spaces at first occupancy shall apply only to the first five (5) spaces of a new manufactured home park. In all other situations, a manufactured home park may increase in size in any increment of spaces.

- Any existing Class C manufactured home must meet the Class A or B definition (whichever is applicable, but excluding the masonry underpinning) within 180 days of the passage of this Ordinance.
- Only Class A or B units, excluding the requirements for a permanent masonry foundation, shall be permitted within parks and/or expansions to existing parks.

1. Space Sizes.

All manufactured homes within the park shall be located in designated manufactured home spaces. Minimum space sizes shall be as follows:

- a. where a well and septic tank are on the same space – 20,000 square feet (or to meet minimum Gaston County Health Department requirements);
- b. where one of either public or community water service, or public or community sewer service is provided to each space – 15,000 square feet (minimum) shall be required;
- c. where both public or community water and sewer services are provided to each space – 10,000 square feet;
- d. the above space sizes are to be deemed the minimum size requirements and may be increased due to requirements for placement of well and septic tank systems (such as soil conditions and separation distances), the topography of the land or other factors. The applicant shall indicate on the application the specific number of bedrooms per manufactured home for which the septic tank system should be evaluated.

2. Space Widths

Each manufactured home space on all non cul-de-sac streets shall be at least sixty (60) feet in width at the interior street right-of-way line. Cul-de-sac lots shall have at least thirty-five (35) feet of width at the interior street right-of-way line. All lots shall have 100 feet in width at the front yard setback line.

3. Setbacks

Minimum separation distances between manufactured home within a manufactured home park shall be observed. In addition, setbacks of manufactured homes from property lines and publicly maintained street right-of-way lines shall also be observed as herein required.

a. The minimum setback for any structure with in a manufactured home park from a publicly maintained street right-of-way line or any property line shall be forty (40) feet. In addition to these requirements, a thirty (30) foot minimum front setback from any interior street right-of-way line shall be observed. A ten (10) foot minimum side setback shall be observed.

c. All manufactured homes within a manufactured home park shall be located no closer than twenty (20) feet from each other.

4 .Location on Suitable Land

Each manufactured home space shall be located on ground not located within the 100 year flood plain as established by the most recently issued maps published by the Federal Management Agency. No manufactured home shall be placed on land having excessive slope or other characteristic making the land unsuitable for placement of manufactured homes. Each manufactured home space shall be graded so as to prevent any water from ponding or accumulating on the space.

5. Manufactured Home Standards

All manufactured homes which are moved onto a site as a principal residence shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act. These homes shall meet the following standards:

If a manufactured home existing on lot is being replaced with another manufactured home, it must be replaced with either 1) a manufactured home bearing a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act, or 2) a new manufactured home.

- a. The structure shall be set up in accordance with the standards set by the North Carolina Department of Insurance (including tie-down standards);
- b. The structure will have all wheels, axles, transporting lights, and towing apparatus removed. If any of these items is non-removable, then it shall be screened with landscaping if it is still visible after the unit is underpinned; and
- c. The structure must be at least fourteen (14) feet in width.

6. Stand, Underpinning and Tiedown of Manufactured Homes

The location of each manufactured home stand must be an elevation, distance, and angle in relation to the adjacent access drive so that placement and removal of the

manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous underpinning from the bottom of the walls to the ground made of brick, pressure-treated wood (see below), or vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door.

If pressure-treated wood skirting is used, it shall consist of lumber and plywood treated in compliance with American Wood Preserver Bureau Standards. All plywood and lumber used for skirting shall be stamped with trademarks identifying the appropriate grades of lumber and plywood and the treatment identification.

7. Steps

All manufactured homes within the park shall be equipped with two (2) sets of steps.

8. Location of Accessory Structures and Common Structures

Structures accessory to a particular manufactured home shall be located only on the lot containing that manufactured home. All such structures shall be (i) residential in character; (ii) located only in the side or rear yards; and (iii) no closer than ten (10) feet from the manufactured home space boundary.

However, for carports having a capacity not exceeding two (2) car spaces, the only requirements shall be that such structures observe the same front yard setback as required for the manufactured home and that such structures be located no closer than ten (10) feet from any property line, or from the edge of any required buffer. In no instance shall an accessory or common structure be located in a required buffer area.

Accessory structures of benefit to all residents of the manufactured home park shall be permitted with the park. Said structures (ie, community pools, laundry facilities, game rooms, club house, etc.) shall be located at least thirty (30) feet from any interior street line and thirty (30) feet from any manufactured home located within the park. Outdoor vending machines may be prohibited. No retail establishments (other than customary home occupations) may be allowed within the manufactured home park.

9. Public Road Frontage

All manufactured home parks shall abut and have at least fifty (50) feet of frontage on a public road. No manufactured home lots shall be directly accessible from the public street.

10. Ingress and Egress

Manufactured home parks with twenty (20) or more manufactured home spaces shall have at least two (2) separately designated areas which contain both an entrance and exit to the manufactured home park. All manufactured home parks containing less than

twenty (2) manufactured home spaces shall have at least one area containing both an entrance and an exit to the manufactured home park. Manufactured home parks requiring only one entrance and exit area shall provide at least one permanent turn-around within the park.

11. Interior Streets, Drainage, and Markings

No structure within a manufactured home park shall have direct access to a public street. Access to all manufactured homes and accessory structures within the manufactured home park shall be made using internal one-way or two-way streets. All internal streets within a manufactured home park shall be privately owned and maintained. All such streets within a manufactured home park shall be privately owned and maintained. All such streets shall be constructed to minimum NCDOT subdivision road standards except that all such one-way streets shall be paved to a minimum width of twelve (12) feet; all two-way streets shall be paved to a minimum width of eighteen (18) feet. All streets shall be located within a minimum forty (40) foot wide dedicated right-of-way area. Such area shall be used for street maintenance, underground utility and drainage purposes. The developer may be required to increase the width of said area to properly accommodate the slope and natural terrain of the area. If curb and gutter is provided, a right-of-way area of less than forty (4) feet may be approved.

Permanent street names shall be assigned to all internal streets. Permanent street name signs shall also be installed at street intersections within the park. All streets shall be named and all street signs shall be in accordance with local requirements. Upon completion of the construction site, these signs will be installed. The developer will be responsible for advising tenants of the property address assignments for respective manufactured home spaces and instructing them in the purpose of these addresses.

Permanent traffic control signs shall be installed within the park. Such signs shall include, as a minimum, the following:

- a. stop sign(s) where park streets access public road;
- b. stop sign(s) at the intersection of interior streets, (it is recommended that all four-way intersections be controlled by four-way stop signs);
- c. "No Parking" signs along interior streets at intervals sufficient to be readable except where streets have been paved to a width of at least thirty (30) feet; and
- d. one way streets shall be marked as such appropriate intervals and "Do NO Enter" signs shall be posted where streets become one-way or where streets intersect with one-way streets.

Roads in manufactured home parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park.

Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

All dead-end internal streets which provide access to three (3) or more manufactured home spaces shall be provided with a permanent turn-around.

All such turnarounds shall have a minimum paved surface diameter of seventy (70) feet.

Street and roads within the manufactured home park shall intersect as nearly as possible at right angles, with a twenty (20) foot radius of intersection and no street shall intersect at an angle of less than seventy (70) degrees. Where streets intersect with a State maintained road, the design standards of NCDOT shall apply.

Maintenance of all internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.

Street jobs ("T" intersections with a street or road, on opposite sides of said road) of less than 125 feet within and abutting the manufactured home park shall be prohibited.

12. Parking

At least two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space. Parking spaces shall not be located in the street right-of-way, shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any manufactured home park. Such common visitor parking areas shall be separate from any manufactured home space, street right-of-way, drainage facility or buffer.

13. Trash Facilities

If the manufactured home park is located within the Town limits, the Town will provide roll-out garbage or trash containers and provide pick-up service. If the manufactured home park is located outside the Town limits, at least one (1) fly-tight, water-tight and rodent-proof garbage or trash container with a twenty-four (24) gallon minimum container and forty (40) gallon maximum container capacity, shall be provided for each occupied manufactured home space. Containers shall be placed on racks and such racks and such racks shall be located within the manufactured home park at a point which is readily accessible for collection. All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the manufactured home park. In lieu of cans and racks, covered roll out trash/garbage containers may be provided. In lieu of requiring individual garbage and

trash containers for each manufactured home, trash dumpsters may be installed in convenient locations, but no on any individual manufactured home space.

If dumpsters are provided, each dumpster shall be fly-tight, water-tight, and rodent-proof and located at least fifty (50) feet from any property line or public street right-of-way and at least forty (40) feet from any manufactured home. All such dumpsters shall be materially screened from any adjacent manufactured home in the park. It shall be the responsibility of the manufacture home park owner or operator to pick up trash from said containers or dumpsters at least once per week.

The owner or operator shall also be responsible for hauling and disposing of said trash in accordance with all County and State regulations. The burning of refuse within the manufactured home park is not permitted.

Where suitable collections service is not available from municipal or private agencies, the manufactured home park operator shall provide this service.

14. Lighting

Manufactured home parks which contain over twenty (20) manufactured home spaces or contain more than one internal street shall contain street lights throughout the manufactured home park. Such lights shall be located at all internal street intersections, at the intersection of any internal street and a public street and elsewhere in the park at a maximum of 300 foot intervals.

15. Electric, Telephone and Cable Television Utilities

Each manufactured home space shall have individual electric and telephone service connections provided. All electric, telephone, and cable television utilities, and other utility lines shall be placed underground unless unsuitable underground conditions (e.g., rock, swamp, etc.) exist. In such cases, above-ground utility lines may be provided.

Each manufactured home must have an individual metered connection to an electric supply and must have an approved fuse disconnect box at the metered location. All wires from the meter to the manufactured home must be buried underground cable in conformance with the North Carolina electrical Code. Each meter box shall be properly and distinctly identified with either paint or indelible ink.

16. Mailboxes

Mailbox spaces within the manufactured home park shall be provided in accordance with United States Postal Services Standards. At least one (1) mailbox per manufactured home space shall be provided. Where twenty (20) or more mailboxes are provided in one centralized location, the owner of the manufactured home park shall provide at least two (2) parking spaces in the vicinity of the mailboxes specifically designated for persons using the mailbox area.

17. Administrative Office

One manufactured home may be used solely as an administrative office within the park or an administrative office may be located in a manufactured home which is used as a residency by the resident manager. An administrative office is not required.

18. Water Service

An accessible, adequate, safe, and potable supply of water shall be provided in each manufactured home park. Where connection to a municipal water supply is available, connection shall be made thereto and it supply used exclusively.

When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Gaston County Health Department. Any water supply must be capable of providing 300 gallons of water per day per manufactured home space.

Each space shall be provided a minimum three fourth (3/4) inch size copper or PVC water service line.

19. Sewage Facilities

Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of the Gaston County's Health Department regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank unless permitted by the Gaston County Health Department.

20. Screening

All manufactured home parks shall provide landscaping along all adjoining properties on the side and rear property lines. Such screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from adjacent properties. Screening shall be in accordance with Section 22. All manufactured home setbacks shall be measured from the edge of the screened area nearest the manufactured home. When such a screen is use, the width of said screen may be included within the required setback area.

Required screening shall be installed and maintained in conformance with the standards set forth in Section 22 of this Ordinance. If a wall, fence, or planted berm is used as a supplement to the required screening, it shall be installed in accordance with Section 22 of this Ordinance.

21. Maintenance

The grounds of a manufactured home park shall be kept free of trash, litter, debris, noxious weeds, open sewage or other unhealthy matter.

Any septic tanks which fail shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings and storage areas shall be properly maintained. The manufactured home park owner or operator shall take all necessary steps to prevent infestation by rodents, vermin and insects. All grounds shall have proper drainage to prevent the accumulation of water. It shall be the responsibility of the manufactured home park owner or operator to maintain the manufactured home park in accordance with these standards at all times.

22. Future Ownership

The sale of individual manufactured home spaces or lots to individual owners shall be prohibited. The manufactured home park, as a whole, shall remain in ownership of a single entity.

SEC. 24. COMMUNICATION TOWER REGULATIONS

(A) Where permitted

In all cases, co-location is encouraged, and placement of new towers can only be applied for after it is proven that locating on an existing tower is unfeasible due to technical constraints. If it is proven that co-location is not possible on an existing tower, the following restrictions will apply within the Business and Manufacturing Districts:

- Communication towers may be located on any publicly or privately held tract of land exceeding one (1) acre in size, with the issuance of a special use permit issued by the Town Council.
- Towers under thirty (30) feet in height may be erected on an existing building with the issuance of a zoning permit. Towers in excess of thirty (30) feet may be erected on existing buildings with the issuance of a special use permit by the Town Council

(B) Type of Tower Permitted

- Monopole towers; or
- Lattice towers which can accommodate at least three (3) carriers; a good faith effort must be made by both the tower owner and any new carrier to allow for co-location on existing towers.

Adequate provision by the carrier must be made to ensure that the placement of transmitters for emergency services is made available.

(C) Tower Appearance

- Towers and associated buildings and equipment shall be painted in a neutral color;
- All towers shall be illuminated only as required by the FCC (Federal Communication Commission) and FAA (Federal Aviation Administration) and such illumination shall be directed away from residential structures;
- The entire property on which the tower is located shall be screened from view of adjacent property owners with an opaque vegetative screen. Screening shall be in accordance with Section 22, Specifications for Screening. No commercial messages shall be placed on towers; and

(D) Height Requirements

Towers shall not exceed 199 feet in commercial or manufacturing districts.

(E) Setbacks

Towers shall be at least one (1) foot off all property lines for each foot of tower height unless the applicant can provide detailed information showing the design of the tower will collapse within itself, instead of falling to one side. Is such fall zone information is provided, the setbacks for the tower shall be at least on (1) foot off all property lines for each foot of tower height in excess of seventy-five (75) feet, with a minimum of fifty (50) feet regardless of tower height.

For example: 60 ‘ tower	50’ setback off property line
75’ tower	50’ setback off property line
100’ tower	50’ setback off property line
150’ tower	75’ setback off property line
199’ tower	124’ setback off property line

In addition, all towers shall be at least 100 feet from any existing residence.

(F) Co-Location

Co-location is a desirable option and is therefore encouraged by the following means:

- Before any new tower can be approved, it must be shown that existing towers are not adequate for serving customer needs or for co-location; and
- When co-locating, there is not necessity for an otherwise required special use approval.

(G) Old Towers/Advanced Technology/Review

- Abandoned towers shall be removed by the carrier. Removal must take place within six (6) months of the last use of the tower.
- The issuance of a permit for a tower will be for a period of five (5) years. After this time, the tower owner shall submit documentation that includes information regarding the continued need for the tower and the lowest feasible tower height. If this lowest feasible tower height is seventy (70) percent or less of the current tower height, the tower will be reduced to the lowest feasible level.
- If technology changes cause the Zoning Enforcement Officer to feel that the tower height is excessive, he may require the tower owner to submit documentation regarding lowest feasible height at times other than the five (5) year renewal. Should technology changes render the height of the tower excessive, the Zoning Enforcement Officer may require that the tower height be reduced or the tower be replaced or removed.

(H) Power Output and Interference

It shall be the carriers' responsibility to present evidence that the tower output from the tower does not exceed federally approved levels for exposure to electromagnetic forces.

It shall be the responsibility of the carrier to ensure that the tower does not cause any interference with television, radio, and telephone reception of neighboring properties.

ARTICLE VIII DEVELOPMENT REQUIREMENTS

SEC. 1. INTENT

It is the intent of this Article to provide general design standards for development in Stanley and its zoning jurisdiction to insure that such development will be arranged and constructed in a safe, orderly and visually harmonious manner and will reflect the basic character of the development site and its surrounds.

New construction projects in any zoning district requiring a building permit, except single family residential construction or residential accessory construction, are required to meet certain development standards to insure compatibility with surrounding land uses, provide for attractive well-planned projects, and promote the public health, safety, and welfare of the Town of Stanley. All such construction projects must be approved prior to the start construction by a Project Review Committee, as established by Article III.

If the Project Review Committee deems it impractical for a developer to comply with portions of this Article, the Project Review Committee shall have the authority to modify or elect not to apply portions of this Article so long as the modification or deletion of a requirement does not constitute a variance.

A site plan, once approved, must be resubmitted if construction has not commenced within one year of approval. Construction is deemed to have commenced if footers have been poured and approved.

SEC. 2. APPLICABILITY

Except as otherwise provided in this Ordinance, no land or structure shall be used or occupied and no excavation, removal of soil, clearing or placing of fill shall take place on land contemplated for development and no structural alteration of a building shall be constructed except in compliance with Article III, Section 5 and the standards contained within. Renovation or remodeling of a building meeting or exceeding one half (1/2) its current assessed value, not including land, shall comply with design standards outlined within the Zoning Ordinance.

SEC. 3. GENERAL SITE ARRANGEMENT

Structures shall be placed and arranged so as not to adversely affect adjacent property. Adverse effects shall include, but not be limited to the creation of hazards, nuisances, danger or inconvenience, the unreasonable loss of light and air or solar access, or unreasonable loss of privacy.

SEC. 4. DEVELOPMENT STANDARDS

(A) Area, yard, and Height Requirements

The area, yard, and height requirements shall be the same as those established for each zoning district in Article VII.

(B) Plans Required

Site plans are required before any decision can be rendered by the Project Review Committee. At least three (3) copies of all required plans, drawings, and specifications shall be filed at the time of application. These plans and specifications shall furnish the following information.

(1) Location and Easements

The applicant shall provide a boundary survey and vicinity map showing the property's total acreage, zoning classification (s), general location in relation to major streets, railroads, and/or waterways; date; north arrow; existing easements, reservations, and rights-of-way.

(2) Suitability of Land for Development

Plans shall include topographical features, streams, vegetation, soil types, flood prone areas, historic sites, and other features, as required by Section (s) 17-51, 17-53 of the Stanley Code.

(3) Timing of Development

The proposed schedule of development including phases or stages likely to be followed shall be submitted with all plans.

(4) Water and Sewer System

Plans shall show the location of public water and sewer lines presently in existence, connections to these lines, manholes, pumping station, fire hydrants, and other necessary features. All multi-family projects must have public water and sewer service or approved treatment facilities are required by the appropriate state or local authorities. Where a public water and/or sewer service is not reasonably available, individual water supply systems or subsurface sewage disposal systems may be permitted subject to approvals by the Gaston County Health Department.

(5) Stormwater Drainage System

The locations of natural drainage systems and/or stormwater management installations are required on the plans. These features shall be designed, constructed and maintained so

as to: 1) provide for the natural infiltration of stormwater; 2) control the velocity of runoff flows; 3) extend the time of concentration of stormwater runoff; and 4) collect and transmit excess stormwater flows into either the Town drainage system or into a natural drainage system. The following criteria shall also be considered.

- To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainageways shall remain undisturbed.
- All storm drainage systems shall be designed to carry stormwater from a 10-year frequency storm.
- No surface water may be channeled or directed into a sanitary sewer.
- All development shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such development.

More specifically:

-no development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties;

-no development may be constructed or maintained so that natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties;

-concrete curb or curb and gutter is required to adequately direct and control stormwater in all parking lots.

(6) Grading Plan and Sedimentation Control Measures

Proposed grading plans and sedimentation control measures, as required by the Stanley Code, shall be included with any petition.

(7) Streets, Curb and Gutter, Street Lights

The proposed location and design of streets, curbs and gutters, and street lights, as required by the Stanley Code, shall be included on the site plan(s).

(8) Street Access, Easements, Monuments, Property Lines

Proposed street access, easements, monuments, and property lines, as required by the Stanley Code, shall be included as part of the site plan(s).

(9) Sidewalks

The proposed location and design of sidewalks, as required by the Stanley Code, shall be included as part of the site plan(s).

(10) Building Layouts

The proposed location and design of sidewalks, as required by the Stanley Code, shall be included as part of the site plan(s).

(11) Parking and Loading

Off-Street parking shall be provided for all uses of land, structures, and buildings as well as for any expansion of such uses or change in use in accordance with the requirements of this Ordinance.

Every building or structure used for business, trade or industry hereafter erected shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall be located, when possible, at the rear of the business. IN some cases the Zoning Enforcement Officer may approve the loading space at the end or side of a business. No vehicle shall be required to back onto a right-of-way, street, or public alley.

(a) Loading Space Requirements

- Retail operations and all first floor non-residential uses with a gross floor area of less than 5,000 square feet and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet: one (1) loading berth with minimum dimensions of twelve (12) feet by twenty-five (25) feet and fourteen (14) feet overhead clearance.
- Retail operations, including restaurants and dining facilities within hotels and office buildings, with a gross floor area of 20,000 square feet or more: one (1) loading berth with minimum dimensions of twelve (12) feet by twenty-five (25) feet and fourteen (14) feet overhead clearance for every 20,000 square feet of floor area and any fraction thereof in excess of 10,000 square feet.
- Office buildings and hotels with a gross floor area of 50,000 square feet or more: one (1) loading berth with minimum dimensions of twelve (12) feet by twenty-five (25) feet and fourteen (14) feet overhead clearance for every 50,000 square feet of floor area and any fraction thereof in excess of 25,000 square feet.
- Industrial and wholesale operations with a gross floor area of 10,000 square feet or over shall provide berths no less than twelve (12) feet by fifty (50) feet and fourteen (14) feet overhead clearance in quantities determined by the Project Review Committee to be sufficient to allow normal loading and unloading operations of magnitude appropriate to the use.

(b) Parking Space Requirements

- Apartments and manufactured homes located within manufactured home parks: two (2) spaces for each dwelling unit.

- Motel, tourist homes and hotels: and (1) space for each room or unit to be rented, plus one (1) space for each two (2) employees on the work shift of the largest employees on the largest work shift.
- Hospital: one (1) space for each two (2) beds intended for patient exclusive of bassinets, plus one (1) space for each staff or visiting doctor and one (1) space for each two (2) employees on the largest work shift.
- Elementary school and junior high schools, both public and private: one (1) space for each employee.
- Senior High School, trade schools and technical institutes: one (1) space for each two (2) students for whom the school was designed, plus one (1) space for each space for each employee.
- Restaurants: One (1) space for each three (3) seats, plus one (1) space for each two (2) employees on the shift of largest employment.
- Restaurants, drive-in, or similar uses designed for curb-type service and fast foot-type service; five (5) square feet of parking area for each one (1) square foot of gross floor area; provided further that no facility shall have less than fifteen (15) spaces.
- Medical and dental clinics and offices: four (4) spaces for each doctor practicing at the clinic, plus one (1) space for each employee.
- Auditoriums, theaters, stadiums, and similar uses involving the assembly of persons: one (1) space for each three (3) seats in such place of assembly, plus one (1) space for each 100 square feet of floor or ground area used for amusement of assembly, but not containing fixed seats.
- Bus terminals: one (1) space for each employee and one (1) space for each bus loading ramp and track.
- Other office, business and commercial uses: one (1) space for each 200 square feet of gross floor area.
- Industrial, warehousing and wholesaling uses: one (1) space for each vehicle used directly in the conduct of such use, and in addition, one (1) space for each two (2) employees of the establishment at the maximum employment on a single shift.
- Nursing homes; one (1) space for every four (4) beds.

(c) Methods of Providing Required Parking and Loading

All required parking or loading spaces shall be located on the same zoning lot as the principal use(s) it serves, except as approved by the Zoning Enforcement Officer. Off-site parking for a permitted use, as required by this Ordinance, can be used, subject to certification by the Zoning Enforcement Officer that the following requirements have been met:

- The use being served by the off-site parking is a permitted principal use in the zoning district within which the lot containing such parking is located;
- The off-site parking spaces are located within a walking distance of 500 feet to a public entrance to the structure or land area containing the use for which such spaces are required.

- A safe, direct, attractive, lighted and convenient pedestrian route exists or will be provided between the off-site parking and the use being served;
- The continued availability of off-site parking spaces necessary to meet the requirements of this article are insured by an appropriate restriction on the title to the land providing the off-site parking spaces, in the form of a declaration, covenant, or contract;

(d) Combined Parking

- Up to one-half (1/2) of the parking spaces required for one use may be used to satisfy the parking requirements for either a second use on the same zoning lot or a use for which the provisions of Section 11 (c) are utilized, subject to certification by the Zoning Enforcement Officer that such joint usage of parking complies with the following provisions:
 - The peak usage of the parking facility by one use will be at night or on Sundays (such as with theaters, assembly halls, or churches), and the peak usage of the parking facility by the second will be at other times; or
 - The second use is an ancillary use to the first use, such as restaurants and meeting rooms to hotels and motels.

(e) Use of Required Parking and Loading Areas

Parking areas shall be used for parking automobiles, motorcycles and passenger trucks only, with no sales, storage, repair work, dismantling, or service of any kind permitted. Required loading space shall be available for the loading and unloading of vehicles, and shall not be used for the storage of vehicles or material, or to meet off-street parking requirements.

(f) Parking Lot Landscaping Requirements

The intent of this provision is to protect and promote the public health, safety and general welfare by requiring the landscaping of parking lots. Landscaping will service to reduce wind and air turbulence, erosion, heat and noise, the glare of automobile lights, the level of carbon dioxide, the blighted appearance of parking areas. Landscaping will provide shade, conserve and stabilize property values, and facilitate the creation of attractive and harmonious community.

After the effective date of this Ordinance, buffers and screening shall be required between all parking lots and abutting uses. A six-foot screen shall be provided between parking areas and adjacent properties which are residentially-zoned and other incompatible land use. A three-foot screen shall be provided between the parking area and adjacent streets. The screen shall consist of tight evergreen hedge and shall not be less than two (2) feet in height at the time of planting.

(12) Access and Circulation

The type and arrangement of streets and driveways within the development shall be in compliance with the Stanley Thoroughfare Plan.

Principal vehicular access points to the development shall be designed to encourage smooth traffic flow with minimum hazards to pedestrians, bicycles, and vehicular traffic. Accommodations for controlled turning movements into and out of the development and improvement of the approach street shall be provided where existing or anticipated heavy traffic flows indicate need.

Clear Vision Areas

To insure safe sight distances where streets intersect and where driveways intersect streets, a minimum clear-vision area shall be provided at the corners of such intersections. No structure or planting that would impede visibility shall be established in the clear vision area. Grading of land may be required where topography impedes the required clear vision area.

(13) Public Water and Sewer Service

Whenever public service is desired the regulations and specifications of the Stanley Water/Sewer Ordinance shall apply.

(14) Other Utilities

Every principal use must have access to a source of electric power and telephone service adequate to accommodate the reasonable need of use.

All new electric power lines (including primary and secondary distribution lines and service laterals) telephone and cable television lines necessary to provide in a manner acceptable to the regulations and standards that govern the utility.

(15) Lighting Requirements

Except for single and two-family dwellings, all streets, driveways, sidewalks, parking areas and other common areas and facilities shall be lighted where necessary to insure the security of property and the safety of persons using such facilities. In no case shall sources cause direct light or glare upon glare upon adjacent property or constitute a hazard to motorists using public streets. In all cases, parking lot lighting must meet certain minimum lighting standards as specified by the Project Review Committee.

(16) Refuse Collection

Every site upon which one or more dumpsters are to be placed shall be located and constructed so as to facilitate collection and minimize any harmful effect on persons occupying the development site, neighboring properties or public rights-of-ways. Those developments hereafter established that are required to provide a refuse container shall locate the container on the property it serves. The site shall be paved with concrete,

asphalt or other bituminous paving and shall be located abutting a driveway of sufficient width to allow access by the Town's solid-waste collection equipment. Sites and means of access shall be approved by the Town Planner.

All dumpsters shall be screened where, in the absence of screening, they would be clearly visible at dumpster level to:

- Person located within any dwelling unit on residential property other than that where the dumpster is located;
- Occupants, customers or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used for purposes permitted exclusively in the I zoning district;
- Persons traveling on any public street, sidewalk, or bikeway within the Town of Stanley.

(17) Outdoor Storage

Outdoor storage areas ancillary to the principal use of the lot shall not be used for the storage of such noxious and hazardous materials including, but not limited to: construction wastes, scrap, salvage or debris; flammable or explosive liquids or substances; substances creating noxious fumes, vapors, dust or wastes; automobile tires, and other such materials deemed to constitute a health hazard or public nuisance. All outdoor storage may be conducted in side or rear yard areas only.

Outdoor storage areas must be maintained to prevent the spillover of stored materials on abutting land or public rights-of-way, preserve the safety of pedestrians on adjoining sidewalks, prevent fire hazards, prevent the threat of breeding places for rats and vermin, prevent the possible uses of such yards as hiding places for criminal activity, and to eliminate the attraction of materials stored within to playing children. The storage area shall be fenced with a strong, secure, visually impenetrable fence of suitable materials of at least six (6) feet in height.

Nothing ins this section shall be construed as to prevent the Town of Stanley or other appropriate agencies from removing the illegal junk and scrap yards from any zoning district within its jurisdiction.

**ARTICLE X
INTERPRETATION, APPEALS & VARIANCES**

SEC. 1. INTERPRETATIONS

Where there is any uncertainty as to the intent or actual meaning of any provision of this Ordinance, or as to the intended location of any zoning district boundary shown on the Zoning Map, the Zoning Enforcement Officer shall make an interpretation of said provision or boundary on request of any person. Any person aggrieved by such interpretation may appeal the interpretation to the Board of Adjustment in accord with the provision of this Ordinance.

In making an interpretation of any zoning district boundary, or in deciding any appeal thereof, the Zoning Enforcement Officer or Board of Adjustment shall apply the standards outlined in Article V. Sec. 4 and Article III, Section 3(G), respectively.

SEC. 2 APPEALS

All questions arising in connection with the enforcement of the ordinance shall be first to the Zoning Enforcement Officer, and such questions shall be presented first to the Board of Adjustment only on appeal from a ruling of the Zoning Enforcement Officer. Any order, requirement, decision or determination made by the Zoning Enforcement Officer may be appealed to the Board of Adjustment pursuant to the procedure found in the rules of procedure of the Board of Adjustment, Article III.

SEC. 3. STAY OF FURTHER ACTION

An appeal to the Board of Adjustment stays all actions seeking enforcement of, or compliance with, the decision being appealed, except where the Zoning Enforcement Officer certifies to the board of Adjustment that, based on finds stated in the certificate, a stay would cause imminent peril to life or property, or that because the situation appealed from is transitory in nature, an appeal would seriously interfere with enforcement of this Ordinance.

SEC. 4 VARIANCE

Rules governing the granting of variances are as outlined in Article III, Section 3.

SEC. 5. APPLICATION FOR APPEAL OR VARIANCE

Applications for appeal or for a variance shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall prescribe the form(s) on which applications are made, as well as any other material which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records.

No application shall be accepted by the Zoning Enforcement Officer unless it complies withal requirements of this Ordinance. Applications which are not complete shall be returned forthwith to the applicant, with a notation of the deficiencies in the application.

On receipt of a complete application, the Zoning Enforcement Officer shall transmit the application to the Board of Adjustment. In the case of application for appeal, the Zoning Enforcement Officer shall also transmit to the Board all documents constituting the record on which the decision being appealed was based. All appeals to the Board of Adjustment shall be final.

SEC. 6 ACTIONS SUBSEQUENT TO DECISION

The Zoning Enforcement Officer shall cause notice of the disposition of all applications for appeals and variances to be delivered to the applicant by personal service or by registered or certified mail, return receipt requested, and shall cause a copy of the decision to be filed in the office of the Zoning Enforcement Officer. If a variance is granted, the nature of the variance and any conditions attached thereto shall be entered on the face of any necessary Zoning Permit.

SEC. 7. APPEAL OF DECISION

A decision by the Board of Adjustment on an application for appeal or for a variance may be appealed to the Superior Court by an aggrieved party. Such appeal shall be in the nature of certiorari and must be filed within thirty (30) days of the filing of the decision in the office of the Zoning Enforcement Officer.

SEC. 8 FEES

Fees sufficient to cover the cost of the appeal of variance process shall be charged to the petitioner at the time of application. Such fees are set by the Town Council and are subject to change from time to time.

**ARTICLE XI
CHANGES AND AMENDMENTS**

SEC. 1. GENERAL

The Town Council may, from time to time, on its own motion or on petition, after public notice and hearing as provided by this Ordinance, amend, supplement, change, modify or repeat the zoning regulations and restrictions and zoning boundaries herein or subsequently established. No such action shall be taken until the proposal has been submitted to the Planning Board for review and recommendation. If no recommendation has been received from the Planning Board within forty-five (45) days after submission of the proposal to the Chairman of the Planning Board, the Town Council may proceed as though a favorable report had been received.

No proposed change in this Ordinance or Zoning Map, if denied by action of the Town Council may be resubmitted with a period of one (1) year from the date of such denial, unless the Board unanimously finds that changing conditions in the area or new information concerning the property requested for rezoning warrant resubmission for a change in this Ordinance or Zoning Map. However, should the denial be for a special use rezoning, it may be resubmitted within a period to six (6) months from the date of such denial.

SEC. 2. GENERAL AND SPECIAL USE DISTRICT REZONING

All petitions for general use rezoning and special use district rezoning of any parcel or tract within the town limits and zoning jurisdiction of Stanley by any person or group other than the Town council shall be filed with the Zoning Enforcement Officer twenty (20) days prior to the Planning Board meeting at which the petition is to be considered. Such petition shall include:

- The current zoning classification of the tract(s).
- The requested zoning classification of the tract(s);
- The current zoning classification of all contiguous parcels of land;
- The name(s) of the property owner(s) of all contiguous tracts;
- The name(s) of the property owner(s) of the tract(s) to be rezoned;
- The location of the tract(s) to be rezoned; and
- A map showing the tract(s) to be rezoned and all contiguous tracts and streets.

The Town Council may rezone any parcel or tract of land from one use district to any other use district as described within this Ordinance after declaring its intent to do so and following all regulations regarding public notice and hearing. When considering a petition for rezoning to a general zoning classification, the Town Council will not evaluate a petition based on any specific proposal for the use or development of the property. The petitioner will refrain from using any graphic would apply to any use

permitted by the requested classification. When considering a petition for rezoning to a special use district, the petitioner shall follow the procedures specified in Sec. 3. Whenever there is a Zoning Map amendment, the owner of that parcel of land; the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the public hearing on the proposed amendment by first class mail. The notice shall be posted at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The person mailing such notices shall specify such.

The above first-class mail notice shall not be required if the Zoning Map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners and the Town elects to use the expanded published notice. In this instance, the Town may elect to either make the mailed notice provided for above or may as an alternative, elect to publish once a week for four (4) consecutive calendar weeks in a newspaper having general circulation in the area affected by the proposed Zoning Map amendment and explains the nature of the proposed change. The final two (2) advertisements shall comply with and be deemed to satisfy the provisions of G.S. 160A-364.

The advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The person mailing the notice shall certify such to the Town Council. In addition to published notice, the Town shall post one (1) or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

It shall be the duty of the Zoning Enforcement Officer to post a sign on the property proposed for rezoning in a conspicuous place for two (2) weeks preceding the date of public hearing concerning said property. The sign shall be approximately 18 inches by 28 inches and state the requested zoning change and the date, time, and place of the public hearing.

SEC. 3. THE SPECIAL USE DISTRICT REZONING PROCESS

A person petitioning for rezoning of a tract of land, where Special Use Districts are authorized by this Ordinance, may elect to request Special Use District designation.

If the petitioner elects to petition for Special Use District zoning, he must specify the actual use intended for the property among those permitted in the parallel general use district. The Town Council shall approve or disapprove the petition based on the specific use requested. If approved, the Town Council shall issue a special permit. The town Council may impose reasonable conditions which it determines necessary to promote the public health, safety, and general welfare. Any conditions imposed shall be in addition to other requirements specified by this Ordinance.

The Special Use District rezoning process is established to address those situations when a particular use may be acceptable but where other uses in the general zoning district which would allow that use would not be acceptable. It allows the Town Council to approve a proposal for a specific use with reasonable conditions to assure the compatibility of the use with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding general zoning district.

This is a voluntary procedure which is intended for firm development proposals. It is generally not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time.

(A) Findings of Fact

No special use permit shall be approved by the Town Council unless the following findings are made concerning the proposed special use:

- The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
- The use or development complies with all regulations and standards of this ordinance;
- The use or development will not adversely impact surrounding property;
- The granting of such permit would not violate the spirit or intent of this Ordinance.

The special use permit along with all attached conditions to the permit shall be recorded with the Gaston County Register of Deeds within thirty (30) days of permit approval.

(B) Procedure for Reclassification and Approval of Special Use Permit

In order to rezone a parcel of land to a Special Use District, a petition must be submitted requesting rezoning to a Special Use District. The procedure and requirements for submittal of the petition shall be the same as that required for rezonings to a general use district.

A special use permit application shall accompany any request for Special Use District rezoning. Applications shall be submitted to the Zoning Enforcement Officer and shall include the name and address of the applicant, the name and address of the owner of each zoning lot involved, and the relationship of the applicant and property owner in connection with the application. If the individual, the application shall also include detailed information regarding the principals of the entity. The Zoning Enforcement Officer may request additional information needed to determine compliance with this Ordinance, with sufficient copies for necessary referrals and records.

No application shall be accepted by the Zoning Enforcement Officer unless it complies with the requirements of this Ordinance. Applications which are not complete shall be returned to the applicant, with a notation of the deficiencies in the application.

(C) Uses Restricted

Uses which may be proposed and considered for a Special Use District shall be restricted to those uses permitted in the underlying general zoning district.

(D) Preliminary Conferences with the Applicant

The Zoning Enforcement Officer shall notify the applicant, in writing, of the proposal's deficiencies. The Zoning Enforcement Officer shall also notify the applicant of the opportunity to discuss alternatives to correct those deficiencies.

If the applicant joins in such discussions, the application may be modified, further discussion may be held, or additional information may be requested by the Zoning Enforcement Officer.

(E) Site Plan Required

Every petition for the reclassification of property to a Special Use District shall be accompanied by a site plan, drawn to scale and all necessary supporting test as listed for all site plans required by this Ordinance. The Project Review Committee shall review the site plan to determine compliance with this Ordinance and all applicable regulations within the Town of Stanley.

The Project Review Committee has the authority to waive any application requirement where there type of use or scale of proposal make providing that infuriation unnecessary or impractical.

In the course of evaluating the proposed use, the Zoning Enforcement Officer, Planning Board, or Project Review Committee may request additional information from the petitioner. A request for such information shall stay any time limits for staff review of the petition and stay any further consideration of the petition by the Planning Board or Town Council.

Following approval of a Special Use District rezoning petition and special use permit, a site plan shall be submitted as to the Project Review Committee for a final review and final approval. Such site plan shall conform to the site plan submitted as part of the rezoning petition and to any changes made at the time of hearing.

The Project Review Committee shall have the authority to work out minor details (as defined by the Committee or the Town Council) with the developer during the final review.

(F) Conditions to Approval of Petition

In approving a petition for the reclassification of property to a Special Use District, the Town council may attach reasonable and appropriate conditions to approval of the Special Use Permit. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Town Council may find appropriate. Such conditions to approval of the petition may include dedication to the town of any right-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.

In no case shall the conditions place upon the Special Use Permit be less restrictive than the requirements for a general use rezoning.

(G) Zoning Enforcement Officer's Report to the Planning Board

The Zoning Enforcement Officer shall submit a written analysis of the application including any recommendations based on the findings required by this Article to the Planning Board within twenty-five (25) working days after he accepts the application or within such time consented to in writing by the applicant.

(H) Planning Board Review

The Planning Board shall review the application and the Zoning Enforcement Officer's report and shall submit to the Council a written recommendation based on the findings required in the Article.

The Planning Board shall prepare its recommendations within forty-five (45) days of the meeting at which the Zoning Enforcement Officer's report is submitted to it or within such further time consented to in writing by the applicant or by Town Council resolution.

If the Planning Board fails to prepare its recommendation to the council within this time limit, or extensions thereof, the Planning Board shall be deemed to recommend approval of the application.

The Zoning Enforcement Officer shall then forward his report and the Planning Board's recommendation to the Town Council at the next available Board meeting.

(I) Town Council Action

The Zoning Enforcement Officer shall present for consideration by the Town Council, both the petition for rezoning and the application for a special use permit. The Board shall consider the rezoning petition first.

The Town Council may approve there reclassification for consideration by the Town Council, both the petition for rezoning and the application for a special use permit. The Board shall consider the rezoning petition first.

The Town Council may approve the reclassification of property to a Special Use District only upon determining that the proposed use will meet all standards and requirements in these regulations that are applicable to the proposed use.

The Town Council shall review the Planning Board's recommendation and the Zoning Enforcement Officer's report and at the same public hearing shall act on both the petition for rezoning and the application for a Special Use Permit based on the finding required in this Article. All findings shall be based on competent material and substantial evidence presented at the public hearing.

Action on the petition shall be one of the following:

- Approval
- Denial

Of the rezoning petition for the Special Use District is approved and the application for the special use permit meets all requirements and regulations and the applicant agrees to meet such conditions as may be attached to the permit, then a Special Use Permit subject to conditions shall be issued by the Town Council.

The applicant shall record the approved permit in the office of the Register of Deeds within thirty (30) days.

(J) Effect of Approval

If a petition for rezoning is approved under this Article, the district that is established, the approve petition, the approved Special Use Permit, and all conditions which may have been attached to the permit are binding on the property as an amendment to these regulations and to the Zoning Map. A subsequent development and use of the property shall be in accordance with the standards for the approved Special Use District, the approve petition, and all conditions attached to the Special Use Permit.

If a Special Use Permit is approved, the Zoning Enforcement Officer shall deliver copies of the approved Special Use Permit and all conditions attached to the Zoning Enforcement Officer in order to facilitate the review of applications for certificates of zoning compliance, building permits, and certificates of occupancy needed to complete the approved development.

If a Special Use Permit is approved, the petitioner shall comply with all requirements established in this Ordinance for obtaining a certificate of zoning compliance, building permit, and certificate of occupancy. In applying for these forms of development

approval, the approved development shall be processed as a “use permitted under prescribed conditions” in the approved Special Use District. Only those uses and structures indicated in the approved permit and site plan shall be allowed on the subject property. Any development in the district shall comply with all provisions of and conditions to the approved permit and site plan. Any uses and structures on the subject property shall also comply with all standards and requirements for development in the underlying general zoning district.

Following the approval of the petition, the subject property shall be identified on the Zoning Map by the appropriate district designation.

(K) Alterations to Approval

Changes to the Special Use Permit shall be treated the same as amendments to these regulations or to the Zoning Map and shall be processed in accordance with the procedures set forth in this Ordinance.

Minor changes in the detail of the approved permit or site plan which will not alter the basic relationship of the proposed development to surrounding properties or the standards and requirements of these regulations or to any condition attached to the permit may be approved by the Project Review Committee. Major changes in detail to the site plan shall be forwarded to the Planning Board and the Town Council for their consideration as an amendment to the Special Use Permit or to the Zoning Map.

(L) Revocation of a Special Use Permit

It is intended that property shall be reclassified to a Special Use District only in light of firm plans to develop the property. Therefore, from the date of approval of the Special Use Permit, the Zoning Enforcement Officer shall periodically examine the progress made toward developing the property in accordance with the Special Use Permit and any conditions attached to it. If a building permit has not been secured within nine (9) months of issuance of the Special Use Permit or if a building permit, once secured, is allowed to expire or is revoked, the Special Use Permit shall be revoked. If a Special Use Permit is revoked, the Town Council may choose to reexamine the property to determine whether or not the property should be rezoned.

(M) Periodic Re-Inspection

After a certificate of occupancy has been issued for development within a Special Use District, the Zoning Enforcement Officer shall periodically inspect the use and maintenance of the subject property to insure continued compliance with the conditions attached by the Town Council to approval of the petition.

SEC. 4 PUBLIC NOTICE AND HEARING REQUIRED

Before adopting or amending this Ordinance, the Town Council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days (N.C. General Statute 160A-364).

SEC. 5. APPLICATION SUBMITTED; ADVERTISING REQUIRED

Every proposed amendment or repeal to this Ordinance shall be referred to the Planning Board for its recommendation and report. Such proposals shall be submitted on application forms to be secured from the Zoning Enforcement Officer (See Appendix II for examples).

It shall be the duty of the Zoning Enforcement Officer to post a sign on the property proposed for rezoning in a conspicuous place for two (2) weeks preceding the date of public hearing concerning said property. The sign shall be approximately 18 inches by 28 inches and state the requested zoning change and the date, time and place of the public hearing.

SEC. 6. DECISION

The Town Council shall make a decision on the proposed amendment within sixty (60) days after the public hearing.

Only two (2) petitions for rezoning of any parcel or tract will be heard by the Town Council within a twelve (12) month period. Such time period shall begin on the date the first petition is heard by the Planning Board.

SEC. 7. PROTEST PETITIONS

Protest petitions may be filed in response to any amendment, supplement, change, modification, or repeal of the Zoning Ordinance or the Zoning Map. Such changes shall not become effective except by favorable vote of three fourths of all the members of the Town Council if the protest petition is signed by the owners of twenty percent (20%) or more either of: 1) the area of the lots included in a proposed change, or 2) of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots. This shall not include any amendment which initially zones property added to the jurisdiction of this Ordinance as a result of annexation or other wise. No protest against any change in or amendment to the Zoning Ordinance or Zoning Map shall be valid or effective unless:

- It be in the form of a written petition actually bearing the signature of the requisite number of property owners and stating that the signers do protest the proposed change or amendment; and

- It shall have been received by the town Clerk in sufficient time to allow the town at least two (2) normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

SEC. 8 FEES

An application fee shall be filed with the Town Clerk at the time of application for any zoning change or amendment to the Zoning Ordinance. Such fees are set by the Town council to cover the cost of processing and advertising. These fees are subject to change from time to time.

FIGURE 5

Required Buffer Strip Alternatives (Per 100 Linear Feet)

<u>Alternative</u>	<u>Width of Screen</u>
1. 4.8 Canopy Trees 2.4 Understory Trees 19 Shrubs	35'
	or
2. 5.4 Canopy Trees 2.7 Understory Trees 22 Shrubs	30'
	or
3. 6 Canopy Trees 3 Understory Trees 24 Shrubs	25'
	or
4. 6.6 Canopy Trees 3.3 Understory Trees 28 Shrubs	20'
	or
5. 7.0 Canopy Trees 3.6 Understory Trees 30 Shrubs	15'
	or
6. 8.0 Canopy Trees 4.0 Understory Trees Wall, Berm, or Fence	10'

1. Wall or Fences. Any wall shall be constructed in a durable fashion with a finish surface of wood, brick, stone, or other decorative material approved by the Zoning Enforcement Officer. Fences shall be constructed of wood in a durable fashion and of durable, weather resistant wood fencing materials and of consistent pattern or of other decorative opaque material which is approved by the Zoning Enforcement Officer. No wall or fence used for screening purposes shall be less than six (6) feet nor greater than eight (8) feet in height above grade. All walls or fences used for screen purposes shall be opaque. Walls and fences shall be constructed in accordance with Section 22(F) of this Article.

2. Berms. All berms shall be grassed and/or planted with other plant materials. If grassed alone, the berms shall be not less than six (6) feet not greater than nine (9) feet in height. If landscaped, the berm shall be at least three (3) feet in height and contain at least twenty (20) shrubs per 100 linear feet.

Said shrubs shall be of a species that can be expected to grow to such height so as to materially screen the development from abutting lots within five (5) years of planting. No slope of a berm shall exceed one (1) foot of rise for every three (3) feet in plane.

TABLE OF PERMITTED USES

C= Conditional Use P= Permitted Use S=Special Use T = Temporary Use

	R-20	R-12	R-8	C-B	G-B	M-1	SE(F)
<u>Adult Day Care Center</u>	C	C	C	P	P		
<u>Adult Day Care Home</u>	P	P	P	P	P		
<u>Adult Entertainment</u>							S
<u>Agriculture</u>	C					P	
<u>Agriculture Equip. Sales</u>					P	P	
<u>Ag. Supplies (excludes eq.)</u>					P	P	
<u>Amusement Park</u>						C	
<u>Amusement and recreational Goods, mfn'g</u>						P	
<u>Animal care & veterinary Office (inside)</u>					P	P	
<u>Animal Supply Stores</u>				P	P		
<u>Antique Shops</u>				P	P		
<u>Appliance Repair shops</u>				P	P		
<u>Appliance stores</u>				P	P		
<u>Art galleries</u>				P	P		
<u>Art Schools</u>				P	P		
<u>Arts and crafts shops</u>				P	P		
<u>Assembly halls, coliseums</u>				P	P		
<u>Automobiles Parking</u>	P	P	P	P	P	P	
<u>Automobile Parking Lots And related structures</u>				P	P	P	

Automobile parts and Accessories, mfn'g							P
Auto parts and supply stores				P	P		
Auto repair, including Painting, upholstery, And body work					P	P	
Auto sales, new and used					P		
Auto washing				P	P	P	
Bakeries, retail				P	P		
Bakeries, Wholesale				P	P	P	
Barber & beauty colleges				P	P		
Barber shops & beauty shops				P	P		
Bed & breakfast homes	C	C	C	C	C		
Bedding & carpet, mfn'g							P
Bicycle sales/servies				P	P		
Billiard Halls				P	P		
Boat & trailer, mfn'g							P
Boat & trailer sales				P	P		
Book & magazine stores				P	P		
	R-20	R-12	R-8	C-B	G-B	M1	SE(F)
Bottling facilities							P
Bowling alley					P		
Bldg materials, storage & sales yards					P	P	
Bus stations				P	P		
Business colleges				P	P		
Business machines & bus. Machine parts, mfn'g							P
Camera supply store				P	P		
Candy stores				P	P		
Child day care center				P	P		
Child day care A	C	C	C	P	P		
Clothing & fabric stores				P	P		
Clothing & fabric, mfn'g							P
Communications towers							S
Consignment shops				P	P		
Contractor's office & Storage yards					P	P	
Convenience stores				P	P	P	
Correctional Facilities					P	P	
Customary accessory uses	P	P	P	P	P		
Customary home occupation	P	P	P				
Dairy products dist. Facilities				P	P	P	
Dairy products distribution & Mfn'g (on premises)							P
Department stores					P	P	

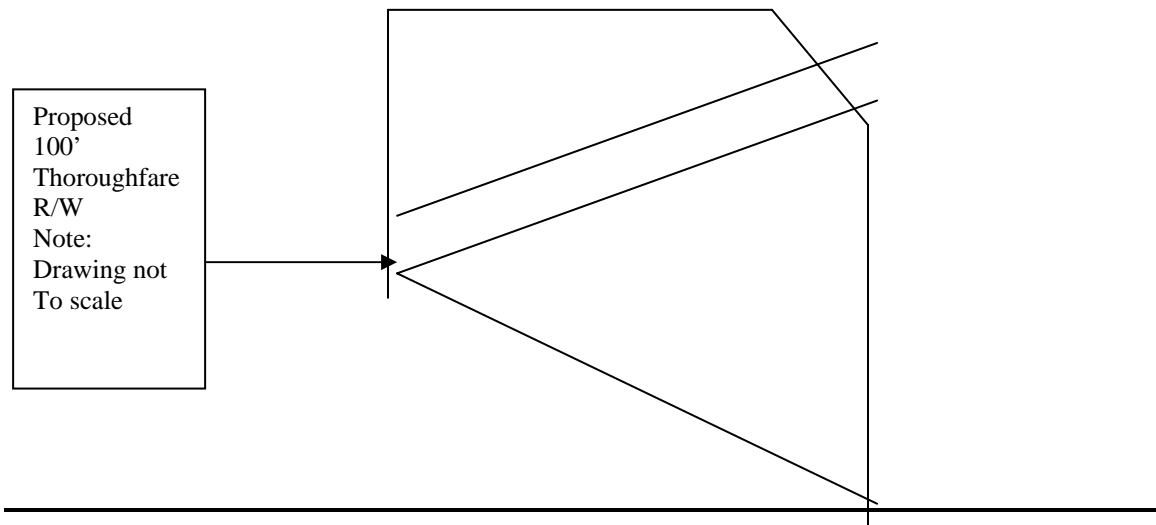
Drug stores					P	P		
Drugs, medicines, & Cosmetics, mfn'g						P		
Dry cln'g & laundry pick-up Station					P	P		
Dry cln'g and laundry plants					P	P		
Dwelling, single family (ecludes man. Homes)	P	P	P	C	C			
Dwelling, duplex	P		P					
Dwelling, multi-family			C					
Electrical appliance, supply & repair shops					P	P		
Electrical appliance & Electrical equipment, mfn'g								P
Extermination offices					P	P	P	
Family care units	P	P	P					
Financial institutions					P	P		
Firearms, sales & svc facilities					P	P		
Firearms, shooting ranges (i/s)	C					C	C	
	R-20	R-12	R-8	C-B	G-B	M-1	SE-(f)	
Firearms shooting ranges (o/s)	C						C	
Fitness & exercise facilities					P	P		
Floor covering & carpet stores					P	P		
Floral shops					P	P		
Flour and feed mills							P	
Food product preparation fac'lts.							P	
Funeral homes					C	P	C	
Furniture, sales					P	P		
Game rooms					C	P		
Gift shops					P	P		
Golf courses	C	C	C					
Greenhouses	C					C	P	
Grocery stores					P	P		
Group homes	P	P	P					
Hardware, mfn'g							P	
Hardware stores (including Paint, plumbing, etc.					P	P		
Hatcheries							P	
Heating and refrigerations Shop						P	P	
Hobby shops					P	P		
Horticultural nurseries	C				C	C	P	
Hospitals	C				P	P		
Hardware & houseware, mfn'g							P	
Ice & cold storage facilities							P	
Industrial supplies/euip,								

Sales and services					P	P	
Industrail trade schools				C	P	P	
Ind. Trade school & research lab				C	P	P	
Jewelry Mfn'g (includes sales Repair							P
Jewelry sales and repair				P	P		
Junk and salvage yards							C
Kennels & other pet facilities (o/s)	P						P
Laundromats					P	P	
Libraries	C	C	C		P	P	P
Locksmiths & gunsmiths					P	P	
Lumber mills	T						
Manufactured homes, Class A	P, T	T	T				
Manufactured homes, Class B	P, T	T	T				
Machine & welding shops							P
Manufactured home parks	C						
Manufactued homes display lots						P	P
Manufactured homes, mfn'g							P
	R-20	R-12	R-8	C-B	G-B	M-1	SE(F)
Medical/dental clinics				P	P		
Medical/dental laboratories					P	P	
Medical supply shops				P	P		
Metal fabrication							P
Mini-warehouses					C	P	
Mixed uses (dwellings & Business)				C	C		
Monument works and sales					P	P	
Moving & storage operations					C	P	
Motels/hotels/inns	C				P	P	
Motorcle & power equipment Sales and service	C					P	P
Museums					P	P	
Music & dance studios					P	P	
Music stores					P	P	
Musical instruments, mfn'g							P
Newspaper offices				P	P		
Newsstands				P	P		
Nursing care institutions	C			P	P		
Office equip. sales & service				P	P		
Optical goods & opticians				P	P		
Outdoor sale of plants, fruits & vegetables (produce Stands)	C			C	C	P	
Paint stores				P	P		
Pallet mfn'g							P

Paper products mfn'g (excludes Paper mills)							P
Pawn shops							P
Pet shops				P	P		
Photographic studios/ Developing				P	P		
Plastic products mfn'g (excluding raw plastic							P
Plumbing and Heating supply				P	P		P
Precision instruments, mfn'g							P
Printing and other media shops				P	P		P
Printing plants							P
Private clubs/lodges (for Profit	C			C			P
Private clubs/lodges (not For profit	C			C			P
Professional offices		C		P			P
Public buildings and facilities	C	C	C	P			P
Public or private parks	C	C	C	P	P		P
	R-20	R-12	R-8	C-B	G-B	M1	SE(F)
Public service corporations				P	P		P
Public transit facilities				C	C		
Radio and TV repair shops				P	P		
Radio & TV stations & towers	C	C	C	C	C		C
Recreational facilities (pools, etc.)	C		C	C	C		
Recreational vehicle production							P
Recreational vehicle sales					P		P
Religious building & cemeteries	P	P	P	P	P		P
Rental centers				C	P		P
Research labs					P		P
Residential cluster developments	C						
Restaurants, including drive-ins				P	P		
Rural home occupations	C						
Retail establishments, other				P	P		
Roofing materials, storage & sales							P
Rubber & glass products, mfn'g							P
Schools, private	C	C	C	P	P		
Schools, public	P	P	P	P	P		P
Second-hand stores				P	P		
Service stations				P	P		P
Shoe sales & repair				P	P		
Shopping centers/malls				C	C		
Sign painting & fabrication					P		P
Skating rinks	C			P	P		P
Sporting goods, mfn'g							P
Swimming pools & spas, sales,							

Service, and supplies				P	P	P
Tailor & dressmaking shops				P	P	
Tanning & exercise salons				P	P	
Taxi stands				P	P	
Textile and cordage, mfn'g						P
Theatre, outdoor	C				C	
Tire recapping shops						P
Tire, mfn'g						P
Tobacco warehousing						P
Toy stores				P	P	
Trailer, camper						
Travel agencies				P	P	
Travel trailer, self-contained						
Trucking terminals						P
Universities/colleges, etc.	C	C	C	P	P	
Upholstery shops					P	P
Variety stores				P	P	
Video stores				P	P	
Warehousing & distribution						P
	R-20	R-12	R-8	C-B	G-B	M-1 SE(F)
Woodworking shops					P	P
Wholesale sales operations						P
Yard sales	P	P	P			

FIGURE 1



FACTS

1. The tract has an area of 871,200 square feet (20 acres)

2. The area of the Thoroughfare ROW = 100,000 square feet
3. Access onto the Thoroughfare from the subdivision lots is not allowed.
4. Maximum allowable density credit = 0.25

Density Credit Application

1. $100,000/871,200 = 0.115$
2. 0.115 is less than 0.25
3. Minimum lot sizes can be reduced by up to 11.5 percent for single and two-family dwellings.
4. All applicable yard requirements must be met on each lot.

A subdivision is proposed for the above 20 acre lot. One-hundred thousand (100,000) square feet (or 11.5 percent) of the tract’s area is taken up by the proposed thoroughfare right-of-way. Access from the subdivision lots to the thoroughfare shall not be permitted. Thus, the full density credit ($100,000/871,200$ or 0.115) is applicable.

The full density credit, 0.115, is below the maximum allowable (0.25). Thus, minimum lot sizes can be reduced by 11.5 percent.

FACTS

1. The tract has an area of 871,200 square feet (20 acres)
2. The area of the Thoroughfare ROW = 100,000 square feet
3. Access onto the Thoroughfare from the subdivision lots is not allowed.
4. Maximum allowable density credit = .025.

DENSITY CREDIT APPLICATION

1. $100,000/871,200 = 0.115$
2. 0.115 is less than 0.25
3. Minimum lot sizes can be reduced by up to 11.5 percent for single and two-family dwellings.
4. All applicable yard requirements must be met on each lot.

A subdivision is proposed for the above 20 acre lot. One-hundred thousand (100,000) square feet (or 11.5 percent) of the tract’s area is taken up by the proposed thoroughfare right-of-way. Access from the subdivision lots to the thoroughfare shall not be permitted. Thus, the full density credit ($100,000/871,200$) or 0.115) is applicable.

The full density credit, 0.115, is below the maximum allowable (0.25). Thus, minimum lot sizes can be reduced by 11.5 percent.

FACTS

1. The tract has an area of 871,000200 square feet (20 acres).

2. The area of the Thoroughfare ROW = 100,000 square feet.
3. Access onto the Thoroughfare from the development is allowed.
4. Maximum allowable density credit = 0.25
5. Normal maximum density = 10 units per acre.

DENSITY CREDIT APPLICATION

1. One-half of the right-of-way area, 50,000 square feet, can be used towards the density credit bonus.
2. $50,000/871,200 = 0.057$
3. 0.057 is less than 0.25
4. Maximum density of developable area (17/8 acres) can be increased by 5.7 percent (10 units/acre x 0.057 = 10.57).
5. $17.7 \times 10.57 \text{ units/acre} = 187 \text{ units}$.
6. All applicable yard and parking requirements must be met.

A multi-family development is proposed for the above 20 acre lot. One-hundred thousand (100,000) square feet (or 11.5 percent) of the tract's area is taken up by the proposed thoroughfare right-of-way. Access from the tract to the thoroughfare is permitted. Thus, half of the right-of-way (50,000 square feet) is available for the density credit bonus. Thus, $50,000/871,200 = 0.57$.

Normal zoning allows a maximum density of 10 units/acre. The allowable maximum density is $10 \times 1.057 = 10.57 \text{ units/acre}$ with the density credit. The amount of developable land (i.e., excluding the right-of-way) is 17.7 acres. Therefore, $17.7 \times 10.57 = 187$ multi-family units which can be built on the tract. The full density credit, 0.115, is below the maximum allowable (0.25). Thus, minimum lot sizes can be reduced by 11.5 percent.

FACTS

1. The tract has a area of 871,200 square feet (20 acres).
2. The area of the Thoroughfare ROW = 100,000 square feet.
3. Access onto the Thoroughfare from the development is allowed.
4. The Proposed commercial development normally requires 200 off-street parking spaces.
5. The density credit can be used to reduce the required number of off-street parking spaces by one space per 330 square feet of available density credits.

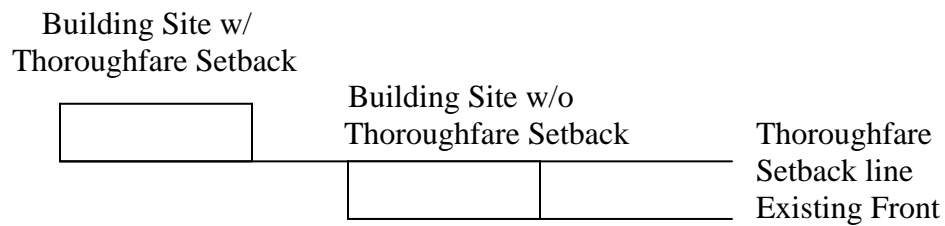
DENSITY CREDIT APPLICATION

1. One-half of the right-of-way area, 50,000 square feet, can be used towards the density credit bonus.
2. $50,000/330 = 151.5$.
3. Parking spaces can be reduced by no greater than 20 spaces (10 percent of 200).
4. To maximize the use of density credits, a larger building could be developed on-site, so long as all applicable yard requirements are met.

An office development is proposed for the above 20 acre lot. One-hundred thousand (100,000) square feet (or 11.5 percent) of the tract's area is taken up by the proposed thoroughfare right-of-way. Access from the development to the thoroughfare is permitted. Thus, half of the right-of-way (50,000 square feet) is available for the density credit bonus. Thus, $50,000/871,200 = 0.057$.

Normal zoning requires this building to have 200 off-street parking spaces. The available density credit, 50,000 square feet, can be used to reduce the number of parking spaces by up to twenty (i.e., 10%). Use of the full available density credit will not be made. The developer may wish to build a larger building to make full use of the density credits.

THORUGHFARE SETBACK ILLUSTRATION
(Assuming a Zoning District with a Standard Minimum 40 foot Setback)



SORRY COULD NOT FINISH THIS CHART!

Section 79. Sign Regulations

79.1 Definitions:

- 79.11 Signs.** Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structure (including billboard or poster panel) designed to carry the above visual information.
- 79.12 Advertising sing (billboard).** A sign directing attention to a business, commodity, service, or entertainment which is conducted, sold or offered on premises other than the premises upon which the sign is located.
- 79.13 Business Sign.** A sign directing attention to a business, commodity, service, or entertainment which is conducted, sold or offered on premises other than the premises upon which the sign is located.
- 79.14 Identification Sign.** A sign identifying only the name of the individual, family, organization or enterprise occupying the premises, or the profession of the occupant, or the name of the building on which the sign is displayed.
- 79.15 Attached sign.** A sign permanently attached to the building located on the premises.
- 79.16 Detached Sign.** A free standing sign, including those mounted on towers or station, not affixed to the building.
- 79.17 Illumination.** A lighted sign shall be one which is illuminated only by light cast upon the sign from a concealed source; a luminous sign is one illuminated by any type light of source.

79.2 Signs Permitted Without Limitation

In all districts the following signs shall be permitted without limitation:

- signs to regulate traffic
- signs required to be posted by law
- warning signs and no-trespassing sign
- signs established by governmental agencies
- signs indicating bus stops, taxi stands, and similar transportation facilities
- temporary signs involved in campaigns of religious, charitable, civic, fraternal, political and similar organizations. Such signs shall be removed within seven (7) days after termination of the advertised event.

In addition to the permitted identification sign per dwelling unit, one additional sign per customary home occupation is permitted. Said sign shall be no greater than two (2) square feet in size and shall be unlighted.

79.2 Prohibited Signs

Commercial signs which imitate an official traffic sign or signs which contain the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words.

All signs with flashing lights with the exception of public information signs (e.g., time and temperature signs) or signs with message which flash at intervals of greater than fifteen (15) seconds.

All signs which are posted or attached to trees, telephone or electrical poles, fences or rocks.

Signs which are of a size, location, movement, content coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.

All parts of signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located.

Signs on rooftops are prohibited unless painted on the rooftop of the building or affixed flat to the building.

Signs or sign assembly that obstruct ingress and/or egress to any window, door, fire escape, stairway, ladder, or opening intended to provide light, air ingress or egress for any room or building.

79.4 Signs shall be Permitted in Accordance with the Following Sepocified Regulations.

Identification and business signs shall be allowed with a permit when they are in accordance with the regulations of this Ordinance. Prohibited signs are listed in Section 79.3. In addition, directional signs and yard sale signs shall be allowed, without a permit, and must be in accordance with Section 79.5 (e) and (f).

79.41 Signs on premises of manufactured homes, modular homes, single-family and two-family dwellings shall be regulated as follows:

Type of sign permitted:	Identification
Permitted number of signs:	One (1) per dwelling unit
Maximum area of signs:	Four (4) square feet

Permitted illumination: Lighted
Permitted location: Behind street right-of-way lines

79.42 Signs on premises of multi-family and group housing project shall be regulated as follows:

Type of sign permitted: Identification
Permitted number of signs: One (1) per street front with a maximum of Two (2) signs
Maximum area of sign: Twenty (20) square feet
Permitted illumination: Lighted
Permitted location: Behind street right-of-way lines

79.43 Signs on premises of churches, schools, colleges, hospitals, community recreation centers, parks, libraries, museums, art galleries, golf courses, country clubs, nursing homes and ay care centers shall be permitted as follows:

Type of sign permitted: Identification
Permitted number of signs: One (1) per facility; colleges, hospitals and other Uses comprised of a complex of buildings may have One (1) additional sign per principal building.
Maximum area of signs: Twenty (20) square feet for all uses; ten (10) square Feet for each principal building within a building complex. One sign permitted within the building to be (64) square feet provided the sign fronts and is adjacent to a major thoroughfare- making sure sight distance is adequate. (this was amended 4/1/02 as shown here).
Permitted illumination: Lighted
Permitted location: Behind street right-of-way lines
Maximum height: Ten (10) feet
Electronic Display Signs: Above permitted to have a computerized message That may scroll or appear at a predetermined Interval)

Section 70.44 Signs on Premises of Commercial or Manufacturing Uses Located in a Business (B) or Manufacturing (M) District shall be regulated as follows:

The following are regulations for all wall signs and free-standing signs for all uses except that such regulations shall not be applicable to free standing signs in shopping centers, business parks, office buildings and other multi-tenant developments. Said regulations are found in Section 79.45 of this Ordinance. Signs allowed without a permit are found in Section 79.2 of this Ordinance. All other signs shall be prohibited.

Types of signs permitted: Business, Identification

Permitted number of signs:

Wall. No limit.

Free-standing. One (1) only except two (2) Shall be permitted if the principal use has direct access from two (2) or more public roads. If two signs are allowed, they shall be located at least two hundred (200) feet apart as measured using a straight-line distance.

Maximum area of sign:

Wall. A maximum of ten (10) percent of The wall area of any wall on the building. Except as provided herein and in Section 79.,41 in no instance shall any principal use be allowed to have an aggregate wall sign area in excess of one hundred (100) square feet.

Free-standing. In the C-B and G-B Districts, a maximum of sixty-four (64) Square feet if one (1) sign is allowed; a Maximum of thirty-two (32) feet each if Two signs are allowed.

In the M-1 District, a maximum of one Hundred (100) square feet if one (1) sign Is allowed; a maximum of fifty (50) Square feet each is two signs are allowed.

Permitted illumination:

Lighted or luminous

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

Free-standing. Twenty (20) feet.

Section 79.45 Shopping Center and other Multi-Tenant Free-standing Identification Signs.

Type of sign permitted

Identification:

Permitted number of signs:

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

A second sign on another street Frontage shall be permitted if the Development has direct access from two (2) or more public roads. No other on-premise free-standing signs identifying either the shopping center or multi-tenant development nor any of the uses located therein shall be permitted.

- b. Notwithstanding Section 79.45 (2)
 - (a) if the development consists of
 - (i) two or more multi-tenant principal buildings, and (ii) access to each tenant in a building is made by a common entrance and
 - (iii) no wall signs identifying any of building's tenants are placed on the building; then one free-standing sign which identifies the tenants of the building may also be placed within twenty (20) feet from the edge of the building.

Maximum area of signs:

One hundred (100) square feet

Permitted illumination	except twenty-five (25 feet for any sign allowed per Section 79.45 (2) (b). Lighted or luminous
Permitted height:	Twenty (20) feet except ten (10) Feet for any sign allowed per Section 79.45 (2) (b).

Section 79.46 Specifications for Signs Requiring A Permit

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

Wall Sign

1. The maximum permitted aggregate area of wall signs per premises may be increased beyond that which is normally allowed using either (but not both) of the following methods:
 - a. If a free-standing identification sign is not used on the premises, the aggregate area of wall signs may be increased by a maximum of thirty (30) percent per premises.
 - b. The aggregate area of all wall signs per premises may be increased based based on the distance the principal building is set back from the required front setback line. Said increase shall be in accordance with the following table:

Principal Building Distance Setback from the Required Front Setback	Allowed Aggregate Wall Sign Area Increase
0 – 49 feet	0 percent
50 – 99 feet	25 percent
100 – 149 feet	50 percent
150 – 199 feet	75 percent
200 – 249 feet	100 percent
250 – 299 feet	125 percent
300 – 349 feet	150 percent
350 – 399 feet	175 percent
400 feet or more	200 percent

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

3. Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises. Signs may be painted or printed onto a canopy or awning. In no instance shall a canopy or awning sign extend into a street right-of-way.
4. A projecting sign may be substituted for part or all of the allowable wall signage per premises. A projecting sign shall not project more than four feet from a building. In no instance shall not project more than four feet from a building. In no instance shall a projecting sign extend into a street right-of-way.

Free-Standing Signs

1. All free-standing signs shall be located behind the street right-of-way. Any such sign greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight distance triangle as indicated in Section 74 of this Ordinance.

79.5 Special Sign Regulations

(a) For the purpose of these sign regulations, a shopping center consisting of three (3) or more businesses located in a unified building or group of buildings may have business and/or identification signs as permitted in the zone except that the center as a whole may have one (1) detached sign per street front, over and above the detached signs permitted for the business establishments in the center. Said sign shall be no greater than thirty-two (32) square feet in size and thirty (30) feet in height as measured from the bottom of the sign.

(b) One (1) temporary sign shall be permitted on the site of any construction work bearing the name of the building, the owner, and those furnishing services or materials used on such construction work.

(c) No advertising sign shall be permitted in any area or any property designated as being on the National Historic Register.

(d) No sign shall be located so as to obstruct the view of traffic.

(e) For the purpose of these sign regulations, directional signs (for commercial and public and semi-public uses) are allowed without a permit provided that:

1. No more than three (3) directional signs per principal use may be erected.
2. All such signs shall be located off the road right-of-way.
3. All such signs greater than three (3) feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle as directed in Section 63 of this Ordinance.

5. All such sign shall not be illuminated.
 5. All directional signs shall be free-standing signs. Portable signs shall be prohibited.
 6. There shall be no greater than four (4) directional signs on separate supports at the intersection of any two (2) roads.
 7. More than one sign may be placed on the same supports.
 8. No two (2) directional signs hung from separate supports shall be located within five (5) feet of each other.
 9. The maximum area of any directional sign shall be six (6) square feet.
- (f) One (1) on-premise and three (3) off-premise yard sale signs are permitted per yard sale. All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall be located in the street right-of-way, nor placed on a post, pole, fire hydrant, bridge, tree, or other surface located on, over, or across any public right-of-way