

ARTICLE VIII SPECIAL REQUIREMENT NOTES TO THE TABLE OF PERMITTED AND CONDITIONAL USES

The Table of Permitted and conditional Uses of Article VII contains a column on the far right labeled "SR" for special Requirements. In any case where a use listed in the Table of permitted Uses has a number in the SR column opposite the use, the use must comply with the additional Special Requirements contained in this section corresponding to the Special Requirements number. For example, the use "Home Occupation" has the number "4" in the SR column opposite the use, therefore, the development of a Home Occupation must meet the special requirements for SR 4. Home Occupations of this section.

**SR 1. Bed and Breakfast Inns.**

- a. The maximum number of guest bedrooms shall be six (6).
- b. The inn shall be operated by a resident manager.
- c. The use shall be located in a structure which was originally constructed as a dwelling.
- d. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility.
- e. The use of such a facility by any one patron shall be limited to no more than fifteen (15) days per sixty (60) day period.

**SR 2. Cluster Development**

Cluster developments shall have a minimum of five (5) lots and shall be developed in accordance with the following standards:

- a. Uses shall be limited to single—family detached dwellings and related accessory uses.
- b. cluster developments shall be exempt from the minimum lot size for the district in which located provided that in no case shall the lot size be less than seventy—five (75) percent of the minimum required lot size other minimum dimensional requirements of the district shall apply.
- c. The maximum potential number of lots that may be created shall be computed by subtracting twenty (20) percent of the gross area (as allowance for street right—of—way) and by dividing the remaining area by the minimum lot area requirements for the zoning district in which the development is located. This section shall apply regardless of the amount of land actually required for streets.
- d. An amount of land at a minimum equal to the amount of reduction in lot size as determined by b. above shall be placed in open space within the development and each lot shall have direct access or access by right—of—way or easement to such open space. Such open spaces shall be held in nonprofit, corporate ownership by the owners of lots within the development. In consideration of the purposes served by a cluster development, the title to such open space property 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. If the corporation desires, improvements may be made within the open space provided that the maximum coverage of each type of improvement shall not exceed the following:

- 1. Above ground improvements, three (3) percent of the open space.
- 2. Level or below ground improvements, twenty (20) percent of the open space.

As an option, where the City Council agrees, such open space may be dedicated to the city for public benefit.

### **SR 3. Family Care Home and Family Day Care Home**

- a. A family care home with six (6) or fewer persons or a family day care home with five (5) or fewer persons may be operated as an accessory use to a principal dwelling.
- b. family care home may not be located within a one-half mile radius of an existing family care home.

### **SR 4. Home Occupation and Home Occupation with Accessory Building**

#### **A. Home Occupation**

A home occupation shall be operated in conformance with the following standards:

- a. No person other than members of the immediate family occupying such dwelling shall be employed, except that not more than one (1) assistant may be employed by attorneys, physicians, dentists, chiropractors and similar professions.
- b. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.
- c. No alteration of the principal building shall be made which changes the character thereof as a dwelling. No visible signs or logos are permitted and the use has to be enclosed in the principal building (not exposed).
- d. No more than twenty-five percent (25%) of the area of the dwelling shall be devoted to any home occupation.
- e. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling.
- f. No chemical, mechanical, or electrical equipment that creates odors, light, emissions, noises, or interference in radio or television reception detectable outside the dwelling shall be permitted.
- g. Only vehicles used primarily as passenger vehicles (e.g. automobiles, vans, pickup trucks) shall be permitted in connection with the conduct of the home occupation.
- h. Only one visitor or patron shall be permitted at one time with no on-street parking, except that instructional programs may have two (2) students at one time.
- i. No outdoor storage shall be permitted.
- j. No home occupation shall be operated in such a manner as to cause a visual, audible, sensory, or physical nuisance noticeable at any level.

## B. Home Occupation with Accessory Building

A home occupation with accessory building shall be operated in conformance with the following standards:

- a. No person other than members of the immediate family occupying such main dwelling shall be employed, except that not more than one (1) assistant may be employed by attorneys, physicians, dentists, chiropractors and similar professions.
- b. No stock in trade (except articles produced by the members of the immediate family residing in the premises) shall be displayed or sold upon the premises.
- c. No alteration of the principal building shall be made which changes the character thereof as a dwelling. The accessory building shall be residential in character meaning no metal roof, no metal siding, exterior walls shall be vinyl siding, wood siding, aluminum siding, brick, stone, stucco, or typical siding products. Windows shall be double hung or similar to the principal residence's windows. Building shall be underpinned with a complete pier wall and have a finish of stucco, brick, stone or veneer of the same that IS residential in character. Trim and siding shall match or compliment the principal structure and no visible signs or logos are permitted. The accessory structure may not have any area that IS not enclosed by walls, windows or doors.
- d. No more than twenty-five percent (25%) of the area of the dwelling shall be devoted to any home occupation. The accessory structure shall be no greater than 30% of the floor area of the principal residential structure's heated area.
- e. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling and the one accessory building used to supplement the home occupation activities.
- f. No chemical, mechanical, or electrical equipment that creates odors, light, emissions, noises, or interference in radio or television reception detectable outside the dwelling or accessory structure shall be permitted.
- g. Only vehicles used primarily as passenger vehicles (e.g. automobiles, vans, pickup trucks) shall be permitted in connection with the conduct of the home occupation.
- h. Only one visitor or patron shall be permitted at one time with no on-street parking, except that instructional programs may have two (2) students at one time.
- i. No outdoor storage shall be permitted.
- j. No home occupation shall be operated in such a manner as to cause a visual, audible, sensory, or physical nuisance noticeable at any level.
- k. The accessory structure used in the home occupation must be on the same lot as the principal residential structure.
- l. Equipment in the accessory structure used in the home occupation shall be typical of any equipment found in a typical principal residence or its typical home occupation. Most commercial or industrial grade manufacturing equipment would not be permitted.

## SR 5. Class A and Class B Mobile Homes

a. Class B (single wide) Mobile Homes shall comply with the following minimum development standards:

1. Shall be occupied only as a single family dwelling in a mobile home park or as a (existing and lawful) nonconformity;
2. Shall have the towing apparatus, wheels, axles, and transporting lights removed;
3. Shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous under pinning of a material generally accepted in the mobile home industry shall be installed under the perimeter, unpierced except for required ventilation and access.

b. Class A (Double wide) Mobile Homes when placed in a Mobile Home Park shall comply with the minimum standards of (a) above. Class A mobile home when placed as a principal dwelling on an individual lot shall comply with the following minimum standards:

1. Length-width ratio. The minimum width ( the width being the narrower of the two overall dimensions) of the main body of the mobile home shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimension) of at least twenty (20) feet.
2. Eaves. The roof shall have an overhand (eave) extending at least six (6) inches from each vertical exterior wall, excluding any guttering.
3. Roof Pitch. The minimum average pitch (excluding dormers) of exterior be a nominal 4/14 (rise over run) over the entire mobile home.
4. Exterior finish. The exterior material shall consist of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance and durability to site build houses in the vicinity. In no case shall the degree of reflectivity exceed that of gloss white paint.
5. Foundation. A continuous permanent masonry foundation consisting of brick, concrete block with stucco or fieldstone) unpierced except for required ventilation and access shall be installed upon a poured concrete footer after placement on the lot and within one month after occupancy.
6. Bitch removal. The hitch, axle and transporting lights shall be removed within one month after occupancy.
7. Orientation. The mobile home shall be oriented on the site in such a manner that the side having the main entrance and by design is intended to be the front of the home, is parallel to the street abutting the site.

## **SR 6. Mobile Home Park**

Mobile Home Parks require a Conditional Use Permit from the Board of Adjustment.  
see Article XIII.

- a. Minimum Mobile Home Park site size — 2 acres
- b. Minimum Number of Spaces - 5
- c. Minimum frontage on a Public Street for Bite — 100 feet
- d. Minimum lot area for each mobile home space —4, 000 square feet
- e. Maximum density — 7 Manufactured Homes per acre
- f. Minimum Mobile Home Space Width — 50 feet
- g. Minimum number of parking spaces per mobile home space (located on the space) — 2 (may be stacked)
- h. Hard surface walk width required to connect each mobile home to parking spaces — 2 feet
- i. Minimum required paved private street width: two—way 20 feet
- j. Maximum number of mobile home space driveways connected to public streets -0
- k. Maximum number of private street connections to public streets per park —3
- l. Minimum distance between private street connections to public streets -150 feet
- m. Maximum length of dead end or cul-de-sac private street — 800 feet
- n. Minimum diameter of private turn—around at end of cul-de-sac for private street — 70 feet
- o. Street lights required at all private street intersections or mini-mum intervals of 300 feet —yes
- p. Approved water supply and sewage disposal plan required — yes
- q. Minimum open space per mobile home space — 200 square feet
- r . Screening device required — yes (See Article XI)
- s. Minimum setback of mobile home to exterior property line — 25 feet
- t. Minimum interior distance between mobile homes — 30 feet
- u. Minimum distance of mobile home to private street —15 feet
- v. Approved private street name signs required — yes
- w. Garbage collection and disposal plan required — yes
- x. Underground utilities — yes
- y. Concrete patio size — 180 square feet for each space
- z. Sign Plan required yes, in accordance with Article IX

**SR 7 Two Family and Multi-family Dwellings**  
(including Condominiums and Townhouses)

a. In the R-9, R-6 and R-O Districts:

1. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment. Notwithstanding the requirements of this section the longest axis may exceed 150 feet but not 350 feet when the acreage included in the project exceeds the minimum for the district by 50% and the yard requirements in iii (a) (exterior) are exceeded by 100%.

2. An individual multi-family building or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.

3. In any case where more than one multi-family building or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards.

i. Site Plan — No zoning permit or building permit shall be issued for any construction in a group residential development except in accordance with a site plan approved by the Planning and Zoning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer, shall first comply with the Subdivision Ordinance.

ii. Density — The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located. Fractional units above one-half (1/2) may be rounded to the next highest number once the basic number of units exceeds twenty (20).

iii. Yard Requirements — The following yard requirements are hereby established:

(a) Exterior — Along each exterior property line or public street, a minimum front, rear and side yard setback of thirty-five (35) feet shall be maintained.

(b) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.

(c) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.

iv. Utilities. All \_ main utility lines, meters , taps , and other appurtenances, up to and including the meter for each individual unit, (but not including the service lines and other facilities extending service to each individual unit) shall be built to the same standard as required for subdivisions. All such facilities together with an easement of sufficient width, shall be conveyed to and/or dedicated to the city for public use and maintenance. All utilities shall be placed underground.

Each unit shall be individually metered for all utilities. Responsibility for the maintenance of common utility lines and/or facilities which have not been conveyed to the city and/or dedicated for public use shall be the responsibility of the project owner, or in the case of unit ownership clearly established in the declaration, protective covenants and other bylaws.

v. Streets or Accessways All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.

vi. Sidewalks. Sidewalks shall be installed in the same manner and under the same criteria as that established in the subdivision regulations.

vii. Storm Drainage Improvements. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the subdivision regulations.

viii. Building Arrangement. Arrangement of buildings in barrack—like rows shall not be allowed.

ix. Sanitary containers. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container. There single-family attached units make up the total development and are all located along a public street in a manner similar to a typical singlefamily development, the Public Works Director may approve an individual household pick-up system.

x. Storm Water - Storm water drainage shall be provided in the same manner as required in the Subdivision Ordinance.

b. In the C-B District:

1. Each dwelling unit shall provide complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
2. For new construction, where the principal use of the structure will be residential (more than 2 times the non-residential floor area) the dimensional requirements of the R-O District shall apply, except there shall be no limitation of density of dwelling units.

On-half the parking requirement of Article IX for the residential use shall be provided.

3. Where an existing building is renovated to permit residential and for new construction which is to be partially non-residential, the dimensional requirement of the C-B District shall apply and there shall be no limitation of density of dwelling units. In such instances, however, the floor area devoted to residential use shall not exceed two (2) times the floor area used for non-residential purposes.
4. One and two-family units may be placed in existing buildings in the C-B District without regard to density subject to the limitations of #3 above. Single and twofamily units may not be developed as freestanding structures.

### **SR 8 Planned Unit Development (PUD)**

a. PUD's shall be permitted only when requested as a Conditional Use and accompanied by a rezoning request to one of the following Zoning Districts: CU-R-20, CU-R-10, CU-R-9, CU-RS-8, CU-R-8, CU-RS-6, CU-R-6, or as a conditional district proposal involving R20, R-IO, R-8 or R-6 districts.

b. Application for PUD conditional use permit shall be approved only if the following findings are made:

1. That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of district regulations that would otherwise govern;

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2. That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;

3. That application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project; and

4. That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the City.

c. An approved PUD Conditional Use Permit or an approved Conditional District application for rezoning and the approved verified development plan shall govern all uses and development activities in a PUD

d. Except as otherwise provided by this SR, a PUD shall be subject to all the applicable standards, procedures and regulations of the other parts of this ordinance.

e. Minimum Size: No PUD shall be approved for a site of less than that shown in the following schedule. The site must be contiguous property under unified ownership or control.

<u>Districts</u>	<u>Minimum</u>
CU-R-20, CU-R-IO, CU-R-8, CU-RS-8, CU-RS-6	12 Acres
CUR-R-9, CU-R-6	6 Acres

f. USES: Uses permitted in a PUD shall be in accordance with the following schedule, provided, that uses to be in a PUD shall be stated in the conditional use permit.

<u>Districts</u>	<u>Uses</u>
CU-R-20- CU-R-IO, CU-R-9, CU-RS-8, CU-R-8, CU-RS-6, CU-R-6	<p>1) All uses permitted in the corresponding Principal Districts</p> <p>2) In PI-JDS of 25 acres or more. all uses permitted in the N-B and R-0 Districts (except residential uses).</p>

g. Limitations on Uses: In a PUD that qualifies for such uses by size, R—O and N—B uses shall not exceed ten percent (10%) of the total land area and at no time shall the cumulative amount of land development for R—O and/or N —B purposes exceed the cumulative amount of land development for residential purposes.

h. Development standards : Development in a PUD shall be exempt from the minimum required lot width, front yard, side yard and rear yard requirements of the Schedule of District Regulations and from section 4-2 and 4.3 relating to relationship of buildings to lots and access to streets provided that the following development standards are followed. The overall residential density limitation and residential building types of the corresponding principal district shall apply in a PUD provided that a density bonus which may involve a different residential development type may be permitted during the PUD approval process as provided for herein.

1. Lot size: The exemption from the Schedule of District Regulation provisions shall not apply in the following situations:

i. No lot for a single family detached dwelling shall be less than the minimum lot size for a single—family dwelling in the zoning district in which the PUD is located. Cluster developments and zero Lot Line developments are permitted subject to the special Requirements for such developments.

2. Vehicle Access:

i. Areas between structures shall be covered by easements where necessary for access and to provide for maintenance and utility service.

ii. Primary vehicular access to office or commercial development shall not be through intervening residential development.

iii. Local streets shall be located and designed so that they do not encourage through access by traffic with origins and destinations outside of the development.

3. Pedestrian Access: PUD's shall be designed and developed and uses so arranged to promote pedestrian access within the development.

4. Non-Residential Areas: Non-Residential areas in PUD s shall be designed and located to principally serve the residents of the PUD and the surrounding area.

5. Boundary Treatment: The scale and setbacks of development in a PUD within one—hundred and fifty (150) feet of the perimeter of the PUD shall be in harmony with development on adjacent lands.

6. Environmentally sensitive Areas: One of the principal purposes of the PUD procedure is to protect environmentally sensitive areas through the use of innovative arrangement of buildings and spaces. It is the intent of the PUD process that significant consideration in planning and design of PUD's shall be given to the following elements such as but not limited to:

i. Floodway and floodway fringe areas

ii. Steep slopes and knolls

- iii. Wetlands
- iv. Water supply watersheds
- v. Rock outcrops
- vi. Soil erosion and storm water management
- vii. Tree and foliage preservation
- viii. Habitat for threatened or endangered species
- ix. Areas of historical, archaeological or architectural significance.
- x. Useable open space; recreation area

In any case where the city Council finds in its opinion that the PUD provides for significant protection or enhancement of any one or more of the above elements, or a similar element as determined by the city council, the council may award a bonus of up to ten (10) percent increase in residential dwelling units for a PUD and may permit such additional dwelling units to be of a development type not otherwise permitted in the PUD. The determination by the city Council of the significant protection or enhancement of a particular element shall be based upon a comparison between the type of development that could be placed on the property under the current zoning and other regulations and the proposed development scheme for the PUD.

7. Unified Development Plan: The application for a PUD Conditional Use Permit as part of a conditional Use rezoning shall be accompanied by a unified development plan in the form of a site specific development plan.

8. Phased Development: A PUD may be developed in phases in the same manner as a subdivision and subject to the phasing requirement for subdivisions.

**SR 9 Swimming Pools, Accessory.**

- a. Pools shall be located to comply with the minimum setback requirements for accessory buildings, and structures of the district in which located. Can't be located in the front setback of the residence. Placed 5' off the back and side property lines, and atleast 20' away from any side street to be measured from the R.O.W
- b. Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.
- c. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self—closing and positive self— latching gate provided with hardware for permanent locking.

## **SR 10. Zero Lot Line Development**

Zero lot line developments shall have a minimum of ten (10) contiguous lots and shall be developed in accordance with the following standards:

- a. Zero lot line developments are exempt from the side yard setback for the principal structure provided they meet the requirements of this special section.
- b. Setbacks of zero (0) feet are permitted only where the lots on both sides of the affected lot line are part of a zero side setback development.
- c. A wall and roof maintenance easement [five (5) feet along one—story walls , ten (10) feet along two-story walls] shall be provided on the opposite side of the zero setback lot line.
- d. Every lot shall provide one side setback of at least twice the minimum side setback required by the zoning district.
- e. Whenever one side setback of a lot is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum required by the zoning district.
- f. Unless abutting, the minimum separation between dwellings shall be ten (10) feet.
- g. The preliminary Plat shall indicate the proposed single family dwelling footprint on each lot to show which side lot line will have a zero side setback and to show that all other required setbacks and maintenance easements are provided.

**SR 11. Amusement or Water Parks; Batting Cages; Go-Cart Raceways; Golf Driving Ranges; Miniature Golf Facilities.**

- a. Minimum lot size for all development except miniature golf facilities shall be five (5) acres.
- b. No principal buildings or structures shall be located within fifty (50) feet of any property line.
- c. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the park activities.
- d. No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any adjoining residentially zoned property.
- e. All principal uses and structures or ancillary uses and structures shall be located further than two hundred (200) feet from any property line if the use is located on a lot zoned R-20.
- f. Screening device required per Article XI.

**SR 12 Associations and Organizations; social and Fraternal.**

a. In any residential district:

1. A minimum of one (1) acre shall be required to establish any one of the above uses.
2. All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and property line.
3. Any use listed above located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
4. Existing uses as described above which do not meet the one (1) acre minimum requirement of a. above at the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

**SR 13. Golf Course; Including Pro Shop.**

- a. There shall be a fifty (50) foot minimum setback between clubhouses swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- b. Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height, and equipped with a self—closing and positive self—latching gate provided with hardware for permanent locking.

**SR 14 Swim and Tennis Clubs, Swimming Pools, Private.**

- a. In any residential district the mini-mum area shall be one (1) acre.
- b. There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- c. Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self—latching gate provided with hardware for permanent locking.

**SR 15. Churches, Synagogues and Other Associated Activities; Nursing and Convalescent Homes; Congregate Care and Group Care.**

a. In any residential district:

1. A minimum of one (1) acre shall be required to establish any one of the above uses.
2. All structures including secondary and accessory structures shall be located a minim-un of fifty (50) feet from any street line and, twenty (20) feet from any other property line

3. Any use listed above Located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
4. Existing uses as described above which do not meet the one (1) acre minimum requirement of a. above at the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

**SR 16. Day Care Centers (6 or more)**

An adult or child day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards:

- a. Centers in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

**SR 17. Automobile Storage; Automobile Towing & Storage; Automobile Wrecking or Junk Yards; Salvage Yards, Scrap processing.**

- a. Outdoor storage associated with the above uses shall be completely screened by a screening device as set forth in Article XI.
- b. Automobile wrecking or junk yards; salvage yards and scrap processing uses shall require a minimum area of three (3) acres. Any area covered by six hundred (600) square feet or more of scrape material shall qualify as a use of this category.
- c. Uses subject to this note shall be separated in such a manner as to prevent dust and tracking of mud and debris onto adjoining streets.
- d. Automobile towing and storage facilities shall require a minimum of three acres. No salvaging, dismantling or scrapping as may occur in a junkyard/ salvage yard is permitted.
- e. No junked, wrecked or inoperative vehicles shall be allowed in automobile towing & storage facilities.

**SR 18. Drive-In Theaters**

*updated 3/26/19*

- a. shall have direct principal access to a street with a minimum of forty-four (44) feet of pavement at Least two hundred (200) feet in each direction from the point of intersection.
  - a) That the motion picture side of a drive-in theatre motion picture shall be the side of the drive in theatre screen that shall be measured to meet the requirements of this section.
  - b) That new, not yet built drive in theatre motion picture screen shall be minimum of 550 feet to a public street or residentially zoned area.
  - c) The field of view of the drive in theatre motion picture screen at the public road or at the location of residentially zoned properties would be no greater than 2.5 inches X 5 inches (the size of a large cell phone) as measured at a distance between 18 and 24 inches from your eye, or the motion picture screen shall be positioned so that no more than 25% of the screen is visible from the public street or residentially zoned area, at least 75% would not be visible from the public street or residentially zoned area. This would be measured during the growing season and when the Drive-In is typically in use (May-October) when the deciduous trees are full and green.

## **SR 19 Radio, Television or Communication Towers**

Radio, television and communication towers may be installed in the L-I and H-I Districts provided:

- a. The operator of the proposed tower shall submit an application which addresses all of the requirements of this section.
- b. The application shall include evidence of a lease on the proposed site.
- c. The property owners representative and tower owners shall send an annual report to the City Clerk in January of each year describing the facility and plans for changes in ownership, equipment, operation, insurance and removal.
- d. Towers shall be unpainted except as required by the F.C.C. or F.A.A. Acceptable finishes include galvanized, galvalum or stainless.
- e. The tower shall be designed and constructed to permit the capability for co-location of at least one other equal telecommunication use if the tower is taller than 100 feet.
- f. No tower shall exceed 200 feet in height.
- g. All equipment, tower structure and security fencing shall be screened using an approved screening device specified in Article XI Landscaping.
- h. The applicant must provide the Zoning Administrator with proof of general liability insurance in the minimum amount of \$1 and shall keep such in effect at all time.
- i. Towers discontinued for use as the original intended use for a continuous period of 180 days shall be removed within 120 days of the date of the end of such period.
- j. A freestanding communication tower and all associated equipment shall be enclosed by a security fence of at least eight (8) feet in height.
- k. Towers must be located a minimum of 1,320 feet from another tower. This distance is not to be measured from high tension transmission towers with antennas.
- l. Towers must be setback a distance of 75% of tower height from property lines. If residentially zoned property is within 200 feet of tower, it must be setback 100% of height from all residential zoning districts. Setbacks and distances shall be measured from the tower's structural member or guy anchor.
- m. One two (2) square foot sign stating the operator's name and phone number must be located either on the gate or in another visible area which accesses the equipment.

n. A site plan must be submitted with the building permit application form to the Zoning Administrator. The site plan shall be drawn to scale and show the engineer's details of the tower and base, tower location, tower height, proposed and existing tower structures, parking, security fence, landscape and screening device plan, drainage, zoning within 200 feet of the site, and any other structures of uses within 200 feet of the site. Additional information required on the site plan includes descriptions of all existing structures and uses on the same property.

o. The requirements of this ordinance do not apply to two-way communication antennas less than eighty (80) feet in height which are ancillary uses,

p. Towers shall comply with all other Federal, State and local regulations.

q. Antennas may not be installed on structures other than those primarily designed for use as radio, television and communication towers.

r. In no case shall a new tower exceeding 80 feet be located in a locally designated historic district, in a National Register Historic District, within 500 feet of a property listed on the National Register of Historic Places, or within 500 feet of a property located within a locally designated historic district.

## **SR 20 Airports or Air Transportation Facilities**

a. The minimum area shall be fifty (50) acres for Basic Utility Stage I airport with two thousand (2000) foot runway. More area is required for larger airports. Airport size and layout shall conform to FAA Advisory Circular 1506300-4B.

b. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.



## **SR 21 Ammunition, Small Arms**

- a. No such facility shall locate within a five hundred (500) foot radius of any residentially or R-20- zoned property.
- b. Security fencing shall be provided along the entire boundary of such a facility.
- c. The facility and its operation shall observe all Fire prevention and Protection requirements.

## **SR 22 Asphalt Plants**

- a. Any asphalt plant operations shall be located at least fifty (50) feet from any property line.
- b. Security fencing, a minimum of six (6) feet in height shall be provided around the perimeter of the operation.
- c. Rehabilitation:
  - 1. Within one (1) year after the cessation of production, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.

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

d. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

e. Access:

1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.

2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.

3. A plan shall be submitted showing truck routes to and from the site such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic - Such routes shall be adhered to.

### SR 23. Mining and Quarrying

a. Setback.

1. The edges of any pit where a mining operation is taking place, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.

2. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

b. Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of both existing and abandoned operations.

c. Rehabilitation:

1. Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.

2. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extraction operation, all excavation shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding, and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses which will minimize erosion due to wind or rainfall.

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

d. All operations involving blasting discernable beyond the external property line of a quarry shall only be conducted between the hours of 7:00 am and 6:00 pm.

e. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

f. Access:

1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.

2. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.

3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic such routes shall be adhered to.

SR 24. Petroleum and Related Products (Wholesale or Manufacturing).

a. Setback:

1. Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.

2. Storage tanks not equipped as indicated in (1) above shall not be located closer to an exterior property line than a distance equal to one and one—half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy—five ( 175) feet.

b. Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.

c. Gravel or paved roadways shall be provided to all storage tanks.

d. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.

e. Dikes:

1. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, - waterways , or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

Dikes or retaining wall shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid-tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area.

2. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable Liquids to enter natural watercourses, public sewers or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

f. Tank Maintenance:

1. All storage tanks shall be maintained in a leak—proof condition with an adequately painted, rust-free exterior surface.

2. A firm substratum shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

g. For wholesale operations in the la—I District, the product shall be sold in the same form as received and shall not be altered, except that two or more products may be blended. Any other alteration of the product shall be deemed a manufacturing use.

h. All storage facilities shall comply with the latest edition of the "Flammable and combustible Liquids code, NEPA 30" of the National Fire Protection Association.

SR 25 Adult Oriented Business : CU-GB Only

- a. No such business shall locate within 1,000 feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
- b. No Adult Oriented Business shall be located within 1,000 feet of a church, public or private elementary or secondary school, child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- c. The gross floor area of an Adult Oriented Business shall not exceed 3,000 square feet and all business related activity shall be conducted in a building;
- d. Except for an adult motel, no Adult Oriented Business may have sleeping quarters;
- e. There shall not be more than one Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
- f. Except for signs as may be permitted by Article X of this ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment;
- g. No enclosed or underground parking shall be permitted.
- h. The Board of adjustments shall have no authority to modify or grant variances from the separation distance requirements imposed by this section.

## **SR 26 Recreational Vehicle Parks And Campgrounds**    Adopted 2/27/18

Any site, tract of land or lot to be developed as a recreational vehicle park or campground shall not be less than the requirements. The facility shall also take into account the need for adequate space to prevent overcrowding, prevent fire hazards, and provide sufficient light and air for reasons of health and enjoyment of the recreation and camping experience. Such facilities must transition into the community so that general health, safety, and welfare is preserved including that of residential, non-residential, and recreational uses such as trails.

A site plan must be submitted in accordance with all applicable provisions of this chapter. Site plans must be drawn to a standard engineer's scale and should include the following:

1. The name and address of the applicant and the property owner.
2. The parcel number, property identification number and map/block/lot number.
3. A small vicinity map.
4. Adjoining property owner's name parcel number, property identification number and map/block/lot number.
5. Adjoining uses or all parcels.
6. A scaled map showing the property dimensions with metes and bounds.
7. Total acreage.
8. Total number of proposed sites.
9. Zoning of the subject parcels and all adjacent properties.
10. All existing and proposed easements, right-of-ways, and reservations.
11. The location and dimension of each recreation vehicle and/or camping site.
12. The location and proposed use of all service and recreational facilities.
13. All interior access ways showing direction of travel.
14. The location of all proposed facilities for sanitation, soil waste, drainage.
15. Location of buffer yards and planting schedule.
16. Setbacks
17. Emergency response and evacuation plan.

## **Minimum Standards and Plan Requirements      Adopted 2/27/18**

The proposed plan shall also include information about how the park will be developed, how it will be managed over the short and long term, and how health and safety are insured. The following standard must be maintained:

1. Recreational Vehicle Parks and Campgrounds may have one caretaker residence. This will be the only permanent residential structure within the Recreational Vehicle Park or Campground and must meet the definition of a single-family detached dwelling (manufactured housing is prohibited);
2. Shelters or Cabins designed for sleeping if equipped with any interior cooking facilities must meet the applicable building, development and fire codes as adopted by the State of North Carolina and cannot be rented to the same person(s) for a period exceeding thirty (30) consecutive days and not more than sixty (60) days cumulative in the same year.
3. All utilities including, but not limited to, electric, water and sewer will be placed underground.

The Recreational Vehicle Park or Campground will provide a parking pad with an appropriate all weather surface of least 324sf adjacent to individual camping space for off-street parking. Access and ingress/egress roads shall be constructed in accordance with the applicable sections and appendices of the City of Kings Mountain Code of Laws and the Fire code as adopted and amended by the State of North Carolina; Circulation, Roads an Access- All campgrounds shall be provided with direct, safe, and convenient, vehicular access from abutting public streets. Interior roads shall be adequate for safe movement of vehicles year round with a gravel base and constructed to meet state and local guidelines concerning drainage. All roadways within the park shall be privately maintained and shall be constructed in accordance with the applicable sections an appendices of the City of Kings Mountain Code of Laws and the Fire Code as adopted and amended by the State of North Carolina.

4. Accessory Buildings such as bathhouses, storage buildings, dining halls meeting halls, boathouses, stables and the like will be for incidental use by the campsites;
5. Storage areas for storage of recreational vehicles are permitted, provided the area;
  - (a) Does not exceed 20 percent of the development area; and
  - (b) Storage is limited to storage of recreational vehicles as an accessory use in conjunction with the principal use;

6. Recreational vehicles must maintain current registration and tags and covenants must be submitted, approved and recorded to prohibit the use of the RVs as permanent residence. All recreational vehicles shall be road worthy. Freight haul vehicles and manufactured mobile homes shall be prohibited.

7. Minimum Size-Ten acres.

Twenty-five percent of the total site area will contain designated recreational areas, for, but not limited to, such games as shuffleboard volleyball courts, horseshoe pits, walking trails and swimming areas, Such areas shall not be located within 200 feet of an adjoining property. Recreation uses shall be for the enjoyment of the patrons of the campground and shall minimize the disturbance of adjoining property occupants.

8. Minimum Number of Spaces- Five.

9. Minimum Density – Fifteen spaces or sites per acre of campground minimize.

10. Lighting- the maximum height of pole-mounted exterior lighting shall be 25 feet. All lighting shall be fully shielded lighting fixtures. The light element (lamps or globe) of a fixture shall not extend below the cutoff shield. Lighting shall be spaced for visibility at ingrate and egress points as well as pedestrian and vehicle points of conflict. All exterior lighting shall be illuminated from 10:00 pm to 6:00 am for security purpose. No lighting shall be directed onto adjacent property. Floodlight or other high-intensity lighting is prohibited.

11. Management – Management plan must be in writing and attached to the submitted conditional use application and should include at a minimum; staffing level, staff hours, background checks for staff/managers, and information on how rules will be enforced.

12. Communication- Each park or separate parcel of land shall have at least one telephone available to the public that is 911 emergency equipped.

13. Facilities, Sanitation, Electrical, and Water- Each space or camp site shall be equipped with septic/sewer hookups, water plumbing, and electrical connections sufficient to safely meet demands. Primitive sites may be allowed as long as they are adequately served in accordance with the requirements of this ordinance and meet its spirit and intent. Water supplies and sewerage disposal shall meet local ordinance and state code requirements. At least one central sanitary station or dump station shall be provided for the removing and disposing of wastes from trailer holding tanks and it will be 50 feet from any space and 100 feet from any property boundary.



Service buildings, meaning a structure housing toilet, lavatory, bathing and such other facilities are required so that each campground provides an adequate sewage disposal system, by connection to a public sewage system, package treatment plant or other system approved by the City or appropriate official. At least one service building shall be provided.

Campgrounds shall provide toilet and bathing facilities referenced in the following table:

Number of Men and Women	Urinals	Toilets Men	Toilets Women	Lavatories Men	Lavatories Women	Showers Men	Showers Women
1-25	1	2	3	2	2	2	2
26-50	2	3	4	3	3	4	4
50-100	2	4	5	4	4	5	5

All facilities and sites having plumbing, electrical, gas, or HVAC improvements shall comply with the provisions of the building, plumbing, electrical, heating and gas regulations of the City and State.

14. Garbage - All garbage and refuse in every campground shall be stored in suitable watertight fly-tight trash receptacles. It shall be the duty of the campsite operator to personally make certain that all garbage and refuse are regularly disposed of in a sanitary manner. Bulk collection containers shall be placed on pads that at a minimum meet local City standards. Placement of pads need shown on site plan. Pad specs are available from the public works department.

15. Recreation - Parks must provide a recreational area for its occupants. Recreational areas shall be located so as to be free of traffic hazards and easily accessible to all park occupants.

16. Buffering – A 20’ foot buffer measured toward the interior of the property from the road right-of-way of all streets. Four understory trees, four canopy trees, and 12 scrubs will be planted per 100 linear feet of road frontage. All trees must be a minimum of six feet tall and two inches in caliper measured one foot from ground level installation.

A 30’ foot buffer yard will be required for all areas adjacent to residential uses. It shall consist of evergreen foliage and must be a minimum of six (6) feet high and 1 inch in caliper, measured 1 foot above grade, (2rows offset 5 on center). The buffer width may be reduced by 50% when a fence or a wall with at least eighty (80) percent opacity and eight (8) feet in height is installed. The fence or wall shall be installed at least seven and one half (7.5) feet from the residential use property line(s) with vegetation installed along each side of the fence or wall.

Where utility or drainage easements exist along property lines, the buffer shall be located adjacent to the easement and may be reduced by the width of the easement on the property where the buffer is required or 25 percent of the required buffer width, whichever is smaller.

All vegetation must be maintained in a healthy condition by the owner or developer. Dead or damaged plants shall be replaced within thirty (30) days.

17. Setbacks- A setback of forty (40) feet from a public right-of-way or from a property line abutting a residential lot shall be required for any space, site, or building.

18. Trail Connection and Relationship — Existing or proposed public trails and easements and associated aspects shall be indicated on the plan and shall include designated access points as well as campground features that protect the safety of campground patrons and trail uses and enhance the enjoyment of both parties.

19. Phasing- Plan shall indicate phasing. Improvements shall be installed prior to allowing the sites to be used includes but is not limited to roads, facilities, electrical, plumbing, recreation, parking, buffering, garbage, sanitation, and lighting.

20. Camping, RV, and Motor Home Sites, Size and Layout Plan - Every campsite shall consist of a minimum of 2,500 square feet having a minimum width of forty (40) feet. Each campsite shall be clearly established on the ground by permanent monuments or markers. Tent, RV, and Motor Home sites shall be conveniently close to parking spaces and also appropriately spaced apart from each other. Plan shall have numbered sites and campground shall have markers at sites. Only one RV, one camper, or two tents per site are allowed.

\*All Requirements of SR26 shall be located on the same parcel of the proposed campground or RV Park.

**SR 27. Refrigerator or Large Appliance Repairs.**

- a. No outdoor storage of any refrigerators, appliance, or parts thereof shall be allowed.

**SR 28. Radio, Television or Communication Antennas on Steel High Tension Transmission Structures**

Radio, television and communication antenna may be installed on steel high tension transmission structures provided:

- a. Towers shall comply with all other Federal, State and local regulations.
- b. Antennas may extend the height of the structure by twenty (20) feet.
- c. Antennas discontinued for use for a continuous period of 180 days shall be removed within 120 days of the date of the end of such period.

## **SR 29. Amusement Video Game Arcades including Internet Cafes and Businesses (Including Retail) with Sweepstakes Gaming Machines and the Like**

Amusement video game arcades require a conditional use permit from the Board of Adjustment. See Article XIII.

The requirements contained herein or referenced herein do not apply to amusement video game arcades without either video gaming machines or internet game-sweepstake machines and having less than five amusement video game arcade machines. Said amusement video game arcades are considered as permitted uses by right subject to the city's other zoning regulations and all other city codes including privilege licenses and building standards.

All requirements contained herein or referenced herein apply to amusement video game arcades without video gaming machines and having more than four amusement video game arcade machines excepting items a., b., c., and d., as listed below.

All requirements contained herein or referenced herein do apply to amusement video game arcades with video gaming machines including internet cafes and businesses (including retail) with sweepstakes gaming machines and the like including a. through h. as listed below.

- a. Maximum Number of Machines — 3 (count screens, computers or individual control sets).
- b. Minimum Distance from a Residential Zone — 200 feet.
- c. Minimum Distance from a Church Use — 200 feet.
- d. Minimum Distance from a School Use — 300 feet.
- e. Minimum Ratio of Exterior Window Area to Video Game Room Floor Area (machines must be visible from the exterior of the building in order to count as window area) — 10 percent.
- f. Minimum Distance of Separation from another Video Game Amusement Arcade — 200 feet.
- g. Operate without conflict with G.s. 14-290, 14-292, 14-293, 14-295, 14-297, 14-301, 14-305, 14306 and its subsections.
- h. Not Located in the Kings Mountain Boulevard Thoroughfare Protection Districts (KMBTPD), Shelby Road Divided Highway Overlay Districts (74SRDHOD), 74 US 74 Business Kings Street Gateway Protection Overlay District (74KGSPOD), NCI 61 York-Cleveland Business Overlay Districts (161 YCBOD), York Road Gateway Protection Overlay Districts (YRGPOD), Waco Road and US 74 Intersection Inclusive Overlay Protection District (WRUS7410D), and Kings Mountain Protection, Preservation and Enhancement District (KMPPED) Overlays.

The video game amusement arcade as an establishment includes parking areas, building yards, accessory structures, fences and other physical aspects associated with a business use. For example the distance from the rear parking area of a video amusement arcade to an adjoining Residential R-8 zoning district line must be 200 feet. The distance from a video game amusement arcade front parking area to the church lawn on the other side of the street must be 200 feet. The distance from the video amusement arcade signs on the business use property to the school campus playground must be 300 feet.

Adopted 4/27/10

An application is required that produces supplemental information for a conditional use permit and privilege licensee. It is to include a physical address as well as a phone number for the owners of the property, the property owners, the business owner, the business managers, the video game arcade machines owners, their tax identifications and any sub-lessors. It must contain information as to the method of giving credits, points or other compensation for scores or results including the physical location of the transaction, employees' names and the phone numbers. It must also contain the serial number and description of the machines by date used at the business. The supplemental information records in the Zoning Administrator's Office and elsewhere in the City must be updated prior to replacement, new or used machines being stalled.

The conditional use permit may be issued for one year at a time. An application for a conditional use permit must be resubmitted to the Board of Adjustment sixty (60) days prior to the expiration of the date of the valid conditional use permit in order for the permit to be considered eligible for renewal. The procedure for renewal of the conditional use permit shall be the same as for the original granting of the conditional use permit.

Non-conforming amusement video game arcades must follow the procedure contained herein and referenced in Article MI - Non-conforming situations to achieve a conforming status.

### **SR 30. Farmers Market or Produce Market**

Farmer Markets or Produce Markets may be operated in Central Business Districts provided:

- a. The operator of the proposed market must submit an application which addresses all of the requirements of this section.
- b. Evidence of permission to use the subject property.
- c. Establishment of hours and days of operation on a form supplied by the City.
- d. Material sold may include produce, baked goods, plants and canned goods as long as all applicable health regulations are complied with.
- e. Materials not permitted to be sold or traded at the markets include live animals and durable goods such as electronics, clothes, household items, tools, car parts and other non-food items.
- f. Market may operate up to ten hours total during two days per week.

**SR 31. Minimum requirements for "private clubs", "dance halls" and "night clubs":**

A. Separation from any part of the land on which a school facility sits shall be at least 50 feet.

B. Separation from any part of the land on which a church facility is the sole occupant shall be at least 50 feet unless said church site property is zoned General Business or Central Business, in which case separation requirements shall be 50 feet from the church building to a private club, dance hall, or night club building.

C. Noise control shall include sound attenuation measures to comply with Section 9-7. Noise-Prohibited of the City of Kings Mountain Code of Ordinances.

D. A plan and demonstration of competency to keep the facility, adjoining properties and nearby properties free from debris and trash generated by patronage of the facility.

**SR 32. Minimum requirements for "bars" (including pubs, lounges and taverns):**

A. Separation from any part of land on which a school facility sits shall be at least 50 feet.

B. Separation from any part of the land on which a church facility is the sole occupant shall be at least 50 feet unless said church site property is zoned General Business or Central Business, in which case separation requirements shall be 50 feet from the church building to the bar's building.

C. The commercial establishment shall have its front door and/or main entrance on the side of the building facing a publicly maintained street.

D. Noise control shall include sound attenuation measures to comply with Section 9-7. Noise-Prohibited. of the City of Kings Mountain Code of Ordinances.

## **Minimum Standards**

### **SR 33. Public Commercial Multiple Recreational and Entertainment Uses Facility**

Notes for the Minimum Standards expressed herein:

SR 33 hereby makes references to what is already included as minimum standards for similar uses already included elsewhere in the zoning ordinance).

When there is a conflict between SR 33 and any other sections or standards for a similar use including specifically the provisions of SR 9. Swimming Pools, Accessory., SR 11. Amusement or Water Parks; Batting Cages; Go-Cart Raceways; Golf Driving Ranges; Miniature Golf Facilities. , SR 13. Golf Course; Including Pro Shop., SR 14. Swim and Tennis Clubs, Swimming Pools, Private. , and SR 26. Recreational Vehicle Parks and Campgrounds, the more stringent of the requirements shall be followed.

Site Plan - A site plan shall be submitted showing the location and arrangement of all proposed uses, existing uses, and shall at a minimum address all the requirements of the zoning ordinance mentioned in special requirements and elsewhere in the ordinance for similar uses. It shall also show type and sizing of infrastructure including water, sewer, gas, and electric. The plan shall also include the location and sizing of roads (internal service), driveway connections (as approved by NCDOT), and trails (built or maintained with public resources and intended for public use).

Notwithstanding the provisions of this section no conditional use permitting requirements for the Light Industrial District are hereby waived if said use (Campground for example) is permitted as a conditional use in the Light Industrial District. Said use shall be included in the site plan as adhering to the minimum standards for such use or similar use specifically the special requirements (minimum standards for the use), schedule of district regulations, and other general or specific requirements of the zoning ordinance.

Minimum Acreage — Parcel shall contain not less than (thirty-five) 35 contiguous calculated acres. (Public road right-of-way shall be excluded and consequently shall serve as an exterior boundary).

Separation from Church Sanctuary Structure (not stand alone fellowship hall, cemetery use, picnic shelter, or other ancillary uses) — From nearest point of go-cart facility or ATV facility including its fencing, lighting, amplification, but not its parking facility shall be 400 lineal feet.

Separation from Existing Residential Use Dwelling Structure (not detached ancillary structures, pools, recreational areas, or yard areas) - From nearest point of go-cart facility or ATV facility including its fencing, lighting, amplification, but not its parking facility shall be 400 lineal feet.

Parking — In accordance with the Zoning Ordinance's requirements with each use treated as a use that can stand alone. Adequate off street parking shall be provided on the premise of the facility for the event or use.

Setbacks — The subject use shall be setback from a property line or a publically maintained road right-of-way in accordance with the Light Industrial district requirement for primary uses except that setbacks shall meet or exceed any zoning ordinance provisions for similar uses as a primary use in a special requirement situation. If there is a conflict then whichever setback is greater shall apply. Setbacks from a residential zone or public street right-of-way edge shall be a distance of 100 lineal feet for an allowed recreational-entertainment use.

Separation from an Existing Primary Industrial Structure or Existing Primary Commercial Structure — From nearest point of go-cart facility or ATV facility including its fencing, lighting, amplification, but not its parking facility shall be 50 lineal feet.

Safety Requirements — 6' chain fence around go-cart or ATV course or current zoning ordinance requirements whichever is greater. Fence shall have suitable gates for ingress and egress of safety equipment. See SR 11.

Buffering — In accordance with landscape buffer requirements in the zoning ordinance for a development in an L-I zone. Buffering shall be permanent and placed on the exterior side of the recreational uses to both positively impact the recreational experience and provide a more pleasing visual pattern (softening the appearance of the uses) from the adjoining property perspective or edge of adjoining public road-right-of way.

Hours of Operation - All noises from recreational and entertainment uses shall not be audible from adjoining properties from 11pm to 8 am on Monday through Saturday and from 8 am to 1 pm on Sunday.

Maximum Length of Stay — The number of consecutive days (or any portion thereof) of rental to the same party in a detached single unit transient housing (cabin) unit shall be not more than 21 days.

Non conforming Uses — Non conforming uses shall neither be expanded nor modified except as to become conforming uses with respect to all ordinance requirements and standards.



**(SR34. Urban Chickens)**

Chickens excluding all other forms of poultry may be kept on the premise of a detached single family residence under the following conditions as a permitted use by right.

- a. No more than three (3) hens shall be allowed for each single-family dwelling. No birds shall be allowed in multifamily complexes, including duplexes.
- b. No roosters (males) shall be allowed.
- c. There shall be no outside slaughtering of birds.
- d. All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
- e. Enclosures must be situated at least 15 feet from the neighboring residence. In the case of vacant adjoining lots the setback shall be 7 feet from the common property line.
- f. Enclosures must provide at least four (4) square feet per chicken.
- g. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors. Neat and sanitary shall mean a permanent solid roof, walls constructed primarily of chicken wire type material excepting the load bearing and door members, immediate removal of dead animals, and the removal of refuse that may attract vermin.
- h. Feed shall be stored in rodent proof containers.
- i. Production shall be primarily for consumption by the subject property's residents.
- j. Enclosures and pens must be located in rear yard like accessory structures.

Chickens excluding all other forms of poultry may be kept on the premise of a detached single family residence under the following conditions as a conditional use.

- a. More than three (3) but no more than six (6) hens shall be allowed for each singlefamily dwelling. No birds shall be allowed in multifamily complexes, including duplexes.
- b. No roosters (males) shall be allowed.
- c. There shall be no outside slaughtering of birds.
- d. All fowl must be kept at all times in a secure enclosure constructed at least two feet above the surface of the ground.
- e. Enclosures must be situated at a minimum 25 feet from the neighboring residence. In the case of vacant adjoining lots the setback shall be 10 feet from the common property line.
- f. Enclosures must provide at least four (4) square feet per chicken.
- g. Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors. Neat and sanitary shall mean a permanent solid roof, walls constructed primarily of chicken wire type material excepting the load bearing and door members, immediate removal of dead animals, and the removal of refuse that may attract vermin.
- h. Feed shall be stored in rodent proof containers.
- i. Production shall be primarily for consumption by the subject property's residents.
- j. Enclosures and pens must be located in rear yard like accessory structures.

Adopted 8/25/15

**SR 35 Upholstering and Furniture Refinishing**

1. Off-Street parking for pick-up and delivery trucks.
2. No manufacturing of furniture.

Adopted 9/29/15

**SR 36 Truck Washing**

A truck washing service may be provided in the General Business Zoning District G-B meeting the following requirements:

- a. Sedimentation and grit must be prevented from entering the City of Kings Mountain Sewer System therefore; a Heavy Solids Interceptor shall be installed.
- b. Grease and oils need to be prevented from entering the City of Kings Mountain Sewer System therefore; an Oil Separator must be installed to accompany the Heavy Solids Interceptor per North Carolina Plumbing Code.
- c. Truck washing must be conducted within a closed facility.
- d. Truck washing shall be an ancillary use to primary use in the G-B District.

A truck washing service may be provided in the Light Industrial District and Heavy Industrial District meeting the following requirements:

- a. Sedimentation and grit must be prevented from entering the City of Kings Mountain Sewer System therefore; a Heavy Solids Interceptor shall be installed.
- b. Grease and oils need to be prevented from entering the City of Kings Mountain Sewer System therefore; an Oil Separator must be installed to accompany the Heavy Solids Interceptor per North Carolina Plumbing Code.
- c. Truck washing must be conducted within a closed facility.

**SR 37 MOBILE TEMPORARY AND SEASONAL USE**

a. A mobile, temporary, and/or seasonal food or retail service may be provided on privately owned, non-residential property with expressed approval by the owner, in the Zoning Districts as noted in Article VII, Section 7.4, Table of Permitted and Conditional Uses.

- Parking requirements must be met for the primary business on the lot.

b. A site plan is required showing all ingress and egress as well as traffic circulation and sight triangle clearances as well as parking and where the retail vendor will operate.

c. Shall not be set up on any vacant lots, sidewalks, or any city or state maintained roads.

d. The vendor shall be positioned at least 50 feet from the customer entrance of existing shops or restaurants; unless the vendor provides documentation that the restaurant or shop owner supports the closer proximity.

e. The vendor shall be positional on designated parking spaces and shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes. The Retail vender must also be positioned at least 15' away from fire hydrants, any fire department connection, driveway entrances, and handicapped parking spaces.

f. The vendor must be at least 5' off of any rear or side non-residential property lines.

g. The vendor must be at least 5' from the back of the sidewalk, if applicable.

h. If a residential zoned property abuts the property the placement of Retail vendor shall be at least 25' from the residential property line.

i. Traffic cones or acceptable substitutes must be used to direct traffic or present a barrier between off street traffic and the mobile temporary use.

j. If in a CB Zoned Location the location must have its own onsite parking available

k. Temporary connections to potable water are prohibited.

l. The sale of all live animals is prohibited.

m. The sale of tobacco products is prohibited.

n. The sale of alcoholic beverages is prohibited.

o. The noise level from a generator and/or motor must comply with the City's Noise Ordinance.

p. Existing or required landscaping shall not be removed or changed.

q. The site would be required to meet all ADA requirements.

**EXEMPTIONS**

Charity Sale / Non-profit vendors may operate on private property on a mobile or temporary basis not to exceed three consecutive days and with expressed permission by the property owner. Charity / Non-profit vendors are not subject to any additional requirements included in this category.