

ARTICLE 10

USES WITH ADDITIONAL STANDARDS AND SPECIAL USES

10.1 Uses with Additional Development Standards

10.1-1 Purpose. Certain uses provide services and benefits for residents of and visitors to the Town of Stallings. The convenient location of these uses is necessary to their success and the function of the community. Due to the potential impacts of these uses, certain additional standards are necessary to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require additional standards and establishes the standards they must meet.

10.1-2 Standards Established. The following Uses with Additional Standards and the standards they must meet are hereby established.

10.1-3 Accessory Dwelling Units.

(A.) Zoning Districts where additional standards below apply: “AG”, “SRF”, “MFT”, “TNDO”, “CIV”, and “MU”; however, this use is also listed without supplemental standards in “TC”.

(B.) Development Standards.

(1.) One (1) *Accessory Dwelling Unit* shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single-family zoning district.

(2.) The *Accessory Dwelling Unit* shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.

(3.) Home occupations may be located within the *Accessory Dwelling Unit*.

(4.) The maximum gross floor area for the *Accessory Dwelling Unit* shall be nine hundred (900) SQUARE FEET or forty (40%) percent of the gross floor area of the principal structure, whichever is less. Variances shall not allow the gross floor area of the *Accessory Dwelling Unit* to exceed one thousand and two hundred (1,200) SQUARE FEET nor shall the size of the *Accessory Dwelling Unit* exceed fifty (50%) percent of the gross floor area of the principal dwelling unit.

(5.) The *Accessory Dwelling Unit* may be located within same structure as the principal dwelling unit, or it may be a separate structure. If within the same structure as the principal dwelling unit, the *Accessory Dwelling Unit* may have a separate entrance. If the *Accessory Dwelling Unit* is located in a

separate structure, the following standards shall apply:

- (a.) The accessory structure housing the *Accessory Dwelling Unit* must be located behind the principal dwelling. On corner lots, the accessory structure housing the *Accessory Dwelling Unit* may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling).
- (b.) Vehicular access to the *Accessory Dwelling Unit* shall be via the same drive that provides access to the principal structure unless the *Accessory Dwelling Unit* is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the *Accessory Dwelling Unit*, but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling.
- (6.) One (1) parking space may be provided for the *Accessory Dwelling Unit*. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the *Accessory Dwelling Unit*.
- (7.) The design and construction of the accessory structure housing the *Accessory Dwelling Unit* shall be compatible with the design and construction of the principal dwelling unit. To ensure compatibility, the following standards shall be met:
 - (a.) The design of the accessory structure housing the *Accessory Dwelling Unit* shall be of the same architectural style as that of the principal dwelling unit.
 - (b.) The roof style and pitch of the accessory structure housing the *Accessory Dwelling Unit* shall be the same as that of the principal dwelling unit.
 - (c.) The exterior building materials used for the accessory structure housing the *Accessory Dwelling Unit* shall be the same as those used for the principal dwelling unit. When the principal dwelling unit is predominantly brick or stone, the use of smooth wood or fibrous cement siding for the accessory structure housing the *Accessory Dwelling Unit* is appropriate to reinforce the ancillary and secondary nature of the *Accessory Dwelling Unit*.
 - (d.) Windows and doors used for the accessory structure housing the *Accessory Dwelling Unit* shall be the same style and design as those used for the principal dwelling unit. Window and door placement (fenestration) on the accessory structure housing the *Accessory Dwelling Unit* shall mimic that of the principal dwelling unit.
 - (e.) Exterior paint colors for the accessory structure housing the *Accessory*

Dwelling Unit shall be the same as (or complementary to) those for the principal dwelling unit.

- (8.) The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an *Accessory Dwelling Unit* is prohibited, except for Temporary Health Care Structures as defined and allowed by G.S. § 160D-915.
- (9.) The *Accessory Dwelling Unit* shall not be deeded and/or conveyed to separate and/or distinct ownership separately from the principal dwelling unit.

10.1-4 Automobile/Boat/Equipment Repair Service.

- (A.) Zoning Districts where additional standards below apply: “C 74”, “VSR”, and “IND”.
- (B.) Development Standards.
 - (1.) Vehicles awaiting repair shall not be parked in public right-of-way.
 - (2.) No outdoor automobile/boat work areas are to be located in front yard setback area.
 - (3.) All outdoor automobile/boat work areas and/or vehicle storage areas shall be screened from adjacent uses with a six (6') foot tall opaque fence and a Type D buffer (see Article 11); plantings shall be on the exterior side of the fence.

10.1-5 Automobile Towing and Storage Service.

- (A.) Zoning Districts where additional standards below apply: “VSR” and “IND”.
- (B.) Development standards.
 - (1.) No more than thirty (30) automobiles shall be stored at an automobile towing and storage service at a time.
 - (2.) The automotive storage area must be screened with a six (6') foot tall opaque fence and a Type C buffer (see Article 11); plantings shall be on the exterior side of the fence.
 - (3.) No outdoor disassembly or salvaging is permitted.

10.1-6 Bank, Savings and Loan, Credit Union.

- (A.) Zoning Districts where additional standards below apply: “TNDO”, “TC”, “MU-2”, “C 74”, and “CP 485”.
- (B.) Development standards.
 - (1.) Drive-through facilities shall be located at the rear of the building

- (2.) No more than two (2) drive-through lanes shall be permitted
- (3.) Drive-through facilities shall be screened from adjacent uses with a Type D buffer (see Article 11).
- (4.) ATM may be located at side or front of building only if a walk-up facility.

10.1-7 Batting Cages, Outdoor.

- (A.) Zoning Districts where additional standards below apply: “MU-2” and “C 74”.
- (B.) Development standards:
 - (1.) Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the area.
 - (2.) Hours of operation 7:00 a.m. – 10:00 p.m.

10.1-8 Bed-and-Breakfast Inn (Tourist Home).

- (A.) Zoning Districts where additional standards below apply: “AG”, “MFT”, “TNDO”, “TC”, and “MU-2”.
- (B.) Development Standards
 - (1.) *Bed-and-Breakfast Inn* establishments (*Tourist Homes*) shall be located a minimum of five hundred (500') feet from other *Bed-and- Breakfast Inn* establishments (*Tourist Homes*). In calculating the five hundred (500') foot distance between *Bed-and-Breakfast Inn* establishments (*Tourist Homes*), measurements shall be taken from the closest property line of the existing *Bed-and-Breakfast Inn* establishment (*Tourist Home*) lot to the closest property line of the lot of the proposed *Bed-and-Breakfast Inn* establishment (*Tourist Home*). Existing, legally established *Bed-and-Breakfast Inn* establishments (*Tourist Homes*) that do not meet this separation requirement of five hundred (500') feet are permitted to expand within the subject property to the maximum limits allowed under this chapter, as long as all applicable development standards are met.
 - (2.) The owner shall reside on the property a majority of the calendar year.
 - (3.) The minimum lot area for a *Bed-and-Breakfast Inn* establishment (*Tourist Home*) shall be twenty thousand (20,000) SQUARE FEET.
 - (4.) The maximum number of guest rooms provided by the *Bed-and- Breakfast Inn* establishment (*Tourist Home*) shall be fourteen (14).
 - (5.) Accessory structures shall not be utilized for guest accommodation purposes as part of a *Bed-and-Breakfast Inn* establishment (*Tourist Home*).
 - (6.) Passive recreation-related outdoor activities, such as tea-time, are

permitted outside the principal structure or any accessory structure(s), but all other activities and functions designed to serve and entertain guests shall take place only within the principal structure on properties of one acre or less.

- (7.) The length of stay of any guest shall not exceed thirty (30) successive calendar days, with a minimum interval between stays of ninety (90) days.
- (8.) No home of less than three thousand (3,000) heated SQUARE FEET shall be used for a *Bed-and-Breakfast Inn* establishment (*Tourist Home*).
- (9.) Off-street parking shall be provided as required by Article 12 of this Ordinance. Parking shall be located on the same lot on which the *Bed- and-Breakfast Inn* establishment (*Tourist Home*) is located, at the rear of the lot and screened with a type C buffer (see Article 11) from adjacent properties and from the street except where separated from adjacent properties by a minimum of seventy-five (75') feet.
- (10.) Signage shall be limited to a single *Pole Sign*, subject to the regulations of Article 17. The sign shall be located in the front yard and, if lit, shall be indirectly lighted.
- (11.) Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.
- (12.) Activities and functions at the *Bed-and-Breakfast Inn* establishment (*Tourist Home*) shall be provided for overnight guests only and shall be limited to breakfast and an afternoon and/or evening refreshment. No commercial activities other than providing lodging for registered guests shall be permitted.
- (13.) The construction and operation of the *Bed-and-Breakfast Inn* establishment (*Tourist Home*) shall comply with N.C. State Building Code requirements.

10.1-9 Car Wash.

(A.) Zoning Districts where additional standards below apply: “MU-2”, “C 74”, “VSR”, and “IND”.

(B.) Development Standards:

- (1.) Building(s) shall be at least seventy-five (75') feet from any interior side or rear property line which adjoins property either zoned for or abutting a residential use. A minimum six (6') foot high opaque fence and a Type A buffer shall be provided adjacent to all property zoned for residential uses, with the plantings on the exterior side of the fence.
- (2.) All washing operations shall be contained in a building.

- (3.) Specific areas shall be provided for the manual drying, waxing, polishing, and vacuuming of vehicles where these services are offered on the site. These areas shall not conflict with on-site circulation patterns.
- (4.) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- (5.) Hours of operation shall be between 8:00 a.m. and 8:00 p.m. when directly adjoining developed residentially zoned property.
- (6.) Adequate provision shall be made for the safe and efficient disposal and/or recycling of waste products and runoff.

10.1-10 Cemetery or Mausoleum.

(A.) Zoning Districts where additional standards below apply: “AG”, and “CIV”.

(B.) Development Standards:

- (1.) A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a religious institution.
- (2.) Principal access must be from a collector street or higher capacity street.
- (3.) Tombstones, crypts, monuments, burial plots, and mausoleums must be located at least twenty-five (25') feet from any street right-of-way or 16 feet from abutting property.
- (4.) Buildings for maintenance, management, rent and/or sale of cemetery plots must conform to a building type permitted in the zoning district.

10.1-11 Religious Institutions (Church, Synagogue, Mosque, or Place of Worship).

(A.) Zoning Districts where additional standards below apply: “TNDO”, and “CIV”.

(B.) Development Standards:

- (1.) Churches, synagogues, and other places of worship shall meet the standards for civic building and lot types.
- (2.) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties. All exterior lighting shall be full cut-off fixtures.
- (3.) *Accessory Dwelling Units* for persons associated with or employed by the church, synagogue, mosque, or place of worship may be provided at a ratio of one (1) unit for each one (1) acre of site; these limits do not apply to the placement of convents, rectories, parsonages, or similar uses on the site.

- (4.) Accessory uses such as religious institution offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries, mausoleum, and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted and shall meet the civic building and lot type or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such. Tombstones, crypts, monuments, burial plots, and mausoleums in accessory cemeteries shall be located at least twenty-five (25') feet from any street right-of-way or sixteen (16') feet from abutting property.
- (5.) Religious institution accessory uses which are not permitted as principal uses in a zoning district shall adhere to the following restrictions:
 - (a.) No merchandise or merchandise display shall be visible from outside the building; and
 - (b.) Signage shall be limited to a single *Pole Sign*, subject to the regulations of Article 17. The sign shall not be located in the front yard and, if lit, shall be indirectly lighted.
- (6.) Except as noted in Section 10.1-11 (B.) (4.) above, accessory uses not permitted as principal uses (including television stations, radio stations, and/or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
- (7.) Application for a zoning permit shall include a comprehensive site plan that addresses the required standards for the main site and all abutting holdings unless deemed un-necessary by the *Development Administrator*.

10.1-12 Club or Lodge.

- (A.) Zoning Districts where additional standards below apply: “TNDO”, “TC”, “CIV”, “MU-2”, “C 74”, and “CP 485”.
- (B.) Development Standards
 - (1.) Building(s) must conform to a building type permitted in the zoning district.
 - (2.) Activities and events at the club or lodge shall occur between the hours of 8:00 a.m. and 1:00 a.m.
 - (3.) Access shall be from a collector or higher capacity street.

10.1-13 Country Club with or without Golf Course

(A.) Zoning Districts where additional standards below apply: “AG”, “TNDO”, “CIV”, “MU”, “C 74”, and “CP 485”.

(B.) Development Standards:

- (1.) Building(s) must conform to a building type permitted in the zoning district.
- (2.) Parking shall be screened from residential uses and/or districts with a Type C buffer (see Article 11).
- (3.) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties. All exterior lighting shall be full cut-off fixtures.
- (4.) No outdoor activity shall continue past the hour of 10:00 p.m.

10.1-14 Day Care Center for Children or Adults (six or more (6+)).

(A.) Zoning Districts where additional standards below apply: “AG”, “TNDO”, “TC”, “CIV”, “MU”, “C 74”, and “CP 485”, and as an *Accessory Use* only in the “IND”.

(B.) Development Standards:

- (1.) A *Day Care Center* must meet a permitted building and lot type for the district in which it is to be located.
- (2.) *Day Care Centers* for children must provide play space in accordance with the regulations of North Carolina Department of Human Resources. The outdoor play space must be enclosed on all sides by building and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space. Play space may not be in the established front yard.
- (3.) There is no limit on the hours of operation of a *Day Care Center*, but it shall not serve any client on a continuous twenty-four (24) hour basis.

10.1-15 Day Care Center, Home Occupation for less than six (6) persons.

(A.) Zoning Districts where additional standards below apply: “AG”, “MFT”, “TNDO”, “TC”, “CIV”, “MU”, and “C 74”, and as an *Accessory Use* only in the “IND”.

(B.) Development Standards:

- (1.) The *Day Care Center, Home Occupation* operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to five (5) persons not related to the operator.

- (2.) *Day Care Center, Home Occupations* for children shall provide play space in accordance with the regulations of the North Carolina Department of Human Resources.
- (3.) Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.
- (4.) No chain link fences shall be permitted in the front yard. Chain link and similar fencing materials located in the side and rear yards shall be planted on the exterior side with evergreen shrubs minimum three (3') feet in height and six (6') feet on center at installation, or be obscured by a comparable screening treatment.
- (5.) A *Day Care Center, Home Occupation* must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
- (6.) There are no specific limitations on the hours of operation of a *Day Care Center, Home Occupation*, but no outdoor play shall be permitted twenty (20) minutes after sun-set.

10.1-16 Dormitories.

- (A.) Zoning District where additional standards below apply: "CIV".
- (B.) Development Standards:
 - (1.) Must be located on the campus of secondary or post-secondary school.
 - (2.) The dormitories must be administered and/or managed by the secondary or post-secondary school on whose campus they are located.
 - (3.) Buildings shall comply with the building type standards permitted in the Civic District.

10.1-17 Drive-through Window as Accessory Use.

- (A.) Zoning Districts where additional standards below apply: "TNDO", "TC", "CIV", "MU-2", "C 74", and "CP 485".
- (B.) Development Standards:
 - (1.) Drive-through service window, stacking lane(s), and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street.
 - (2.) Drive-through service window, stacking lane(s), and circulation are treated

as components of on-site parking for the purposes of buffering.

- (3.) The length of on-site stacking lane(s), taken together, shall be a maximum of two hundred (200') feet if window access is provided directly from a major or minor arterial; a maximum of one hundred (100') feet if window access is provided directly from a street of lesser capacity.
- (4.) The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage around and escape from the outermost drive-through service lane.
- (5.) Buffering is not required for walk-up service accessories such as depositories and ATM's.
- (6.) One drive-through service window and/or automated service device may be permitted.
- (7.) Drive-through service windows and/or automated devices shall be mitigated by the provision of four (4) electric vehicle charging devices per window and/or device to mitigate the air quality impact of a motor vehicle at idle.

10.1-18 Golf Course (see Country Club with Golf Course, Section 10.1-13).

10.1-19 Golf Driving Range.

(A.) Zoning Districts where additional standards below apply: "AG", "TNDO", "CIV", "MU-2", "C 74", and "CP 485".

(B.) Development Standards:

- (1.) Fencing, netting, or other control measures shall be provided around the perimeter of the driving range to prevent balls from leaving the area unless on site buffering is provided to prevent balls from entering any adjacent and/or occupied and/or improved property.
- (2.) The hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

10.1-20 Raceway (Go-Cart, Motorcycle, &/or Automobile).

(A.) Zoning District where additional standards below apply: "C 74".

(B.) Development and Performance Standards.

- (1.) A minimum separation of thirty (30') feet, fully vegetated, shall be provided between any use area and any abutting property line. The vegetation shall form a permanent semi-opaque screen between the use area and adjacent property.

- (2.) Any use area shall be located a minimum of two hundred (200') feet from any residential or mixed-use district.
- (3.) The site shall be screened from view at street(s) within two hundred (200') feet of the use area by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least eight (8') feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence.
- (4.) The hours of operation will be no earlier than 8:00 a.m. and no later than 8:00 p.m.

10.1-21 Home Occupation.

(A.) Zoning Districts where additional standards below apply: “AG”, “SRF”, “MFT”, “TNDO”, “TC”, “CIV”, “MU”, “C 74”, “CP 485”, and “IND”.

(B.) Development Standards:

- (1.) No display of goods, products, or services, or other advertising shall be visible from outside the dwelling, except that home occupations shall be allowed one pole sign in accordance with the provisions of Article 17, and such sign shall not be illuminated.
- (2.) Home occupations shall be principally conducted by residents of the dwelling. However, a maximum of one (1) full-time equivalent non- resident of the dwelling may be employed as part of the home occupation.
- (3.) On premise retail sales shall not be a component of the home occupation.
- (4.) A maximum of twenty-five (25%) percent of the gross floor area of the dwelling unit may be used for the home occupation. If the home occupation is housed in an accessory structure, the square footage of the accessory structure shall not exceed twenty-five (25%) percent of the square footage of the principal structure (home).
- (5.) Only one (1) vehicle principally used in connection with the home occupation shall be parked or stored on premise. Such a vehicle shall not display any signage designed to be visible beyond the property boundaries. Such a vehicle shall not be parked in a conspicuous place and shall be stored in a conforming on-site parking space meeting the provisions of Article 12.
- (6.) No equipment or process shall be used in connection with the home occupation that creates noise, vibrations, glare, fumes, odors, or electrical interference off premises.
- (7.) In addition to required parking as stipulated in Article 12, one (1) additional

off-street parking space shall be provided for use in conjunction with the home occupation.

- (8.) Instruction in music, dancing, art, or similar subjects shall be limited to no more than five (5) students at one time.
- (9.) The home occupation shall not materially increase the traffic that is found in its vicinity when the use is not in operation. Pursuant to this, a maximum of six (6) individuals per day may visit the home occupation, with the exception of the instruction occupations addressed in Section 10.1-21 (B.) (8.) above.

10.1-22 Junked Motor Vehicle Storage as Accessory Use.

- (A.) Zoning Districts where additional standards below apply: “AG”, “C 74”, “VSR”, and “IND”.
- (B.) Development Standards:
 - (1.) Any vehicle meeting the definition of "motor vehicle, junked" in Article 3 shall be stored or placed in the side or rear yard of the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residential, mixed use, or civic zoned property. Total screening shall be provided by placement of the vehicle behind a building and/or by plant materials, fences, berms, or a combination thereof with a minimum height of six (6') feet.
 - (2.) Open storage of more than one (1) such vehicle shall require classification as a junkyard, salvage yard, auto parts use and shall meet the conditions for such use as set forth elsewhere in this Article.
 - (3.) More than one (1) such vehicle may be stored within a completely enclosed building.

10.1-23 Kennels or Pet Grooming with Outdoor Pens or Runs.

- (A.) Zoning Districts where additional standards below apply: “AG”, “C 74”, “CP 485”, and “IND”.
- (B.) Development Standards:
 - (1.) The pens, runs, and/or other facility for the outdoor containment of animals shall be at least four hundred (400') feet from abutting property located in a residential or mixed-use district.
 - (2.) The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with a Type B buffer (see Article 11).

10.1-24 Multi-Family Development.

(A.) Zoning Districts where additional standards below apply: “MFT” (*eight (8) units or less only*), “TNDO”, “TC”, “CIV”, “MU-1” and “MU-2”.

(B.) Development Standards:

- (1.) The multi-family development shall not exceed a total of seventy-two (72) dwelling units without separation of parcels by a public street or park.
- (2.) The maximum permitted density for the multi-family development shall be ten (10) units per acre or as limited by Permitted Residential Density standards listed in Article 8. (*Amended December 19, 2019*)
- (3.) The permitted building and lot types for the multi-family development in a single-family area shall be the detached house and the attached house building and lot types.
- (4.) All parking for the multi-family development shall be located behind the building. The parking area shall be screened from adjacent properties and from the street with a minimum of a Type C buffer (see Article 11).
- (5.) The buildings in the multi-family development shall be architecturally compatible with single family structures on the street on which the multi-family building is proposed. Elements that shall be incorporated into the design of the multi-family building to ensure architectural compatibility are:
 - (a.) The multi-family building shall be constructed of building materials similar to those used on single family structures on the street.
 - (b.) The roof pitch of the multi-family building shall be the same as that of the single-family structures on the street.
 - (c.) The fenestration of the multi-family building by location and size of windows and doors shall be similar to that of the single-family homes on the street.
 - (d.) Color renderings of the proposed building must be submitted with the application to ensure architectural compatibility.
- (6.) No multi-family building shall be located closer than thirty-six (36”) feet to an existing multi-family building or development. The distance shall be measured along centerline of streets from the edge of the property proposed for development to the closest edge of the property on which the existing multi-family building or development is located. (*Amended September 23, 2019*)

10.1-25 Nursing Home, Assisted Living.

(A.) Zoning Districts where additional standards below apply: “AG”, “TNDO”, “TC”, “CIV”, “MU”, and “C 74”.

(B.) Development Standards:

- (1.) The facility shall provide centrally located shared food preparation, food service, and dining areas.
- (2.) Common recreation, social, and service facilities shall be provided at a minimum rate of thirty (30) SQUARE FEET per dwelling unit or per rooming unit.
- (3.) All facilities shall be solely for the use of residents and their guests.
- (4.) Facilities for administrative services and limited medical services for the exclusive use of the resident shall be located on the site.

10.1-26 Parks and Recreation Facilities, Public.

(A.) Zoning Districts where additional standards below apply: “AG”, “SRF”, “MFT”, “TNDO”, “TC”, “CIV”, “MU”, “C 74”, and “CP 485”.

(B.) Development Standards:

- (1.) Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- (2.) All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.
- (3.) Lighting, with the exception of lighting for ball fields and tennis courts, shall be full cut-off fixtures.

10.1-27 Special Events and Temporary Structures.

(A.) Zoning Districts where additional standards below apply: See Article 15

(B.) Development Standards: See Article 15

10.1-28 School, Elementary or Secondary.

(A.) Zoning District where additional standards below apply: “CIV”.

(B.) Development Standards:

- (1.) Minimum lot size:
 - (a.) Kindergarten (only): One (1) acre.
 - (b.) K-12: Two (2) acres.
- (2.) Minimum setback standards:

- (a.) Front: Twice that for permitted uses in the respective zoning district.
- (b.) Side: twenty-five (25') feet.
- (c.) Rear: twenty-five (25') feet.
- (3.) Building type shall be civic building.
- (4.) Parking and active recreation areas shall not be located within the required building setbacks.
- (5.) Primary access shall be provided from arterial streets. Local residential streets shall not be used for primary access.
- (6.) Site lighting shall be full cut-off fixtures.

10.1-29 Swim and Tennis Club.

- (A.) Zoning Districts where additional standards below apply: “AG”, “SRF”, “MFT”, “TNDO”, “CIV”, “MU”, “C 74”, and “CP 485”.
- (B.) Development Standards:
 - (1.) The minimum area shall be two (2) acres. The minimum area shall be one (1) acre if located as part of a common area within a development.
 - (2.) There shall a minimum fifty (50') foot separation between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.
 - (3.) Outdoor swimming pools shall be protected by a non-climbable type fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.
 - (4.) Site lighting shall be full cut-off fixtures. If proof is provided that such lighting is inadequate for the tennis courts, the *Development Administrator* may approve other lighting for the tennis courts only.

10.1-30 Temporary Construction Storage and/or Office.

- (A.) Zoning Districts where additional standards below apply: See Article 15
- (B.) Development Standards: See Article 15

10.1-31 Veterinary Service with Outdoor Kennels.

- (A.) Zoning Districts where additional standards below apply: “AG”, “C 74”, “CP 485”, and “IND”.
- (B.) Development Standards:

- (1.) The pens, runs, and/or other facility for the outdoor containment of animals shall be at least four hundred (400') feet from abutting property located in a residential or mixed-use district.
- (2.) The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with a Type B buffer (see Article 11).

10.1-32 Wireless telecommunication facilities, microcell. (As defined in G.S. §§ 160D-930 through 938).

(A.) Zoning Districts where additional standards below apply: All zoning districts.

(B.) Development Standards

- (1.) Microcellular wireless telecommunication facilities are permitted on buildings and other existing structures, other than off-premise signs, which do not require an increase in height to accommodate the facility. Each new utility pole and each modified or replacement utility pole or Town utility pole installed in the right of way and on private property shall not exceed fifty (50') feet above ground level and each new small wireless facility in the right of way and private property shall not extend more than ten (10') feet above the utility pole, Town utility pole or wireless support structure on which it is collocated.
- (2.) All antennas associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be flush-mounted against the side of the building or structure and camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted.
- (3.) Antennas associated with a microcellular wireless telecommunication facility mounted on a utility pole must be mounted atop the pole or flush mounted against the sides of the pole and shall be colored to match or complement the color of the utility pole and shall be mounted in as unobtrusive a manner as possible.
- (4.) Antennas associated with a microcellular wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
- (5.) Equipment enclosures associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be mounted inside the building or structure, attached to an exterior surface, or placed underground or on a concrete pad on the ground outside the building or structure. If mounted on

an exterior surface, the enclosures shall be colored or camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted. If placed on a concrete pad on the ground, the enclosures shall be screened so as to make them unobtrusive.

- (6.) Equipment enclosures associated with a microcellular wireless telecommunication facility mounted on a utility pole, must be mounted on the utility pole; provided, however, if combiners are used to allow co-location by sharing of an antenna or antenna array and pole- mounting of equipment enclosures cannot be accommodated on the pole, the combiner and additional equipment enclosures may be placed underground or on a concrete pad on the ground. If placed on a concrete pad on the ground, such additional equipment enclosures shall be screened so as to make them unobtrusive.
- (7.) All cabling and wiring connecting antennas, equipment enclosures, and other components of a microcellular wireless telecommunication facility shall be colored or concealed in a manner as to render them unobtrusive.
- (8.) Microcellular wireless telecommunication facilities located in a local historic district or on a historic landmark shall require a certificate of appropriateness from the historic resources commission.
- (9.) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
- (10.) A copy of the applicant's Federal Communication Commission (FCC) license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect. In no instance in an area zoned single-family residential ("SRF") where the existing utilities are installed underground may a utility pole, Town utility pole, or wireless support structure exceed forty (40') vertical feet above ground level, unless the applicant receives a variance for a taller pole from the *Board of Adjustment* per G.S. § 160D-936(d)(1).
- (11.) Abandoned or unused wireless telecommunication facilities shall be removed within one hundred and eighty (180) days of abandonment or cessation of operations. If not removed within that period, such facilities

may be removed by the Town and the costs of removal recovered from the permittee, per G.S. § 160D-935(g). Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give thirty (30) days written notice of its intention to do so to the permittee at its last known address.

10.1-33 Wireless telecommunication facilities, concealed.

(A.) Zoning Districts where additional standards below apply: All zoning districts.

(B.) Development Standards:

- (1.) Concealed wireless telecommunication facilities are permitted on buildings and alternative structures, other than off-premise signs and telecommunication towers.
- (2.) For purposes of this section, antennas mounted on an electric transmission tower shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten (10') feet above the top of the supporting structure nor more than two feet from the sides of the structure. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad and screened so as to make them unobtrusive.
- (3.) For purposes of this section, antennas mounted on an electric distribution tower shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten (10') feet above the top of the supporting structure nor more than two (2') feet from the sides of the structure, and equipment enclosures associated with the facility occupy less than sixty (60) cubic feet. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground on a concrete pad. Electric distribution poles may be extended in height in R/MST zoning district to the lesser of twenty (20') feet above the vegetative canopy in the vicinity of the site as determined by the *Development Administrator* or eighty (80') feet in height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within the applicant's search ring has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles and the applicant has demonstrated that co-location on such other extended electric transmission tower is not technically or commercially feasible, per G.S. §160D-933(b)(3).

- (4.) Panel antennas associated with concealed wireless telecommunication facilities may not exceed eight feet in height. If flush-mounted on the side of a building or alternative structure, antennas shall be camouflaged to match or complement the color and architectural treatment of the surface. Antennas extending above the roof line of a building shall be concealed behind an RF-transparent parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building or structure. Such parapet walls or facades shall not extend more than ten feet above the roof line. Where a parapet wall is at least eight feet in height, omnidirectional (whip-type) antennas may extend above the parapet wall by a distance equal to the height of the parapet wall.
- (5.) Antennas associated with a concealed wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
- (6.) Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, except as provided in Section 10.1-33(B).(4.) above, equipment enclosures shall be screened so as to make them unobtrusive.
- (7.) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication facilities shall be colored or concealed in a manner as to render them unobtrusive.
- (8.) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
- (9.) Applicants for concealed wireless telecommunication facilities shall first be encouraged to consider properties owned by the Town or Union County, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC

licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

- (10.) Abandoned or unused wireless telecommunication facilities shall be removed within one hundred and eighty (180) days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed by the Town and the costs of removal recovered from the permittee. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give thirty (30) days written notice of its intent to do so to the permittee at its last known address.

(11.) (Reserved)

10.1-34 Pawnshop or Used Merchandise Store.

(A.) Zoning Districts where additional standards below apply: "C 74".

(B.) Development Standards:

- (1.) The owner shall comply with all applicable portions of G.S. Chapter 66, Article 45, Part 1: Pawnbrokers and Cash Converters.
- (2.) Hours of operation: 8:00 a.m. until 8:00 p.m.
- (3.) No outdoor storage or display of merchandise or goods.
- (4.) No "unsightly window display" of appliances, tools, or housewares.
- (5.) No window tinting.
- (6.) Five hundred (500') feet of separation between pawnshops measured in a straight line between front door entrances, inclusive of rights of way.
- (7.) No pornographic or sexually explicit material sales on site.

10.1-35 Manufactured Dwelling/Home (replacement of existing unit on individual lot (See Article 8)).

(A.) Zoning District where additional standards below apply: All zoning districts when replacing an existing manufactured dwelling per Article 22.5-2.

(B.) Development Standards:

- (1.) Manufactured Dwellings (Homes) on individual lots, not within a Manufactured Dwelling (Home) Park, shall be multi-sectional. Single- wide Manufactured Dwellings (Homes) shall not be permitted on individual lots.
- (2.) The manufactured dwelling (home) shall have the towing apparatus,

wheels, axles, and transporting lights removed.

- (3.) The manufactured dwelling (home) shall be set-up in accordance with the standards established by the North Carolina Department of Insurance for permanent installations.
- (4.) A continuous masonry foundation shall be installed under the perimeter, un-pierced except for required ventilation, access and utility purposes.
- (5.) A permanent front porch of at least thirty-two (32) square feet in area shall be constructed within eight (8") inches of the finished floor elevation and be fully underpinned with masonry, equal to the permanent foundation in Section 10.1-36(B)(5.) above, to completely conceal the area beneath the porch and the Manufactured Dwelling (Home). All secondary entrances and exits to the Manufactured Dwelling (Home) shall also have concrete or masonry steps to the finished grade.
- (6.) The front of the Manufactured Dwelling (Home) shall be parallel to the front property line except on corner lots.

10.1-36 Outdoor Storage.

- (A.) Applicable to any Zoning Districts where Table 8.1, appearing in Article 8 of this Ordinance includes the Outdoor Storage of materials associated with a use listed with additional standards.
- (B.) Exclusions include licensed motor vehicles titled to a resident and/or occupant of the property, provided such vehicles are not in violation of the provisions of Section 10.1-22 of this Article.
- (C.) Performance Standards for Outdoor Storage:
 - (1.) In all zoning districts where storage of bulk materials, inventory, customer owned property, and/or equipment is stored outdoors more than three (3) consecutive calendar days the site shall:
 - (a.) consist of a minimum of five (5) acres;
 - (b.) provide for the screening and buffering along all site perimeter of the area designated for Outdoor Storage on an approved site plan with a Type D Buffer, except where the site abuts an adjacent Zoning District requiring the provision of a Buffer Yard in accordance with Table 11.1 appearing in Article 11 of this Ordinance.

10.1-37 Hospital Campuses.

- (A.) The following architectural and building standards shall apply to buildings located on a hospital campus and shall be in lieu of the standards set out in

Sections 9.8-3 (B.) and 9.8-4 of this Ordinance, which standards shall not apply to buildings located on a hospital campus.

(1.) Principles:

- (a.) Building elevations fronting or visible from public streets shall be clad with brick, masonry, precast concrete, stone, synthetic stone, metal panels, glass, wood, stucco, or similar materials. A maximum of forty (40%) percent of a street fronting buildings face may be compromised of metal paneling so as to maintain compatibility with structures within the Town, exception to this provision applies where building frontage is located within business or employment centers within the Industrial (“IND”) district on local streets not visible from designated thoroughfares upon the approved thoroughfare plan.
- (b.) All walls not visible from a public right-of-way may be constructed of cinder block, brick, wood, or metal paneling.
- (c.) Buildings in all locations should relate a principal façade to the sidewalk and public space of the street.

(2.) Configurations:

- (a.) Two (2) wall materials may be combined horizontally on one façade. The “heavier” material should be below the “lighter” material (i.e. brick below siding) to maintain compatibility with structures within the Town.

(3.) Techniques:

- (a.) All rooftop equipment shall be screened from public view at grade from adjacent public right-of-way by a building material that matches the structure. The screening apparatus should be incorporated as part of the architectural theme to maintain compatibility with structures within the Town.

(B.) Building Standards and Anti-Monotony Standards:

(1.) Massing and Rhythm:

- (a.) To ensure a consistent scale and compatible character of each building, massing and rhythm shall be consistent in the site design.

(2.) Height

- (a.) Maximum building height shall be one hundred and twenty (120’) feet as measured under the ordinance.

(3.) Scale and Roofline:

- (a.) The goal for scale is to be reiterated regarding height. The scale of buildings must be such that street edges are defined and relate to human

proportions.

- (b.) A range of roof forms is acceptable if they are compatible with the architectural character, scale, and height of surrounding buildings. Mansard roofs are not permitted.

(4.) Fenestration:

- (a.) Fenestration includes the structural openings to buildings, including doors and windows, to intuitively guide people toward their destination and improve emergency response.
- (b.) All buildings shall have their principal entrance opening to a public or private street, square, plaza, or a public or private sidewalk. Access from the public or private sidewalk, street right-of-way, or driveway to the principal structure shall be provided through an improved surface. Buildings shall comply with this standard for all buildings that provide a non-vehicular service.
- (c.) The first (1st) floor of all buildings shall be designed to reduce automobile dependency and encourage pedestrian-scale activity using windows and doors. These openings should be arranged so that uses are visible and/or accessible to both sidewalk and street.

(5.) Articulation

- (a.) All sides, including the rear of the building shall include materials and design characteristics consistent with those on the front.
- (b.) Use of inferior or lesser quality materials on side or rear walls is prohibited except for areas where public access is prohibited by the proprietor.
- (c.) If canopies, awnings, or other similar appurtenances are used, the following standards shall apply:
 - (i.) Such appurtenances shall be constructed of materials designed to full-fill the principles of the standards herein.
 - (ii.) Any appurtenance may extend from the building up to eighty (80%) percent of the width of the sidewalk area or nine (9') feet whichever is less.
 - (iii.) In no case shall any such facility extend beyond the curb line of the street, nor shall it interfere with maintenance of bio-retention pits with street trees for stormwater management, or maintenance of streetlights or street signs.
 - (iv.) A minimum overhead clearance of seven (7') feet from the sidewalk shall be maintained.

(6.) Materials

- (a.) All buildings shall be constructed of durable fire retardant and wind resistant materials to prevent hazards to persons and/or property.
- (b.) It is recommended that the primary structure be neutral in color (i.e. light grays, browns, beiges, whites or earth tones) and not colors that are distractive to motorist or cause concern among proximate proprietors or diminished property value or customer discomfort. The trim may be of various contrasting colors to that of the primary structure.
- (c.) Where any sloped roofs are utilized, they shall be covered with high profile asphalt shingles, natural clay tiles, slate, concrete tiles (with natural texture and color), ribbed metal, or shingles.
- (d.) Finish materials of buildings, signage, and other accessory structures, shall be compatible with the architectural character of the principal structure(s) through compliance with the following guidelines:
 - (i.) All buildings shall utilize a consistent architectural style;
 - (ii.) Differing buildings, businesses, or activities within the same development may be distinguished by variations; and
 - (iii.) Sides and backs of buildings shall be visually distinguishable as the front through the design of roof lines, architectural detailing, and landscaping features. Non-public and restricted access areas may be exempted from this provision upon review by the *Development Administrator*. (Amended August 26, 2019)

10.2 Special Uses

10.2-1 Purpose. Certain uses may wish to locate in the Town of Stallings and its area of jurisdiction, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these uses, they must meet certain conditions to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require conditions and establishes the conditions they must meet. A Special Use Permit must be granted for these uses in accordance with the procedures set forth in Article 7.

10.2-2 Condition Uses Established. The following Special Uses and the minimum conditions they must meet are hereby established.

10.2-3 Adult Establishment.

(A.) Zoning District where the conditions appearing below apply: “IND”.

(B.) Conditions:

- (1.) No lot containing an adult use shall be located within a one thousand and two hundred (1,200') foot radius of any lot containing another adult use.
- (2.) No lot containing an adult use shall be located within a one thousand and two hundred (1,200') foot radius of any residential or mixed-use zoning district.
- (3.) No lot containing an adult use shall be located within a one thousand and two hundred (1,200') foot radius of any dwelling unit, church or place of worship, school, library, licensed child care center, public recreation center, or public park or playground.
- (4.) The required distance shall be measured from the closest edge of the property occupied by an adult use to the closest edge of the property occupied by a protected use, zone, or by another adult use. Provided, however, that if an adult use is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such use.
- (5.) No more than one (1) adult establishment may be located within the same structure or on the same lot.
- (6.) In the interest of public health and safety, mini-motion picture booths shall be constructed without doors and shall orient the customer entrance of each booth toward the principal sales counter.
- (7.) Except for permitted business identification signage, 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 adult use.

10.2-4 Agricultural Based Business Facility.

(A.) Zoning District where the conditions appearing below apply: “AG”; however, this use is also listed without supplemental standards in “IND”.

(B.) Conditions:

- (1.) The facility shall be located on a lot or parcel of no less than four (4) acres and is not included in the *Bona Fide Farm* exemption.
- (2.) The facility may include agricultural, horticultural, vintner, brewing, bottling, packaging, research, manufacturing, production, and/or public venues for interactive participation and/or consumption operations of products for human consumption.
- (3.) Accessory activities may include entertainment venues, tasting rooms/bars, retail outlets, distribution facilities, and/or restaurant services in accordance with applicable laws.
- (4.) The facility shall not include feed lots, slaughtering and/or meat packaging operations, or composting facilities
- (5.) Buildings shall meet the following design standards:
 - (a.) Maximum footprint: forty-five thousand (45,000) square feet.
 - (b.) Maximum height: forty-two (42') feet (excluding silos and related attachments)
 - (c.) Exterior building materials shall consist of wood siding, wood shingles, fiber cement siding, brick, rock, or other high-quality masonry material. No vinyl or metal siding shall be permitted.
- (6.) Minimum three hundred (300') foot distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.

10.2-5 Amusement/Water Parks, Fairgrounds.

(A.) Zoning Districts where the conditions appearing below apply: “C-74” and “CP 485”.

(B.) Conditions:

- (1.) Outdoor amusement facilities will be separated by a Type C buffer (see Article 11) from any abutting property located in a residential or mixed-use district.
- (2.) No amusement facilities, water slides, or mechanical rides shall be located

within two hundred (200') feet of any abutting property located in a residential district.

- (3.) Hours of operation will be no earlier than 8:00 a.m. and no later than 10:00 p.m.

10.2-6 Asphalt Plant.

(A.) Zoning District where the conditions appearing below apply: "HIO".

(B.) Conditions:

- (1.) The facility shall be located on a lot of no less than five (5) acres.
- (2.) Access shall be from a collector or higher classification street. No trucks traffic shall be permitted on surrounding residential streets.
- (3.) A minimum of a Type A buffer (see Article 11) shall be located around the perimeter of the property on which the asphalt plant is located.
- (4.) All operations other than parking shall be located a minimum of one thousand (1,000') feet from any residential or mixed-use zoning district.
- (5.) The facility shall comply with the requirements of Article 10.2-16.

10.2-7 Equestrian Facility.

(A.) Zoning Districts where the conditions appearing below apply: "AG", "TNDO", "C 74", and "CP 485".

(B.) Conditions:

- (1.) The facility will not be in conflict with the purpose and objectives set forth in this ordinance for the zoning district in which the facility is located.
- (2.) The facility shall be located on a lot of no less than five (5) acres.
- (3.) Outdoor riding rings may be provided as part of the facility.
- (4.) Minimum three hundred (300') foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.
- (5.) Maximum number of horses boarded is two (2) per acre. (6.) Buildings shall meet the following design standards:
 - (a.) Maximum footprint: fifteen thousand (15,000) square feet
 - (b.) Maximum height: forty-two (42') feet (excluding silos and related attachments)
 - (c.) Exterior building materials shall consist of wood siding, wood shingles, fiber cement siding, brick, rock, or other high-quality masonry material. No vinyl or metal siding shall be permitted.

10.2-8 Group Care Facility.

(A.) Zoning Districts where the conditions appearing below apply: “AG”, “SFR”, “MFT”, “TNDO”, “TC”, “CIV”, “MU”, “C 74”, and “CP 485”.

(B.) Conditions:

(1.) No such facility shall be located within half (0.5) of a mile of an existing group care facility unless located within the Civic (CIV) district and/or specifically approved within a Traditional Neighborhood Development Overlay (TNDO) district.

(2.) The facility shall be limited to no more than thirty (30) persons. (3.) Buildings shall be of a type permitted in the zoning district.

10.2-9 Junkyards and/or Salvage Yards, Auto Parts.

(A.) Zoning District where the conditions appearing below apply: “IND” with “HIO”.

(B.) Conditions:

(1.) The minimum area required to establish a salvage yard shall be five (5) acres.

(2.) A six-foot-tall opaque fence of uniform construction and a type A buffer shall be placed around the perimeter of the use; plantings shall be on the exterior side of the fence.

(3.) No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300') feet of any residence existing or under construction at the time of installation of such operation or business.

10.2-10 RESERVED.

10.2-11 Petroleum and Petroleum Products, Fuel Oil Sales (including bio-fuel) Storage and/or Transsquare feeter Facilities.

(A.) Zoning District where the conditions appearing below apply: “IND” with “HIO”.

(B.) Conditions:

(1.) Minimum lot area shall be five (5) acres.

(2.) Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Stallings.

(3.) The use shall be buffered from adjacent properties and public streets with a

Type B buffer (see Article 11).

(4.) Hazardous Industry Overlay District (HIO) conditions and standards apply.

(5.) The facility shall comply with the requirements of Article 10.2-16.

10.2-12 Sewage Treatment Plant.

(A.) Zoning District where the conditions appearing below apply: “HIO”.

(Amended March 28, 2022)

(B.) Conditions:

(1.) Minimum site area shall be ten (10) acres.

(2.) All buildings, lagoons, outdoor treatment areas, and other facilities shall be located at least one thousand (1,000’) feet from residential and mixed use zoned property.

(3.) Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Stallings.

(4.) Use shall be managed and operated by a municipality, county, or other governmental entity.

10.2-13 Shooting Range, Indoor.

(A.) Zoning District where the conditions appearing below apply: “MU-2”, “C 74”, and “CP 485”.

(B.) Conditions:

(1.) Access shall be controlled to prevent unregulated entrance to firing area.

10.2-14 Telecommunications Towers *(per NC Session Law 2013-185)*.

(A.) Zoning Districts where the conditions appearing below apply: “TC”, “MU- 2”, “C 74”, “CP 485”, and “IND”.

(B.) Unless defined in this section or elsewhere in this ordinance, the terms in this section shall have the meanings set forth in G.S. § 160D-931.

(C.) Conditions:

(1.) The applicant for a special use permit for a new telecommunication tower shall bear the burden of demonstrating by substantial evidence that no existing or previously approved wireless support structure, building, or alternate structure within the applicant’s search ring can reasonably be used instead of construction of a new telecommunication tower and that the

height of the proposed telecommunication tower is necessary to provide the applicant's designed service. (See G.S. § 160D- 933(b))

- (2.) Telecommunications transmission towers in the Town Center (TC) district must be a monopole design that does not exceed one-hundred and fifty (150') vertical feet in height from average adjacent grade.
- (3.) The Town may elect to retain outside consultants or professional services to review a special use permit application for a telecommunication tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, conditions of approval, and compliance with state and federal rules and regulations at the applicant's expense. (See G.S. § 160D-933(d))
- (4.) In addition to the notice requirements found elsewhere in this Ordinance, the applicant for a special use permit for a telecommunication tower shall be required to notify by regular mail all property owners within a one-quarter (0.25) mile (one thousand and three hundred and twenty (1,320') feet) radius of the proposed location of any public hearing on the application at least ten days prior to the hearing. The *Development Administrator* may require the applicant to conduct a crane or balloon test to simulate the height of the proposed tower. Notice of the dates and times of such tests shall be mailed by the applicant to all property owners within a one- quarter (0.25) mile (one thousand and three hundred and twenty (1,320') feet) radius of the proposed location at least ten (10) days prior to the primary test date. The notice shall state primary and alternate test dates as well as a range of dates for testing in the event of extended periods of inclement weather. The *Development Administrator* shall review and approve the sufficiency of the notice prior to mailing and, as part of its application, the applicant will be required to submit a certificate of mailing and attach a copy of the notice and a list of the addresses to which it was sent. In the event the applicant seeks to increase the height of the proposed tower from the height stated in the original notices or move the proposed tower location more than fifty (50') feet laterally from the location stated in the original notices, additional notice shall be required to be given in accordance with the above provisions and all time-periods shall run from the date of supplemental notification.
- (5.) Applicants for telecommunication towers are encouraged to consider properties owned by the Town, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or

suitability of such facilities.

- (6.) Telecommunication towers proposed on properties under the ownership or control of the North Carolina Department of Transportation (NCDOT) shall simulate typical highway lighting towers in height and appearance and shall be clustered amongst or near such towers so as to be unobtrusive. If due to topography, existing vegetative canopy, or other local conditions, the Town Council determines that a tower disguised as a coniferous tree is a preferable aesthetic alternative to a simulated lighting tower, it may require such camouflage treatment as a condition of approval. If any portion of a telecommunication tower located on such properties is used to mount cameras, instruments, sensors or antennas for governmental use, and the same structure supports or incorporates commercial wireless telecommunication facilities, the governmental use shall be deemed incidental or accessory to the commercial use and the entire facility shall be treated as a commercial use for purposes of this section. This subsection may not be used to deny the placement of communications facilities in the rights of way of State maintained highways. (See G.S. § 160D-938)
- (7.) It is the policy of the Town to encourage collocation and the use of existing structures where appropriate. In furtherance of that policy objective, the following provisions shall apply to an application for a special use permit for a telecommunication tower:
 - (a.) A special use for a telecommunication tower shall not be approved unless the tower is designed structurally, electrically, mechanically, and in all respects to accommodate at least three users. An application shall not be deemed complete until the applicant submits:
 - (i.) A letter of intent agreeing to make all of its wireless telecommunication facilities (including existing facilities) within the Town available to providers of functionally equivalent services at commercially reasonable fair market value rates; and
 - (ii.) A copy of an executed lease for the proposed tower site that allows collocation, leasing, or subleasing to other providers of functionally equivalent services, with proprietary, confidential, or business information redacted.
 - (b.) Applicants are encouraged to meet collocation requirements by using dual-band/multi-band antennas to allow sharing of antennas, antenna arrays by wireless providers using different frequency bands, or by using combiners to allow antenna sharing by users of the same frequency band.
- (8.) A special use permit application for a telecommunication tower shall not be approved if an electric transmission tower is located within the search

radius and/or ring of the proposed telecommunication tower, unless the applicant can demonstrate collocation on the electric transmission tower is technically or commercially impractical or the owner of the transmission tower is unwilling to enter into a contract for such use at fair market value. (See G.S. § 160D-933(b)(3))

- (9.) Electric transmission towers may be increased in height to that allowed for telecommunication towers in the district in which the electric transmission tower is located if the Town Council determines such height extension is preferable to placement of a new telecommunication tower in that area.
 - (a.) A special use permit application for a telecommunication tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved telecommunication towers, buildings or alternative structures (after first considering electric transmission towers) within the search radius and/or ring of the proposed telecommunication tower, unless the applicant can demonstrate collocation on an existing or approved telecommunication tower, building or alternative structure is technically or commercially impractical or the owner of existing telecommunication towers, buildings or alternative structures are unwilling to enter into a contract for such use at fair market value. (See G.S. § 160D-933(b)(3))
 - (b.) No wireless telecommunication facility shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the FCC.
- (10.) All telecommunication towers must comply with FCC and Federal Aviation Authority (FAA) regulations.
- (11.) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
- (12.) As part of its application, each applicant for a telecommunication tower shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within one hundred and eighty (180) days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay

all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Stallings for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A five thousand (\$5,000) dollar cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

- (13.) Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give thirty (30) days written notice of its intention to do so to the permittee at its last known address.
- (14.) All telecommunication towers shall comply with FAA lighting requirements. In addition, in a specific instance, the Town may impose lighting requirements for a tower that is not required by FAA regulations to be lit.
- (15.) Except as otherwise provided herein, minimum setbacks for telecommunication towers shall be in accordance with the setback requirements set forth in the development standards for the district in which the location of the tower is proposed. In addition, telecommunication towers must be set back from any residentially zoned or residentially used properties a distance equivalent to one-half of the height of the tower being erected. The Town Council may reduce the setback requirement upon a showing by the applicant that there are special physical circumstances or conditions affecting the proposed site such that the strict application of the setback requirement would not allow the most effective use of the proposed site to minimize the visual impact of the wireless telecommunication facility.
- (16.) Telecommunication towers shall be buffered from adjacent properties with a buffer which, at a minimum, meets the requirements of a Type B buffer as described in Article 11 of this ordinance, regardless of adjacent zoning district classifications or uses.
- (17.) No telecommunication tower shall be located:

- (a.) On top of buildings; or
 - (b.) In a locally or nationally designated historic area or property or on a nationally or locally designated historic structure or building, unless the applicant can prove that the historic areas cannot be served from outside such areas, per G.S. § 160D-933(b)(2). Nor shall a telecommunications tower be located such that it adversely impacts the historic integrity of a locally or nationally designated historic area, property, or structure.
- (18.) In cases where an applicant is required to perform an environmental assessment (EA) or an environmental impact statement (EIS) under the National Environmental Policy Act or the National Historic Preservation Act, such EA or EIS shall be submitted prior to zoning permit issuance. If the EA/EIS has not been performed the Board may issue the permit conditioned on providing the EA/EIS prior to zoning permit issuance.
- (19.) Telecommunication towers shall not be constructed unless the company erecting the tower has general liability coverage of at least one million (\$1,000,000) dollars. The owner of a telecommunication tower shall provide the Town with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the Town thirty (30) days prior to the cancellation, modification, or failure to renew the insurance coverage required.
- (20.) Telecommunication towers shall be designed to meet the following standards:
- (a.) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. The Town Council may condition approval on the use of specific concealment techniques where it determines that doing so is necessary or desirable.
 - (b.) Guyed towers are prohibited. Commercial wireless telecommunication transmission towers shall be of a monopole design unless the Town Council determines that an alternative design would better blend into the surrounding environment.
 - (c.) Use of dual-polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated), dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna), and/or use of combiners (allowing antenna sharing by providers using the same frequency band) are encouraged.

- (d.) Antennas shall be mounted on telecommunication towers so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
 - (i.) Compact dual-polarized antennas in a cylindrical uni-cell arrangement extending no more than two (2') feet from the sides of the supporting structure and mounted atop the tower;
 - (ii.) Panel antennas flush-mounted against the tower; or
 - (iii.) Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
- (e.) No telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets, and any antennas or hardware mounted thereon, shall not be physically interconnected with any similar arm or bracket.
- (f.) All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed twelve (12') feet in height. Ground mounted equipment shall be screened from view with a minimum Type B buffer (see Article 11), except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- (21.) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.
- (22.) Telecommunication towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence shall not be topped with barbed wire. The Town Council may require as a condition of approval that the fencing be screened by appropriate landscaping or other means. The Town Council may waive or modify the fencing requirement if it determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
- (23.) Telecommunication towers shall have a flat gray or galvanized finish unless the Town Council determines another color scheme would be a preferable

aesthetic alternative.

- (24.) No telecommunication tower shall be permitted that exceeds two hundred (200') vertical feet in height.
- (25.) Signage at any telecommunication tower site shall conform to the following provisions:
- (a.) A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.
 - (b.) Equipment hazard warning and informational signs are permitted. (c.) The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower, except as required to comply with State or Federal law.
- (26.) The *Board of Adjustments* may require any other conditions deemed necessary or desirable to ameliorate the impact of the tower on the adjacent properties and uses. Such conditions shall include but are not limited to: the height of the tower, the construction or type of tower, lighting, and collocation of the antennas and facilities of different parties on a single tower, provided that conditions may only address public safety, land development, or zoning issues. (See G.S. § 160D - 933(b))
- (27.) (Reserved)
- (28.) (Reserved)
- (29.) A special use approval for a telecommunication tower shall become null and void if the facility is not constructed within two (2) years of the date of approval provided, however, that the special use approval may be extended one time for six (6) months if substantial construction has commenced before the end of the initial year.
- (30.) Collocation or modifications to existing wireless facilities shall be permitted and shall not require a special use permit, provided they do not exceed any of the following criteria:
- (a.) Increase in vertical height of the greater of either ten (10%) percent or the height of one (1) additional antennae array with separation from the nearest existing array of not more than twenty (20') vertical feet, provided the maximum height of two hundred (200') vertical feet is not exceeded.
 - (b.) Addition of an appurtenance protruding the greater of either more than twenty (20') feet or more than the width of the wireless support structure at the elevation of the appurtenance, unless:

- (i.) necessary to shelter an antenna, and/or
- (ii.) necessary to connect the antenna to the tower via cable
- (c.) Excavation or deployment of transmission equipment outside of the current site by more than thirty (30') feet in any direction, excluding any access or utility easements currently related to the site; provided all applicable minimum yard area, buffering and screening provisions are maintained. The boundaries of the current site for existing towers are the boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of the site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the Town or other local government. (See FCC Report and Order

20-153, November 3, 2020)

10.2-15 Electronic Gaming Operation, Including Game Rooms, Coin Operated Video Game Room.

(A.) Zoning District where the conditions appearing below apply: "C 74".

(B.) Conditions:

- (1.) SEPARATION FROM RESIDENTIAL ZONING - Electronic Gaming Operations (whether principal uses, or accessory to another use) shall be located no closer than five hundred (500') feet in any direction from any property zoned for residential use.
- (2.) SEPARATION FROM CERTAIN USES - No Electronic Gaming Operation shall be located within one thousand five hundred (1,500') feet in any direction from any other Electronic Gaming Operation, or from any cemetery, Group Living facility, religious institution, public or private childcare center or childcare facility, public or private school, or non-profit club. This required separation shall apply whether the above uses are principal or accessory uses.
- (3.) MAJOR GATEWAY SETBACKS - All Electronic Gaming Operations shall maintain a two hundred (200') foot setback along the gateway corridors listed below. The setback shall be measured perpendicular to the existing road right-of-way and shall extend one mile inward from the Town limit line. For the purposes of this standard a major gateway is identified as an entry way into the zoning jurisdiction along any of the following

transportation corridors:

(a.) US 74

- (4.) MEASUREMENT - All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures.
- (5.) HOURS OF OPERATION, ACCESS AND VISIBILITY - No Electronic Gaming Operations shall engage in business prior to 10:00 a.m. or after 12:00 midnight. During hours of operation, electronic gaming operations shall be open for direct, unobstructed access by police, fire, and emergency response personnel. All entrance doors shall remain unlocked while patrons are on the premises. All Electronic Gaming Operations terminals, computers, machines, and/or gaming stations shall be open and visible from the exterior front of the establishment.
- (6.) AGE RESTRICTIONS - No person or entity engaged in Electronic Gaming Operations shall allow, permit or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in Electronic Gaming Operations.
- (7.) SIGNAGE - Signage shall meet all the requirements of Article 17. Sign Regulations and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulated, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the electronic games shall be displayed prominently within the establishment.
- (8.) PARKING - Parking shall be provided at the rate of one (1) space per full time employee and one (1) space per gaming terminal and/or electronic gaming machine in the establishment and in accordance with Article 12 Off-street Parking, Stacking and Loading Areas.
- (9.) MAXIMUM NUMBER OF TERMINALS - The maximum number of terminals, computers, machines, and/or gaming stations permitted within an Electronic Gaming Operation is twenty (20).
- (10.) COMPLIANCE WITH OTHER REGULATIONS - The Electronic Gaming Operation shall be subject to any Town of Stallings privilege license fees, and shall be subject to all other standards of the Town of Stallings and State of North Carolina as applicable

10.2-16 Hazardous Industries

(A.) Zoning District where the conditions appearing below apply: “IND” with “HIO”.

(B.) Conditions:

(1.) Minimum Building/Parking Lot/Storage Area Setbacks:

(a.) The minimum building/parking/storage area setbacks shall be as follows:

- (i.) From any arterial or collector street right-of-way – five hundred (500') feet
- (ii.) From any local street right-of-way – five hundred (500') feet
- (iii.) From an interior lot line adjacent to a school or day care facility – five hundred (500') feet
- (iv.) From an interior lot line adjacent to a residential zoning district – five hundred (500') feet
- (v.) From an interior lot line adjacent to a non-residential zoning district – two hundred and fifty (250') feet.

(2.) Building Height Requirements:

- (a.) The maximum building height for a structure adjacent to a residential or commercial zoning district shall be no greater than forty (40') feet.
- (b.) The maximum building height for a structure adjacent to an industrial zoning district – no height restrictions.

(3.) Additional Requirements:

- (a.) Any such hazardous industry facility shall be serviced by a public water and wastewater system.
- (b.) Any such hazardous industry facility shall be enclosed with a security fence of adequate height and structure that would reasonable prohibit access to the site by the general public. All security gates and/or gate houses shall be set back a minimum of fifty (50') feet from the public right-of-way line.
- (c.) All *Chemical Bulk Storage Structures and/or Areas* housing the storage of bulk liquid and/or hazardous or toxic materials shall be set back from any property line a minimum of five hundred and fifty (550') feet.
- (d.) There shall be no industry created noise more than fifty (50) decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
- (e.) There shall be no industry created ground vibration measurable at any lot line of an industrial unit.

- (f.) There shall be no industry created air pollution including:
- (i.) No noxious odors; no noxious, toxic, or corrosive gases or fumes.
 - (ii.) No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, an approved density scale equivalent to the Ringelmann Chart shall be used.
 - (iii.) No dust or other particulate matter emitted in excess of eighty- five hundredths (0.85) of a pound per one thousand (1,000) pounds of gases adjusted to twelve (12%) percent carbon dioxide. There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of the Oversight Board.
 - (iv.) There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III, the following shall apply:
 - 1. No special controls on a manufacturing unit determined to be Class I other than under [3.] below.
 - 2. Class II and Class III manufacturing units shall be contained in a building designed and constructed in accordance with its class and according to provisions of the building code published by the Building Officials and Code Administrators, International [BOCA], 1313 East 60th Street, Chicago, Illinois, 60637.
 - 3. Machinery or equipment shall be treated as necessary to eliminate hazards.
 - 4. Uses which are customarily incidental and accessory to the principal use shall be permitted including, but not limited to: dwelling quarters for watchmen and caretakers employed on the premises, recreation areas and facilities for persons employed by industries within the same district's boundaries, restaurants, warehouses, and commercial uses that are permitted in the "C 74" Commercial District.
 - (v.) Businesses that produce, store, or use hazardous materials as defined by the Environmental Protection Agency's (EPA) Hazardous Substances or Prior Pollutants lists shall be allowed only when the items listed in Section 154.111 are met.
 - (vi.) Miscellaneous Prohibitions:
 - 1. Any interference with any other process, equipment, appliance, or devices and any mechanical, electrical, or other equipment which could create such interference shall have all necessary shielding or other protection.
 - 2. In any industrial unit or accessory all operations and storage, other

than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure. Exemption: Outside storage of bulk or large raw materials which are fireproof if enclosed by a security fence with provisions for visual inspection and where screened from public view in its entirety from adjacent properties and public streets/roadways.

(g.) Operations and Closure Plans Required:

- (i.) An emergency operations plan shall be developed and be on file at the Town of Stallings and Union County Emergency Management Offices and reviewed for update annually. An operations plan shall be submitted to include:
 - 1. The date of commencement of operations and their expected duration;
 - 2. Proposed hours and days of operation;
 - 3. A complete description of operation, including source of materials, method of compaction, type of sealing proposed to be used, types and number of equipment to be used and disposal of by-products;
 - 4. Any phasing schedule of operations and relationship among phases,
 - 5. Operating practices to be followed to ensure compliance with regulations of this ordinance; and
 - 6. Complete assessment by the local Fire Department in conjunction with local emergency management agencies that all necessary equipment, training, and personnel are available at the emergency response level to adequately handle all emergency scenarios.
- (ii.) A closure plan shall be prepared and submitted in accordance with United States Environmental Protection Agency (USEPA) guidelines as part of the application for a zoning map amendment to establish the “HIO” district.

(h.) Hazardous Chemical Notification and Inventory Reporting

- (i.) EPCRA Section 311-312 applies to any facility at which a hazardous chemical, as defined by the Occupational Safety and Health Act, is present in an amount exceeding a specified threshold. These facilities must submit -- to the SERC, LEPC, and local fire department -- material safety data sheets (MSDSs) or lists of MSDSs and hazardous chemical inventory forms (also known as Tier I and II forms). This information helps the local government respond in the event of a spill or release of the chemical.

(j.) Emergency Notification and Agriculture

- (i.) EPCRA requires businesses that store threshold amounts of chemicals that are subject to OSHA's Hazardous Communication Standard to submit information -- including facility point of contact and the Material Safety Data Sheets (or a list of those chemicals) -- to state and local authorities in order to facilitate emergency planning and response. Annual reporting to state and local authorities is required for all covered facilities that have those chemicals in amounts above threshold. Hazardous chemicals used in routine agricultural operations and fertilizers held for resale by retailers is excluded.

(k.) Toxic Chemical Release Inventory Reporting:

- (i.) EPCRA Section 313 requires manufacturing facilities included in SIC codes 20 through 39 to submit an annual toxic chemical release report if they have ten (10) or more employees and if they manufacture, process, or use specified chemicals in amounts greater than threshold quantities. This report, commonly known as Form R, covers releases and transsquare feeters of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.