

CHAPTER 4 DISTRICT REGULATIONS

Section 4.1 Table of Uses

The list of uses allowed in each zoning district is indicated in Table 1. Uses are listed in alphabetical order, and many of the uses have definitions found in Chapter 2, Section 2.2.

For any use listed in Table 1, the Zoning Administrator shall be able to determine if the use is (i) permitted, (ii) permitted subject to the adherence of certain identified specifications, (iii) permitted subject to the issuance of a conditional use permit, or (iv) not permitted.

Uses are permitted in certain zoning districts in Table 1 depending on whether there is an "X", "XS", "C", "CS" is shown in the fourth through tenth columns, next to the use described in the first column:

- "X" A use shall be permitted in a certain zoning district if it is accordingly designated in Table 1 with a "X". For instance, single-family dwellings are permitted uses in the R-20 district.
- "XS" A use permitted subject to certain pre-established specifications which would not be applicable to other uses is designated by a "XS". For instance, customary home occupations are subject to the supplemental regulations found in Section 4.2 of this Ordinance, which is found in Chapter 4.
- "C" A use that is subject to the issuance of a conditional use permit is indicated by a "C". For instance, a Community Center in the R-20 district would be a conditional use and would require the issuance of a conditional use permit by the Town Council.
- "CS" If additional findings of fact, or other supplemental requirements, pertain to a certain conditional use, this would be indicated by a "CS". Such is the case of a Convenience Store in the C-B zoning district. Supplemental regulations found in Section 4.2.56 are found in Chapter 4.

If a use does not have a "X", "XS", "C", or "CS" designation in a particular zoning district, that use shall not be allowed in that zoning district.

In addition to the listings of uses within the various zoning districts, Table 1 shows the parking requirement listing for each use in the third column. The numbers referenced in the third column refer to a "group number" for specific parking requirements found in Chapter 7 of this Ordinance. In many cases, parking requirements are the same for more than one use. For example, a reference to 2.9 would refer the reader to Chapter 7, Table 2, Group Number 2.9 which requires one parking space for each two hundred-fifty (250) square feet of gross floor area.

Yard, bulk, height and screening requirements are found in Section 4.3. In general, these requirements shall pertain to all uses. However, if different requirements for a particular use are found in the supplemental regulations (most supplemental regulations are found in Section 4.2), the stricter requirement shall prevail.

TABLE 1

Section 4.2 Supplemental Use Regulations

The following regulations shall be applicable to uses as indicated in Table 1.

4.2.1 Animal Shelters, Animal Kennels, Animal Hospital, and Animal Boarding Services

1. Any structure which houses animals which is not fully enclosed shall be located at least one-hundred (100) feet from any lot located in a Residential (R-A, R-20, R-10) District and fifty (50) feet from any other abutting lot line.
2. All pens and kennels must be surrounded by a chain link fence not less than six (6) feet in height, and enclosed on top, or be located in an enclosed structure.
3. An animal kennel may only be an accessory use on a lot containing a principal, owner-occupied, single-family residential use in the R-A district subject to the regulations contained herein, and subject to a conditional use permit issued by the Town Council. An animal kennel may not be a principal use on a lot. Any structure which houses animals, which is not fully enclosed, and all animal runs shall be located at least one hundred (100) feet from any lot line and five hundred (500) linear feet from any pre-existing principal residential structure located on another lot.

4.2.2 Building and Home Materials Center and Lumber Building Materials and Lumber Storage and Sales.

1. All outdoor storage areas shall meet the requirements of Section 5.4.4.
2. All outdoor storage areas shall be at least one-hundred (100) feet from any adjacent Residential (R-A, R-20, R-10) zoning district.

4.2.3 Automobile Service Stations

1. Gasoline pump islands shall be located no closer than fifteen (15) feet from any lot line.
2. Pump island canopies may be constructed to extend to the street right-of-way.
3. Suitable landscaping shall be provided along all sides of the property which abut Residential (R-A, R-20, R-10) Districts as per Section 5.4.1(ii).

4.2.4 Cemetery

1. Tombstones, crypts, monuments and mausoleums shall be located a minimum of twenty (20) feet from any side or rear lot line and at least thirty (30) feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
2. Sales of crypts or monuments shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty (20) feet from any side lot line abutting a Residential (R-A, R-20, R-10) District and forty (40) feet from any such rear lot line.

4.2.5 Day Care Centers Associated With Churches/Places of Worship

1. Outdoor play areas may be located in the rear yard or side yard only. A minimum side yard setback of ten (10) feet shall be observed along both the side and rear property lines. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be observed. (Greater setbacks may be required if otherwise called for in the underlying zoning district.)
2. All outdoor play areas to be surrounded by a fence or wall at least four (4) feet in height.
3. Signage for the day care center shall be included in that which is allowed for the church/school.
4. The property upon which the day care center is located shall be used primarily for church or school purposes. If located on a premises of a church, the day care center shall be an accessory use to the church and may not be conducted in any single-family residence located on such property. The number of persons regularly attending such church or school must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.
5. If more than fifty (50) enrollees are certified, then there shall be adequate road ingress and egress to and from the site. Traffic generated by the facility shall not be disruptive to any adjacent residentially developed properties.

4.2.6 Riding Stable/Academy

1. All buildings, structures and facilities (including riding rinks but excluding pasture lands) designed for use or occupancy by animals shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any preexisting principal residential structure located on an adjacent lot.
2. Such uses (where allowed) may be principal uses or accessory uses on a lot containing a principal single family residence.
3. Use requires a minimum of ten (10) acres.

4.2.7 Contractors Office and Storage Yards

All outdoor storage areas shall meet the requirements of Section 5.4.4.

4.2.8 Correctional Facility

1. A two hundred (200) foot setbacks shall be observed if the facility is adjacent to any lot located in a Residential (R-A, R-20, R-10) Zoning District or any lot containing a principal residential use.
2. Any fence which is barbed or contains razors shall be located at least twenty (20) feet from any lot line which abuts a lot containing a principal residential use or any lot located in a Residential (R-A, R-20, R-10) District.
3. All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties.

4.2.9 Recycling Station/Facility

1. Any preexisting principal residential structure on another lot shall be located at least one hundred (100) linear feet from the building housing this facility or from any outdoor bins.
2. No outdoor storage of goods to be recycled shall be permitted.

4.2.10 Customary Home Occupations

Customary home occupations may be established in any principal dwelling unit. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such principal dwelling unit is located:

1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
2. No outside storage of materials or equipment shall be allowed in connection with the home occupation.
3. Use of the dwelling for the home occupation shall be limited to twenty-five percent (25%) of the heated finished area of the principal residential structure. Any portion of a garage or basement may also be devoted to the home occupation.
4. If an accessory structure is used for storage of supplies used in the customary home occupation, it shall be located in the rear yard only.
5. Residents of the dwelling plus a maximum of two (2) non-residents may be engaged in the customary home occupation or otherwise report to work at the dwelling.
6. No display of products shall be visible from any adjoining streets or properties. Sales of products are limited to those made or reconditioned on the premises and those which are necessary to the service being provided.
7. No external alterations inconsistent with the residential use of the dwelling shall be permitted.
8. Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
9. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.
10. Customary home occupations may be in operation at any time between the hours of 8:00 A.M. and 9:00 P.M.
11. No signs are allowed.
12. No more than one customary home occupation or rural home occupation shall be permitted per lot.

4.2.11 Electric, Heating, Air Conditioning, Ventilating, and Plumbing Supplies and Equipment Sales

1. All outdoor storage areas shall meet the requirements of Section 5.4.4.

4.2.12 Essential Services - Class I and Class 2

1. Any vehicles or materials stored on the premises shall meet the requirements of Section 5.4.4. and shall be surrounded by a sturdy fence not less than six (6') feet in height.
2. All buildings must be set back at least twenty (20) feet from all property lines.
3. All buildings must be designed and landscaped in such a way as to blend in with the surrounding area.
4. All dangerous apparatus shall be endorsed by a chain-link fence at least eight (8) feet in height.

4.2.13 Essential Services - Class 3

1. Any vehicles, materials, or storage yards on the premises shall meet the requirements of Section 5.4.4 and shall be surrounded by a sturdy fence not less than six (6') feet in height.
2. All buildings must be set back at least twenty (20) feet from all property lines.
3. All buildings must be designed and landscaped in such a way as to blend in with the surrounding area.
4. All dangerous apparatus shall be endorsed by a chain-link fence at least eight (8) feet in height.

4.2.14 Fraternal and Service Organization Meeting Facility

1. A side setback of twenty (20) feet and a rear setback of forty (40) feet shall be required if a side and/or rear lot line abuts a Residential (R-A, R-20, R-10) District, unless a greater setback is otherwise required for the zoning district in which it is located.

4.2.15 Convalescent Home, Rest Home, or Nursing Home

1. Any facility which is licensed to have greater than fifty (50) patients shall maintain a side setback of at least twenty (20) feet and a rear setback of at least thirty-five (35) feet when the side or rear yard is in or abuts a Residential (R-A, R-20, R-10) District, unless a greater setback is otherwise required for the zoning district in which it is located.

4.2.16 Produce Stand

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

3. Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed four (4) square feet in area.
4. During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it shall not be visible from any public road.
5. All produce sold shall be grown on a lot under the same ownership as the lot upon which the produce stand is located.
6. Screening shall not always be required for any produce stand.
7. A produce stand may be a principal or accessory use on the lot on upon which it is located.

4.2.17 Public Safety Station

1. All buildings shall be at least twenty (20) feet from all property lines unless a greater side or rear setback is otherwise required for the zoning district in which it is located and shall be designed and landscaped in such a way as to blend in with the surrounding area.

4.2.18 Recreation Facilities, Public or Private, Country Club, Swim Club

1. Outdoor recreational facilities (with the exception of swimming pools) shall be located at least twenty (20) feet from any side or rear lot line, except fifty (50) feet shall be required if in or adjacent to a Residential (R-A, R-20, R-10) District. Rear and side setbacks for outdoor swimming pools shall be fifty (50) feet each unless adjacent to a Residential (R-A, R-20, R-10) zoned property (see below)
2. Outdoor swimming pools shall be at least one hundred (100) feet from any adjoining Residential (R-A, R-20, R-10) zoning district.
3. If a facility is designed to accommodate two-hundred (200) or more patrons at a time, a conditional use permit shall be required.
4. Recreational uses other than parks, playgrounds, tennis courts, lodges and clubs shall require a conditional use permit approval.
5. Hours of operation may be between 7:00 am and 10:00 pm only if located in a Residential (R-A, R-20, R-10) zoning district.

4.2.19 Recreational Use, Accessory

1. All outdoor accessory recreational uses (with the exception of swimming pools) located on a lot containing public or institutional use must be located at least twenty (20) feet from any side or rear lot line, except fifty (50) feet shall be required if adjacent to a Residential (R-A, R-20, R-10) District. Respective setbacks for outdoor swimming pools shall be fifty (50) and one-hundred (100) feet.

4.2.20 Restaurant, Fast Food, Drive Through, Drive-in

1. Any fast-food, drive-in or drive-through restaurant proposed for a lot which abuts a Residential (R-A, R-20, R-10) District shall be a conditional use requiring the issuance of a conditional use permit by the Town Council.

2. Sufficient on-site stacking spaces (lane spaces) needed to accommodate cars that are waiting to be served shall be provided. (Cars should not back up onto streets during peak hours).
3. The facility shall be screened from adjacent residential development.
4. Internal vehicular and pedestrian circulation shall be satisfactory.

4.2.21 Restaurants (Within Other Facilities)

1. A restaurant may be allowed as a permitted accessory use in Business (C-B, G-B) or Industrial (M-1, M-2) District where located within a use allowed in such a district. Such restaurant shall be designed to serve customers or users of such use. Examples of such uses include snack shops in department or variety stores, employee cafeterias, snack shops or canteens in office buildings, bowling alleys, etc.
2. Access to such restaurant shall not be directly available from the outdoors.
3. Separate off-street parking spaces for such use shall not be required,
4. The restaurant shall be allowed up to sixteen (16) square feet of exterior wall identification signage. Said signage shall be included as part of the signage allowed for the principal use. No free-standing signs for said restaurant shall be allowed.
5. The aggregate gross area of all restaurants within any building shall occupy no greater than ten (10) percent of the gross floor area of the building.

4.2.22 Motels or Hotels

1. Retail uses and restaurants may be located as an accessory use within any motel or hotel.
2. Off-street parking facilities shall be separately computed at fifty (50) percent of the required spaces for any retail use containing over 1,000 square feet of gross floor area and for any restaurant or lounge which is open to the general public.

4.2.23 Industrial Equipment Sales, Supplies and Repair

1. All service and open storage areas shall meet the requirements of Section 5.4.4.

4.2.24 Petroleum Bulk Sales, Storage and Offices

1. All fire and safety regulations must be met.

4.2.25 Roofing Repair and Installation, Sheet Metal

1. All open storage areas shall meet the requirements of Section 5.4.4.

4.2.26 Public and Private Elementary, Junior High and Senior High Schools, Nursery Schools, Kindergartens

1. Any school which has greater than one-hundred (100) students must have access onto a major or minor thoroughfare, or through a collector road.

4.2.27 Family Care Homes/Group Homes

1. Family care homes and group homes are allowed in preexisting residences in these zoning districts, as well as new structures.
2. All new Group Homes shall be a minimum of ½ mile from any existing Group/Family Homes Structure.

4.2.28 Monument Sales

1. Monument sales are allowed as a conditional use if associated with a cemetery (principal use) in the R-A and R-20 Residential zoning districts. Otherwise, it is not allowed in these districts as a principal use.
2. Monument sales located in the C-B or G-B zoning districts must be at least three hundred (300) feet away from any lot located in a Residential (R-A, R-20, or R-10) zoning district.

4.2.29 Pet Stores

1. All facilities associated with a pet store shall be located indoors.

4.2.30 Commercial or Office Use with Outdoor Speakers

1. Outdoor speakers shall be at least fifty (50) feet from property lines bordering residential development or residentially zoned properties (R-A, R-20, R-10).

4.2.31 Rural Home Occupation

A non-residential use conducted in an accessory structure by the occupants of the lot upon which it is located is permitted provided the following conditions are met:

1. No more than one rural home occupation or customary home occupation shall be permitted per lot.
2. No more than one accessory structure may be used in conjunction with the rural home occupation.
3. The maximum floor area devoted to the rural home occupation is 2,000 square feet or less.
4. The accessory building shall be located in the rear yard only.
5. No outside storage of equipment or materials is allowed.

6. The operator of the rural home occupation, must reside on the same parcel of land upon which the rural home occupation is located.
7. No more than three (3) people who do not reside on the premises may be employed by the rural home occupation.
8. No display of products shall be visible from any adjoining street and only articles made or reconditioned on the premises may be sold; except that non-durable articles incidental to a service conducted as the rural home occupation may also be sold on the premises.
9. Chemical, mechanical or electrical equipment which creates odors, smoke, dust, light emission, noises or interferences in radio or television detectable without the use of instruments beyond the lot shall be prohibited.
10. Rural home occupations may be operated at any time between the hours of 8:00 a.m. and 9:00 p.m.
11. No signs allowed.

4.2.32 Exterminators Office, Laboratories (Dental, Medical, Optical, Research), Sign Painting Shop

1. Chemical substances shall be disposed of properly and off-site when no public sewer is available.

4.2.33 Dry Cleaning and/or Laundry Plant

1. A maximum area of two thousand (2,000) square feet of floor space is allowed in the C-B zoning district, provided the emission of steam and other obnoxious by products is controlled.
2. Chemical substances shall be disposed of properly and off-site when no public sewer is available.

4.2.34 Greenhouses and Gardens Incidental to Residential Use and Conducted on a Non-Commercial Basis.

1. No greenhouse heating plant shall be located within sixty (60) feet from any front property line or within thirty (30) feet of any property line.

4.2.35 Rooming and Boarding Houses

1. Rooming and boarding houses may be allowed in any single-family dwelling unit which was either occupied or had received a Certificate of Occupancy on or before the effective date of this amendment. Rooming and boarding houses are not permitted in manufactured homes.
2. The rooming house units must be in the same dwelling as the principal dwelling.
3. For rooming houses, the principal dwelling must be owner-occupied.

4.2.36 Private-Residential Quarters

1. For private residential quarters, the accessory and principal dwelling units shall be owned by the same person. The accessory dwelling unit may be located in a

separate accessory structure if the area in the lot is at least one-hundred fifty percent (150%) that of the required minimum lot size for the zoning district in question. If the private residential quarters is in a detached unit, it shall be served by the same driveway accessing the principal unit. Manufactured homes may not be used for the accessory dwelling unit.

2. The ground floor of a private residential quarter may be no greater than fifty percent (50%) of the ground floor area of the principal unit.
3. If the accessory dwelling unit is located in an accessory structure, said structure shall be located in the rear yard and shall not occupy greater than thirty percent (30%) of the rear yard. No structure shall be located closer than fifteen (15) feet from any side or rear lot line. An accessory structure housing the dwelling unit shall not exceed the height of the principal dwelling. Roof and exterior wall materials and finishes of said accessory structure shall be comparable in comparison and appearance to that of the principal structure.

4.2.37 Multi-Family Development, Quadruplex, Townhomes, Condominiums

1. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-arterial streets).
2. Up to four (4) dwelling units per acre are allowed for multi-family developments by right. Developments proposing over four (4) units per acre, will require a conditional use permit.

4.2.38 Telecommunications Towers and Facilities

If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-locating on an existing telecommunications tower, 2) locate on an existing Duke Power transmission tower or similar structure, or 3) locate camouflaged antennae within an existing structure then telecommunications towers and facilities will be allowed as a conditional use in the RA, R-20, R-10, C-B, and G-B zoning districts, and as a use by right in the Industrial (M-1, M-2) zoning district, subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this Ordinance:

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

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

2. It is the intent of Badin to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Badin. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. This will assist Badin in reducing the total number of towers in the Town. Badin requires providers to negotiate in good faith with other providers to lease space at a reasonable cost

and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the conditional use permit process.

3. The maximum allowable height of a tower is 199.9 feet in the R-A, R-20, R-10, C-B, and G-B zoning districts. The maximum height of a tower located in the I (M-1, M-2) zoning district is 300 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.
4. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve (12) feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.
5. Stealth tower locations are encouraged by Badin. Telecommunications towers which can locate in or on an existing structures or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Or towers which are located in a stand of trees, rather than in an open field, are preferred.
6. Towers are prohibited on the top of buildings or structures in all the Residential and Business zoning districts. In the Industrial (M-1, M-2) zoning districts, towers may be permitted on roofs or walls with an approved Conditional Use Permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

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

7. Badin recognizes that a telecommunications facility (the original tower and antennae provider as well as any co-location entities) cannot be prohibited nor can a conditional use permit be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards. Badin requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
8. All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.
9. A minimum eight foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through

a locked gate. The Zoning Administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

Note: Applicants building new towers shall plan the fence and screening (see item #10 below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

10. Landscape screening shall be required along the outside area of the perimeter fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall meet the requirements of Section 5.4.1, 5.4.2, and 5.4.6. Evergreen shrubs should be of a size expected to reach a minimum of 6' in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be xeroscape (drought) tolerant or irrigated to ensure good health and vitality.

The 'Plant Standards and Plant Installation Standards of Section 5.4.7 shall apply, as well as 'Screen and Buffer Maintenance" requirements of Section 5.4.9.

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

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

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

Minimum setback requirements may be reduced by the Town Council, if warranted, or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

12. All towers shall be a minimum of 300' from the nearest residential dwelling unit.
13. Telecommunications towers not requiring FAA painting/markings shall have either a galvanized finish or be painted a non-contrasting light blue, gray, or black finish.
14. Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain written a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.
15. Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period greater than ninety (90) consecutive days. Such removal (clearing from the site) shall take place within six (6) months of the first day the tower was abandoned, and be completed within this same six (6) month period. It shall be the responsibility of the applicant to notify Badin when the tower has been abandoned for greater than ninety (90) days.
16. Towers having a height of 199.9 feet or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night time strobe lights as per the Federal Aviation Administration.
17. Free-standing telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.
18. Any planned increase in tower height to an existing approved telecommunication tower located within the R-A, R-20, R-10, C-B, or G-B zoning districts requires the provider to apply for an amendment to the original conditional use permit. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Zoning Administrator. Planned height increases for towers which were constructed prior to the adoption of these regulations and/or do not have a conditional use permit on file with the Town, shall be required to apply for a conditional use permit, which includes a review and approval by the Town.
19. Applications by providers to use co-location space on an existing tower shall be permitted by right provided that the tower height is not increased. If the co-locator or owner of the tower proposes to increase the tower's height in all zoning districts except the Industrial (M-1, M-2) zoning district, the co-locator or owner shall request an amendment to the original Conditional Use Permit issued to the original tower provider. As such, the regulations of **Section 9.10** shall apply, which requires review and approval of an amendment to the Conditional Use Permit by the Planning Board and Town Council. Co-location applicants also must comply with all requirements provided in **Section 4.2.38**, unless provided by the original conditional use permit applicant.

If the co-locator or owner proposes to increase the tower height in the Industrial (M-1, M-2) zoning district, this would require a new zoning permit and building permit.

20. Free-standing signs are prohibited. Wall signs shall be limited to 1) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in size and 2) 'No trespassing' signs, 'Danger - High Voltage' signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons.

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

21. The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a conditional use permit, or an amendment to that permit. Once approved, documentation of adequate insurance must be provided to the Badin Zoning Administrator every twelve (12) months.
22. Outdoor storage of equipment or other related items is prohibited.
23. Associated telecommunications equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
24. All applications for a Conditional Use Permit (or amendment to the original Conditional Use Permit) for a telecommunication tower must include the following information in addition to any other applicable information contained in the Zoning Ordinance:
- A) Identification of intended provider(s);
 - B) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.
 - C) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
 - D) Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to existing Conditional Use Permits.
 - E) Documentation that the telecommunication equipment complies Federal Radio Frequency Emission Standards;
 - F) Documentation that towers over 199.9 feet are necessary for a minimal level of service;
 - G) A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking an amendment to a Conditional Use Permit for coloration

on an existing tower, when the equipment building is to be located within the existing fenced area.

- H) Documentation of monopole tower or lattice tower collapse area, if applicable.
 - I) Expert testimony that demonstrates to the satisfaction of the Town Council that the provider has explored all means for stealth tower locations and co-location opportunities, if applicable. Evidence may consist of the following:
 - 1. Existing or approved telecommunications towers with available co-location space are not located within the search area.
 - 2. Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
 - 3. Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.
 - 4. The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the spacing requirement between antennae cannot be met).
 - 5. Existing or approved towers lack co-location space.
 - 6. If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower can not be structurally strengthened to accommodate an additional user.
25. Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.
26. The following requirements apply for telecommunications tower Conditional Use permit requests:
- a) Decisions by the Town Council to approve or deny a Conditional Use permit for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law
 - b) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Town Council at the public hearing, as suggested by federal law.
 - c) The decision of the Town Council must be based upon substantial evidence which must be recorded in the Minutes, as per federal law.
 - d) In determining if a telecommunications tower should be approved/denied, the Planning Board and Town Council may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties. the aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics may be used to evaluate the Conditional Use permit. In reaching a decision, the Town

Council may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

4.2.39 Telecommunications Antennae and Associated Equipment Locating Existing Towers and Structures.

1. Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennae and its associated equipment buildings may locate on any existing tower, water tank/tower, or similar structures by right in all zoning districts so long as the addition does not increase the original height of the existing structure or tower. Such antennae shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.
2. The Town requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
3. Screening requirements shall not apply to telecommunications providers who camouflage antennas within another structure (stealth locations) such as a church steeple, or co-locate on an existing tower. Nor shall any screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.
4. Applications by providers to use co-location space on an approved existing telecommunications tower shall be permitted by right provided that the tower height is not increased. Any co-location which will result in an increase to the tower height, (on a tower located in all zoning districts except the Industrial (1) zoning district), shall require the co-locator or applicant to apply for an amendment to the original conditional use permit, or apply for a new conditional use permit (if there is no original conditional use permit) which includes a new review and approval by the Town.
5. Outdoor storage of equipment or other related or non-related items are prohibited.
6. The associated telecommunication antennae equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
7. Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

4.2.40 Co-Location Requirements for Newly Proposed and Replacement Telecommunications Towers.

1. The location of antennae and associated equipment on an approved telecommunications tower shall be permitted by right in all zoning districts provided the tower's height is not increased and the structural integrity of the

tower is not diminished or compromised as determined/documentated by a licensed professional/structural engineer.

2. New telecommunications towers and replacement towers shall provide enough ground site area to accommodate future providers' ground equipment buildings associated with future antennae co-locates.

4.2.41 Duplexes

1. Duplexes in residential subdivisions are allowed only on corner lots.

4.2.42 Bed and Breakfast Inns

1. Number of guest bedrooms may not exceed seven.
2. A site plan must demonstrate adequate parking, visual screening and other similar features.
3. In any Residential (R-A, R-20, R-10) zoning district, no more than two (2) off-street parking spaces shall be provided in the front yard.
4. Outdoor recreation facilities for guests, if any, should be included in the site plan for review.
5. Services and facilities shall be provided to current patrons only, not to the public.
6. The type of sign permitted, the number of signs, the maximum area of signs, illumination, and maximum height of any sign allowed for Bed and Breakfast Inns located in the residential districts must be reviewed by the Planning Board and approved by the Town Council on a parcel by parcel basis.

4.2.43 Shooting Ranges, Indoor

1. An architect is employed to design and supervise building construction.
2. Must meet Underwriters Lab approval.

4.2.44 Adult Establishments, Adult Video Stores, Adult Hotel/Motel

Adult establishments, adult video stores, and adult hotel/motels shall be permitted with a conditional use permit subject to the following requirements, except where requirements in other applicable sections of the zoning ordinance are more restrictive.

1. Adult establishments, adult video stores and adult hotel or motel shall be permitted as a conditional use in the M-2 zoning district, subject to the additional locational criteria set forth in this section.
2. No lot containing an adult establishment, adult video store or adult hotel/motel shall be within 2,000' of another lot containing an adult establishment or adult hotel or motel. The required distance shall be measured from the closest edge of the property occupied by an adult establishment, adult video store or adult hotel/motel.
3. No lot containing an adult establishment, adult video store or adult hotel/motel shall be located on any lot whose property line is within 1,500' of the property line of a church, school, library, public park or playground, or day care center. The

distance shall be measured from the closest edge of the property occupied by an adult establishment, adult video store or adult hotel/motel.

4. No lot containing an adult establishment, adult video store or adult hotel/motel shall be located on any lot whose property line is within 1,000' from a residential dwelling unit. The distance shall be measured from the closest edge of the property occupied by an adult establishment, adult video store or adult hotel/motel.
5. No more than one adult establishment shall be located within the same structure or portion thereof.
6. Except for adult hotels and motels, no adult establishment may provide sleeping quarters.
7. No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
8. No freestanding (detached) sign shall be permitted. Attached signage on all building faces shall not exceed 100 square feet total. Provided, however, in no case shall signage cover more than 10% of the wall area of any wall of the principal structure. A sign plan showing the location and number of attached sign(s) must be submitted to the Zoning Administrator prior to the issuance of any permits to verify compliance with this section.
9. A buffer and screening as required in Section 5.4.1(vii) shall be installed along all interior property lines in accordance with the procedures and standards set forth in Section 5.4. This shall apply regardless of the type of adjoining use or non-use of the adjoining property.
10. Off-street parking shall be installed in accordance with **Chapter 7** and the number of spaces required shall be determined at the same rate as that required for the closest corresponding non-adult use.

4.2.45 Amusement Parks, Fairgrounds, Fun Park

All outdoor recreation facilities and vending stands shall be located at least five-hundred (500) linear feet from a Residential (R-A, R-20, R-10) district. Otherwise, all buildings or structures, whether permanent or temporary, may not be located within one-hundred (100) feet of any lot line.

4.2.46 Animal Grooming Services

1. All animals must be kept indoors at all times.
2. Animal boarding facilities shall not be permitted.

4.2.47 Appliance Sales and Repair Shop

1. All outdoor storage of appliances shall be effectively screened from view from any adjacent lot or street right-of-way. Such screening shall be in the form of a berm, wall or fence, or an appropriate amount of natural plantings to effectively screen the storage from view.

4.2.48 Automobile Body Shop, Automobile Repair Shop, Automotive Repair Shop

1. The lot containing such use shall be located at least one-hundred (100) linear feet from any lot located in a Residential (R-A, R-20, R-10) zoning district.
2. All outside storage areas shall meet the requirements of Section 5.4.4.
3. Hours of operation may be from 7:00 am to 10:00 pm only when adjoining a Residential (R-A, R-20, R-10) zoning district, if repair and maintenance facilities are provided or if pumped automotive fuels are sold.
4. Screening along all sides of the property are required in accordance with Section 5.4.1 if the property abuts a Residential (R-A, R-20, or R-10) zoning district.

4.2.49 Automobile Detailing Shops

1. Hours of operation of outdoor activities may be from 7:00 am to 10:00 pm only when adjoining a Residential (R-A, R-20, R-10) zoning district.

4.2.50 Automobile Towing and Wrecking Service

1. Any outdoor vehicle storage area shall be located a minimum of one-hundred (100) linear feet from any street right-of-way; and two-hundred (200) linear feet from any Residential (R-A, R-20, R-10) zoning district lots which contain a principal residential use.
2. Vehicle storage facilities shall not be located at an elevation whereby the storage is visible from a public street after the required screening is in place.
3. Screening shall be in accordance with Section 5.4.1 along all sides of the property which abut Residential (R-A, R-20, R-10) zoning districts.
4. All outside storage areas shall meet the requirements of Section 5.4.4.
5. No more than fifty (50) vehicles maybe stores on the premises.
6. All lighting shall be directed away from surrounding properties.
7. Vehicles may only be stored in designated outdoor storage areas.

4.2.51 Automobile Wash, Class 1 (Self-Service Car Wash)

1. Vacuuming, drying and polishing facilities may not be located in any required yard or buffer area adjacent to a Residential (R-A, R-20, R-10) zoning district.
2. At least two (2) staging spaces and one (1) drying space per wash bay shall be provided.
3. Hours of operation may be from 8:00 am to 9:00 pm only when adjoining a Residential (R-A,R-20, R-10) zoning district.

4. All vehicular accessible areas on the lot shall be at least one hundred (100) feet from any interior lot line separating the lot from a Residential (R-A, R-20, R-10) zoning district.
5. Security light must be shielded from adjacent Residential (R-A, R-20;, R-10) zoned properties to prevent undue bright lights from shining onto/into dwellings.
6. Loud music to be controlled by property owner.
7. Adjacent screening and landscaping required as per Section 5.4.1

4.2.52 Automobile Wash, Class 2 (Automatic Car Wash)

1. Hours of operation may be from 8:00 am to 9:00 pm only when adjoining a Residential (R-A,R-20, R-10) zoning district.
2. All vehicular accessible areas on the lot shall be at least one hundred (100) feet from any interior lot line separating the lot from a Residential (R-A, R-20, R-10) zoning district.
3. Security light must be shielded from adjacent Residential (R-A, R-20;, R-10) zoned properties to prevent undue bright lights from shining onto/into dwellings.
4. Loud music to be controlled by property owner.
5. Adjacent screening and landscaping required as per Section 5.4.1

4.2.53 Camping and Recreational Vehicle Parks

1. All spaces for camping and recreational vehicles shall be located at lest one-hundred (100) feet from any adjoining lot line.
2. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent j public roads at the time the campground is initially developed.
3. Accessory uses, limited to usage by campground patrons, may include laundry facilities, and the selling of convenience items (snacks, beverages, etc.).

4.2.54 Churches/House of Worship

1. If a school is operated on the premises, parking needs may be satisfied by that already provided by the church. The school shall be considered a permitted use so long as the school meets all applicable area, bulk, and setback requirements.
2. A single-family residential use, occupied by the pastor, priest, rabbi, etc. of the facility, may be placed on the lot containing the church/house of worship. Said structure shall meet all setback requirements for single-family dwellings for the zoning district in which the lot is located. Said structure may not be used for day care facilities.

3. If a day care center with an enrollment capacity in excess of twenty-five (25) students is operated on the premises, the day care center shall be deemed a separate use and may be allowed subject to the regulations covering such uses in the underlying zoning district.

4.2.55 Community Centers

1. In Residential (R-A, R-20;, R-10) zoning districts, a community center may be allowed as a conditional use if interior assembly seating capacity is five-hundred (500) persons or less.
2. In all Business (C-B, G-B) zoning districts, any community center with a seating capacity of up to five-hundred (500) persons shall be a use by right. All other community centers shall be a conditional use.

4.2.56 Convenience Stores, Mini-Marts, Express Fuels

1. Vacuuming facilities may be located outside the building, but may not be located within any required yard or buffer area adjacent to a Residential (R-A, R-20, R-10) zoning district.
2. If a mini-mart or convenience store is located adjacent to a Residential (R-A, R-20, R-10) zoning district, hours of operation may be from 5:00 am to midnight only.
3. A mini-mart or convenience store may contain a free-standing automatic car wash facility. All applicable supplemental regulations contained in Section 4.2.52 shall be followed.
4. Gasoline pump islands shall be located no closer than fifteen (15) feet from any lot line.
5. Pump island canopies may be constructed to extend to the street right-of-way.
6. Suitable landscaping shall be provided along all sides of the property which abut Residential (R-A, R-20, R-10) zoning districts as per Section 5.4.1, 5.4.3.
7. Convenience or mini-mart stores must have a minimum of one hundred (100') feet setback when adjacent to Residential (R-A, R-20, R-10) zoned property.
8. Security light must be shielded from all adjacent Residential zoned property to prevent undue bright lights shining onto/into dwellings.

4.2.57 Family Day Care Home

1. The facility is staffed by persons residing in the dwelling in which the day care center is located and up to one (1) non-resident.
2. Outdoor play areas may be located in the rear yard or side yard only. A minimum side yard setback of ten (10) feet shall be observed along both the side and rear property lines. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-

way line shall be observed. (Greater setbacks may be required if otherwise called for in the underlying zoning district.)

3. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height. Outdoor play areas shall not include driveways, parking areas, or other land unsuitable for play use.
4. No signs shall be allowed.
5. The day care center shall be located in a structure originally constructed as and designed for a single-family dwelling. Said structure shall be the principal structure on the lot. The exterior of the structure (aside from the allowed day care signage) shall not be altered in any manner which diminishes its single family dwelling characteristics.

4.2.58 Day Care Centers (Commercial Establishments)

1. Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be observed. (Greater setbacks may be required if otherwise called for in the underlying zoning district.)
2. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height.

4.2.59 Dry Cleaning Outlets

1. Any dry cleaning plant associated with an outlet, or pick-up station shall have less than 2,000 square feet of floor area in the C-B district only.
2. The emission of steam or other noxious by-products shall be controlled in the C-B district only.

4.2.60 Farm Equipment Sales and Service, Tire Recap Facility

1. All activities shall be conducted within a completely enclosed building.

4.2.61 Racetrack, Outdoor

1. No portion of the race course perimeter shall be located closer than three hundred (300) linear feet from any exterior lot line, except five-hundred (500) linear feet from any lot line abutting a Residential (R-A, R-20, R-10) zoning district.
2. Hours of operation may be between the hours of 10:00 am to 10:00 pm only (racetracks).
3. All race courses for any motorized vehicles shall be paved.

4.2.62 Game Room/Video Arcade

1. A game room, unless located within a shopping center or other planned commercial development, shall be located at least three hundred (300) linear feet from any Residential (R-A, R-20, R-10) zoning district, unless

a greater setback is otherwise required for the zoning district in which it is located.

4.2.63 Golf Courses (Miniature) and Golf Driving Ranges

1. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving or playing areas so as to prevent golf balls from going onto adjacent properties. Such devices, where applicable, maybe counted towards any required screening provided.
2. No direct beam of light from outdoor lighting fixtures or signs shall shine into any lots located in a Residential (R-A, R-20, R-10) district.

4.2.64 Junkyard and Automobile Salvage Yard

1. Any lot containing such use shall be located at least three-hundred (300) linear feet from any lot in a Residential (R-A, R-20, R-10) zoning district.

4.2.65 Lounge (Principal Use)

1. Any lounge shall be located at least three hundred (300) linear feet from any lot in a Residential (R-A, R-20, R-10) zoning district.

4.2.66 Mini-Warehouse, Class 1 and 2

1. All storage compartments within the mini-warehouse shall front on a private drive having a minimum width of twenty-five (25) feet to ensure sufficient room for vehicular circulation, loading, and parking.
2. Driveways providing ingress and egress to the site shall not permit any parking or loading extending to within thirty (30) feet of the adjoining street right-of-way.
3. If the mini-warehouse facility has a locked and keyed entrance two (2) staging spaces must be provided directly in front of the entrance.
4. All mini-warehouses must have a minimum \set-back of one hundred (100) feet from any adjacent Residential (R-A, R-20, R-10) zoned property.
5. Outside storage is limited to only Class 2 mini-warehouses.
6. Suitable screening and landscaping is required along all sides of the property which abut Residential (R-A, R-20, R-10) zoning districts as per Section 5.4.1
7. If mini-warehouse is to be located adjacent to a Residential (R-A, R-20, R-10) zoning district, hours of operation may be from 8:00 am to 9 pm only.
8. Security lights are to be shielded from all Residential zoned property adjacent to mini-warehouses to prevent undue bright lights shining onto/into dwellings.

4.2.67 Motorcycle Sales

1. The lot which such use is located shall be located at least three-hundred (300) linear feet from any lot located in a Residential (R-A, R-20, R-10) zoning district.

4.2.68 Rest Homes, Home for the Aged, Independent Living Center, Nursing Home, Convalescent Home, Continuing Care Facility

1. Any facility which is licensed to have greater than fifty (50) residents shall maintain a side setback of at least twenty (20) feet and a rear setback of at least thirty-five (35) feet when the side or rear yard is in or abuts a Residential (R-A, R-20, R-10) zoning district or a lot containing a principal residential use, unless a greater setback is otherwise required for the zoning district in which it is located.

4.2.69 Shopping Centers

1. Uses in a shopping center are limited to those which are allowed in the underlying zoning district. Any use shown as a "conditional use" shall require the issuance of a conditional use permit in a shopping center irrespective of the size of that shopping center.

4.2.70 Stadiums

1. Stadiums located in a Residential (R-A, R-20) zoning district shall be limited to those constructed for use primarily by teams representing junior high schools, middle schools, high schools, colleges or universities. Such structures may be either principal or accessory structures.
2. Access to the site shall be provided by major or minor thoroughfares only.
3. No direct beam of light from outdoor lighting fixtures or signs shall shine onto any abutting lots which are located in a Residential (R-A, R-20, R-10) zoning district or onto any adjoining residentially developed lot.
4. All principal structures (including bleachers) shall be located a minimum of one-hundred (100) feet from all lot lines.
5. Screening will be provided in accordance with Section 5.4.1.
6. Off-street parking requirements shall be met only if the stadium is free-standing and not an accessory use to a school.
7. Stadiums shall be a use by right only if accessory (and on the premises of) a school. Otherwise, the use shall be conditional.

4.2.71 Bakeries, Cabinet and Woodworking Shops, Manufactured Goods Class 1, Sign Painting Shop, Welding Shop

1. The manufacturing, compounding or processing of goods or materials shall be conducted within a completely enclosed building.
2. Any outdoor storage of materials, equipment, or supplies must meet the requirements of Section 5.4.4.

4.2.72

Commercial Vehicle Storage and/or Operation Center

1. Outdoor speakers shall be at least fifty (50) feet from property lines, residential development, or residentially zoned properties (R-A R-20, R-10).
2. All outdoor storage areas shall meet the requirements of Section 5.4.4.

4.2.73

Rental Center, Class 2

1. Outdoor storage of equipment shall be screened in accordance with Section 5.4.4.

4.2.74

Manufactured Goods, Class 2

1. The use will not overly impact the ability of a public agency to collect and/or treat any wastewater generated by the use or the ability of the public agency to treat and distribute any potable water needed by the use.
2. The use will not overly impact (impact beyond capacity:) the system of streets serving the use or that improvements will be made to such streets in consort with the development of said use, the result of which will be adequate handling of the additional traffic generated.
3. That not only will the use meet the minimum screening requirements of Section 5.4, but also that such additional screening will be installed, as necessitated by the visual characteristics of the particular use, such that the use will be screened from view of adjoining residential districts, or that the nature of the topography makes the screening from distance view from such residential areas impossible and that other measures such as heavy on-site landscaping will be taken to lessen any near or distant visual impacts.

4.2.75

Street Vendors

1. The permission of the property owner must be obtained in writing to allow the owner of the street vending business to operate on his property.
2. Clean up of the property at the end of each business day is required, including trash and debris left from operation of the business.
3. Operations shall be outside of the street right-of-way.
4. A monthly business permit shall be obtained from the Town.
5. Adequate parking, driveways, and maneuvering space shall be available, reviewed, and approved by the Town Council.
6. The business shall not create a traffic or safety hazard based on its location.

Section 4.3 Yard, Bulk, Height and Screening Requirements

The following requirements shall be applicable to each use in the various zoning districts except as may be specifically provided for elsewhere in this Ordinance.

4.3.1 R-A RESIDENTIAL DISTRICT

A. **Minimum Lot Size** (Subject to increase per requirements of Stanly County Health Department)

Single-Family Dwellings (and manufactured homes) - Twenty-thousand (20,000) square feet.

Two-Family Dwellings - Thirty-thousand (30,000) square feet [15,000 square feet per dwelling unit].

Triplex, Quadruplex - One (1) acre

Animal Kennel, Animal Shelter - Three (3) acres

Bed and Breakfast Inn - Forty thousand (40,000) square feet

Day Care Home, Family - Same as single-family dwellings

Essential Services, Class 1 - None

Essential Services, Class 2 - Five (5) acres

Family Campgrounds - Five (5) acres

Family Care Home - Same as single-family dwellings

Parks, Playgrounds - None

Produce Stand - None

Public Safety Station - None

Recreation Facilities (except parks, playgrounds) - One (1) acre

Rooming and Boarding Houses - Same as a single-family dwelling

School - Five (5) acres

All Other Uses - One (1) acre

B. **Minimum Front Setback** (as measured from the edge of the street right-of-way line)

Essential Services, Class 1 - None

Produce Stand - Twenty-five (25) feet

All Other Uses - Fifty (50) feet; however single-family dwellings, duplexes, family care homes and rooming and boarding houses must have at least one hundred (100) feet in lot width at the front building line, and duplex lots must be at least one hundred ten (110) feet in width at the front building line.

C. **Minimum Side Setback** (an additional ten (10) feet shall be required on all side yards which abut a public or private street)

Single-Family Dwellings (and manufactured homes) - Fifteen (15) feet or zero (0) feet if zero lot line development is proposed (See Section 5.23)

Two-Family Dwellings - Fifteen (15) feet

Triplex, Quadruplex - Fifteen (15) feet or zero (0) if zero lot line (side yard) development is proposed (see Section 5.23)

Bed and Breakfast Inn - Twenty (20) feet

Rest Home - Twenty (20) feet

Day Care Home, Family - Fifteen (15) feet

Essential Services, Class 1 - None

Family Care Home - Fifteen (15) feet

Rooming and Boarding Houses - Fifteen (15) feet

All Other Uses - Twenty-five (25) feet

D. **Minimum Rear Setback**

Essential Services, Class 1 - None

All Other Uses - Forty (40) feet

E. **Maximum Building Height**

All Uses - Thirty-five (35) feet, except as provided in Section 5.12 of this Ordinance

F. **Minimum Lot Width** (as measured at the required front setback; however, uses indicated with an asterisk (*) may have no less than thirty-five (35) feet of street frontage at the street right-of-way line, unless the use is on a corner lot which requires a minimum of forty-five (45) feet of street frontage measured at the street right-of-way line on one side to permit adequate setback from the abutting street).

Single-Family Dwelling (and manufactured homes)* - One hundred (100) feet

Two-Family Dwelling* - One hundred ten (110) feet

Triplex* - One hundred twenty (120) feet

Quadruplex* - One hundred forty (140) feet

Bed and Breakfast Inn* - One hundred twenty-five (125) feet

Day Care Home, Family* - One hundred (100) feet

Essential Services, Class 1 - None

Family Care Home* - One hundred (100) feet

Rooming and Boarding House* - One hundred (100) feet

All Other Uses - One hundred-fifty (150) feet

G. Screening

Screening, in accordance with Section 5.4 of this Ordinance shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-A, R-20, R-10) District.

Screening may also be required as provided for elsewhere in this Ordinance.

4.3.2 R-20 RESIDENTIAL DISTRICT

A. Minimum Lot Size (subject to increase per requirements of Stanly County Health Department)

Single-Family Dwellings (and manufactured homes) - Fifteen thousand (15,000) square feet

Duplex - Thirty (30,000) square feet

Triplex, Quadruplex - One (1) acre

Bed and Breakfast Inn - Twenty-five thousand (25,000) square feet

Churches - One (1) acre

Day Care Home, Family - Fifteen Thousand (15,000) square feet.

Essential Services, Class 1 - None

Family Care Home - Fifteen thousand (15,000) square feet

Parks, Playgrounds - None

Produce Stand - None

Public Safety Station - None

Recreation Facilities (except parks, playgrounds) - 1 acre

Rooming and Boarding House - Same as single-family dwelling

Schools - Five (5) acres

All Other Uses - One (1) acre

B. Minimum Front Setback (as measured from the edge of the street right-of-way)

line)

Single-Family Dwellings - Fifty (50) feet

Essential Services, Class 1 - None

Produce Stand - Twenty (20) feet

All Other Uses - Fifty (50) feet

C. Minimum Side Setback (an additional ten (10) feet shall be required on all side yards which abut a public or private street)

Single-Family Dwelling (and manufactured homes) - Fifteen (15) feet

Two Family Dwellings - Fifteen (15) feet

Triplex, Quadruplex - Fifteen (15) feet or zero (0) feet if zero lot line (side yard) development is proposed (see Section 5.23)

Bed and Breakfast Inn - Twenty (20) feet

Cemetery - Twenty-five (25) feet

Community Center - Twenty-five (25) feet

Day Care Home, Family - Fifteen (15) feet

Essential Services, Class 1 - None

Family Care Home - Fifteen (15) feet

Public Library - Twenty-five (25) feet

Rooming and Boarding House - Fifteen (15) feet

Public Safety Station - Twenty-five (25) feet

Schools - Twenty-five (25) feet

All Other Uses - Twenty-five (25) feet

D. Minimum Rear Setback

Essential Services, Class 1 - None

All Other Uses - Forty (40) feet

E. Maximum Building Height

All Uses - Thirty-five (35) feet, except as provided in Section 5.12 of this Ordinance

F. Minimum Lot Width (as measured at the required front setback; however, uses indicated with an asterisk (*) may have no less than thirty-five (35) feet of street frontage at the street right-of-way line unless the use is on a corner lot which

requires a minimum of forty-five (45) of street frontage measured at the street right-of-way line on one side to permit adequate setback from the abutting street.)

Single-Family Dwelling (and manufactured homes)* - Ninety (90) feet

Day Care Home, Family* - Ninety (90) feet

Essential Services, Class 1 - None

Family Care Home* - Ninety (90) feet

Parks and Playgrounds - None

Rooming and Boarding House* - Ninety (90) feet

All Other Uses - One hundred (100) feet

G. Screening

Screening, in accordance with Section 5.4 of this Ordinance, shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-A, R-20, R-10) District

Screening may also be required elsewhere in this Ordinance.

4.3.3 R-10 RESIDENTIAL DISTRICT

A. Minimum Lot Size (Subject to increase per requirements of Stanly County Health Department.)

Single-Family Dwelling - Ten thousand (10,000) square feet

Two-Family Dwelling - Fifteen thousand (15,000) square feet (7,500 per dwelling unit.

Triplex, Quadplex - One (1) acre

Multi-Family Development - One (1) acre

Bed and Breakfast Inn - Twelve thousand (12,000) square feet

Day Care Home, Family - Ten thousand (10,000) square feet

Essential Services, Class 1 - None

Family Care Home - Ten thousand (10,000) square feet

Parks, Playgrounds - None

Rooming and Boarding House - Ten thousand (10,000) square feet

Schools - Five (5) acres

All Other Uses - Fifteen thousand (15,000) square feet

B. Minimum Front Setback (as measured from the edge of the street right-of-way line)

Single-Family Dwelling - Forty (40) feet

Two-Family Dwelling - Forty (40) feet

Triplex, Quadruplex 0 Forty (40) feet

Multi-Family Development - Forty (40) feet

Day Care Home, Family - Forty (40) feet

Essential Services, Class 1 - None

Family Care Home - Forty (40) feet

Produce Stand - Twenty (20) feet

Rooming and Boarding Houses - Forty (40) feet

All Other Uses - Forty (40) feet

C. Minimum Side Setback (an additional ten (10) feet shall be provided on all side yards which abut a public or private street)

Single-Family Dwelling - Twelve (12) feet

Two-Family Dwelling - Twelve (12) feet

Triplex, Quadruplex - Twelve (12) feet or zero (0) feet if zero lot line (side yard) development is proposed (see Section 5.23).

Bed and Breakfast Inn - Twelve (12) feet

Day Care Center, Small Group - Twelve (12) feet

Essential Services, Class 1 - None

Family Care Home - Twelve (12) feet

Public Safety Station - Twenty (20) feet

Rooming and Boarding House - Twelve (12) feet

Schools - Twenty (20) feet

All Other Uses - Fifteen (15) feet

D. Minimum Rear Setback

Essential Services, Class 1 - None

All Other Uses - Thirty (30) feet

E. Maximum Building Height

All Uses - Thirty-five (35) feet, except as provided in Section 5.12 of this Ordinance

- F. **Minimum Lot Width** (as measured at the required front setback; however, uses indicated with an asterisk (*) may have no less than thirty five (35) feet at street right-of-way line unless the use is on a corner lot which requires a minimum of forty-five (45) feet of street frontage measured at the street right-of-way line on one side to permit adequate setback from the abutting street.)

Single-Family Dwelling* - Seventy (70) feet

Two-Family Dwelling*, Eighty (80) feet

Day Care Home*, Family - Seventy (70) feet

Essential Services, Class 1 - None

Family Care Home* - Seventy (70) feet

Rooming and Boarding House* - Seventy (70) feet

All Other Uses - One hundred (100) feet

- G. **Screening**

Screening, in accordance with Section 5.4 of this Ordinance, shall generally be required when a nonresidential use in this zoning district abuts a residentially developed or undeveloped lot in a Residential (R-A, R-20, R-10) District.

Screening may also be required elsewhere in this Ordinance.

- I. **Open Space**

Multi-Family Development - Adequate open space shall be provided for active and passive recreation.

4.3.4 C-B CENTRAL BUSINESS DISTRICT

- A. **Minimum Lot Area**

All Uses - None.

- B. **Minimum Lot Width**

All Uses - None.

- C. **Minimum Front Setback**

All Uses - None.

- D. **Minimum Side Setback**

All Uses - None, except thirty (30) feet shall be required on all side yards which abut a Residential (R-A, R-20, R-10) District.

E. Minimum Rear Setback

All Uses - None except thirty (30) feet shall be required on all lots whose rear yard abuts a Residential (R-A, R-20, R-10) District.

F. Maximum Building Height

All Uses - None

G. Screening

As required per Section 5.4 of this Ordinance.

4.3.5 G-B HIGHWAY BUSINESS DISTRICT

A. Minimum Lot Area

All Uses - None.

B. Minimum Lot Width

All Uses - None.

C. Minimum Front Setback

All Uses - Thirty (30) feet

D. Minimum Side Setback

All Uses - Ten (10) feet except thirty (30) feet shall be required on all side yards which abut a public or private street or which abuts a lot located in a Residential (R-A, R-20, R-10) District.

E. Minimum Rear Setback

All Uses - None, except thirty (30) feet shall be required on all lots whose rear yard abuts a Residential (R-A, R-20, R-10) District.

F. Maximum Building Height

All Uses - Fifty (50) feet except as provided in Section 5.12 of this Ordinance.

G. Screening

As required per Section 5.4 of this Ordinance.

4.3.9 M-1 and M-2 INDUSTRIAL DISTRICTS

A. Minimum Lot Area

All Uses - None.

B. Minimum Lot Width

All Uses - None.

C. Minimum Front Setback

All Uses - Fifty (50) feet.

D. Minimum Side Setback

All Uses - None, except thirty (30) feet shall be required on all side yards which abut a public or private street or which abuts a lot located in a Residential (R-A, R-20, R-10) District.

E. Minimum Rear Setback

All Uses - None, except thirty (30) feet shall be required on all lots whose rear yard abuts a Residential (R-A, R-20, R-10) District.

F. Maximum Building Height

All Uses - None.

G. Screening

As required per Section 5.4 of this Ordinance.