

CHAPTER 5. USE STANDARDS

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Chapter 5 – Use Standards

5.1 USE TABLE

A. EXPLANATION OF USE TABLE STRUCTURE

For each base zoning district established in this Ordinance, *Table 5.1.1, Table of Permitted Uses*, lists land uses and indicates whether individual uses are:

1. Permitted by right;
2. Permitted with a Special Use Permit;
3. Permitted as a combination use.

The permitted uses within an overlay zoning district shall be those allowed in the underlying base zoning district. Uses not listed in the *Table of Permitted Uses, Table 5.1.1*, are prohibited.

B. USES PERMITTED IN ALL DISTRICTS

1. Within all districts there are certain uses permitted as a matter of right that are not specifically included within *Table 5.1.1, Table of Permitted Uses*. The following uses are allowed in all districts without a Zoning Compliance Permit provided they meet other applicable requirements of this Ordinance:
 - (a) Above ground and buried utility lines for local distribution of electricity, telephone, and cable television service; accessory and appurtenant apparatus such as poles, guy wires, transformers and switching boxes. High voltage transmission lines are not included in this exception.
 - (b) Temporary buildings and structures used in connection with the construction of a permanent building.
 - (c) Off street parking as a required accessory use to a permitted use.
 - (d) Public and private streets and roads and railroad rights-of-way.
 - (e) Sanitary sewer collection lines, water, gas, and liquid fuel distribution lines, and any necessary on-line pumping stations.
2. The following uses are also permitted in all zoning districts upon the issuance of a Zoning Compliance permit documenting compliance with relevant provisions of this Ordinance:
 - (a) Fences
 - (b) Accessory buildings in residential districts that are fifty square feet or larger. This includes but is not limited to storage buildings, garages, carports, and any structure designed to provide weather protection to people, animals, supplies, household items, vehicles or equipment.

C. COMBINATION USES

1. A combination use is a use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permitted Uses. Combination uses shall be permissible on a lot only if each component principal use is permissible in the district where the lot is located.
2. When a combination use consists of two or more principal uses each of which requires a different type of permit (Zoning Compliance Permits only or Special Use Permit) then the permit authorizing the combination use shall be:
 - (a) A Special Use Permit if any of the principal uses combined requires a Special Use Permit.
 - (b) Only a Zoning Compliance Permit in all other cases.
3. When two principal uses are combined, the total amount of parking required for the combination use shall be determined by adding together the amount of parking required for each individual principal use according to the relative amount of space occupied by that use, taking into consideration any shared parking allowed under this Ordinance.

D. ACCESSORY USES

1. The following list provides examples of expected accessory uses in residential zoning districts. This list is not exhaustive. When determining whether an activity is an allowed accessory use, the definition of accessory use and the impact of the activity shall be considered. Zoning Compliance Permits are not needed for allowed accessory uses. Items not included on this list may be allowed as combination uses in compliance with *Section 5.1(C)(2)*.
 - (a) Yard and/or garage sales for residents of residential districts to conduct no more than six (6) yard sales per year neither of which exceed two days in length.
 - (b) Parking/storage of unused boat/RV
 - (c) Occupation of RV/tent by guests or minor residents for no longer than 2 weeks in 60 any day period
 - (d) Occupation of RV during construction of new or major renovation of single-family residence as long as the building permit is valid
 - (e) Display of a single vehicle for sale at any one time, not to exceed 2 per year
 - (f) Placement of movable storage unit used for storage only, not to exceed 60 days in any 180 day period
 - (g) Tree houses, play structures, trampoline, or other residential recreation structures that are not permanently affixed to the ground
 - (h) Hobbies & recreational activities of a non-commercial nature, which do not fall within the definition of a "home occupation"
 - (i) Garden statuary, garden structures (excluding storage buildings), and art may be located in the back area, provided the footprint of such features does not exceed the permit threshold of fifty square feet in area.
 - (j) Private or public events that do not meet permit thresholds pursuant to a separate permit process established in the Town Code
 - (k) Agricultural activities for the personal use of the resident or in support of a licensed home occupation including but not limited to growing herbs, fruits and vegetables, raising fowl or livestock consistent with Chapter 90 of the Town of Wallace Code of Ordinances.

2. The following list provides examples of expected accessory uses in non-residential zoning districts. This list is not exhaustive. When determining whether an activity is an allowed accessory use, the definition of accessory use and the impact of the activity shall be considered. Zoning Compliance Permits are not needed for allowed accessory uses. Items not included on this list may be allowed as combination used in compliance with *Section 5.1(C)*.
 - (a) Special events permitted pursuant to a separate permitting process established in the Town Code
 - (b) Special events that do not exceed the permit thresholds for event process in town code
 - (c) Parking of storage containers, wholly behind the building in locations not needed for required parking or traffic circulation, and screened from adjoining properties
 - (d) Outdoor dining or customer seating when provided in a manner and location that is not assigned or required for another purpose.

5.1.1 TABLE OF PERMITTED USES

ID	Use	R-6	R-6 MH	R-8	R-10	R-15	R-20 MH	RA-20	CB	HB	NB	I
2401	Adult Day Care								P	P		
2102	Adult Use									SUP		
2203	Alcoholic Beverages Packaged Retail Sales								P	P		
4704	Artisan Studio						P	P	P	P	P	
2405	Bank & Financial Institution								P	P	P	
2306	Bar								SUP	SUP		
1507	Bed and Breakfast Facility	P	P	P							P	
4608	Building/Trade Contractor's office						P	P	P	P	P	P
1209	Campgrounds						SUP	SUP				
1210	Cemetery						SUP	SUP				
1211	Cemetery, Faith Based						SUP	SUP				
4912	Child Day Care	P	P	P	P	P	P	P	SUP	SUP	P	
4913	Church, Place of worship	P	P	P	P	P	P	P		P	P	
2414	Club or Lodge								P	P	P	
4915	Community Center	P	P	P	P	P	P	P	P	P	P	
2216	Distillery/Brewery								SUP	SUP		
2417	Drive-up Window								P	P	P	
2418	Dry Cleaning or Laundry Plant								P	P	P	P
1919	Dwelling: Accessory	P	P	P	P	P	P	P				
1920	Dwelling: Attached (1-4 units)	P	P	P	P	P	P	P	P			
1921	Dwelling: Attached (5-19 units)	SUP		SUP	SUP	SUP	SUP	SUP				
1922	Dwelling: Attached (20+ units)	SUP		SUP	SUP	SUP	SUP	SUP				
1223	Dwelling: Mobile Home A		P				P					
1224	Dwelling: Mobile Home B		P				P					
1025	Dwelling: Mobile Home C											
1926	Dwelling: Single-family	P	P	P	P	P	P	P				
2127	Electronic Gaming Operation									P		
2328	Event Center								SUP	SUP		
1929	Extended Care Facility	P	P	P	P	P	P	P				
1830	Family Care Home	P	P	P	P	P	P	P				
1731	Family Child Care Home	P	P	P	P	P	P	P				
1232	Farm, Bona fide						P	P				
4533	Farmer's Market						P	P	P	P		
2234	Flee Market									P		
2335	Flex Space								P	P		
2336	Funeral Home								P	P		
2537	Gallery/Museum								P	P	P	

ID	Use	R-6	R-6 MH	R-8	R-10	R-15	R-20 MH	RA- 20	CB	HB	NB	I
1738	Garage (Private, Residential Use)	P	P	P	P	P	P	P				
4939	Government Facilities	P	P	P	P	P	P	P	P	P	P	P
1240	Greenhouses/Nursery						P	P				
1341	Group Care Facility	SUP	SUP	SUP								
2442	Health Care Facility								P	P	P	
2443	Health/Fitness Club								P	P	P	
4944	Home Occupation	P	P	P	P	P	P	P	P	P	P	P
2145	Hospitals									P		
2446	Hotels & Motels								P	P	P	
3147	Junkyard/Outside Storage of Junked or Wrecked Motor Vehicles											SUP
1248	Kennels, Boarding						SUP	SUP				
4949	Library	P	P	P	P	P	P	P	P	P	P	
2350	Mail Order Houses								P	P	P	
2351	Manufacturing Complex								SUP	SUP		P
2452	Meeting Facility								SUP	P		
1253	Mobile Home Park		SUP				SUP					
2454	Motor Vehicle Fuel Station								P	P		P
2355	Motor Vehicle Maintenance, & Service									P		P
2256	Motor Vehicle Repair									P		P
2257	Motor Vehicle Sales & Rentals								P	P		
2258	Nightclubs									SUP		
2459	Offices not providing direct services to clients via walk in								P	P		P
2460	Offices providing direct services to walk in clients								P	P	P	
2161	Outlet sales									P		
4962	Park, Athletic or Community	P	P	P	P	P	P	P	P	P	P	
4963	Park, Cultural or Natural	P	P	P	P	P	P	P	P	P	P	
4964	Park, Neighborhood	P	P	P	P	P	P	P	P	P	P	
2565	Parking as Principal Use, Surface or Structure								P	P	P	P
2366	Performance Facility								SUP	P		
2567	Personal Service Business								P	P	P	
2268	Personal Vehicle Sales								P	P		
2269	Petroleum Products (storage & distribution)									SUP		SUP
3170	Processing Facility											P
4971	Public Safety Services	P	P	P	P	P	P	P	P	P	P	P
4972	Public Utilities	P	P	P	P	P	P	P	P	P	P	P
4973	Recreational Facilities	P	P	P	P	P	P	P	P	P	P	

ID	Use	R-6	R-6 MH	R-8	R-10	R-15	R-20 MH	RA- 20	CB	HB	NB	I
2374	Recycling Materials Collections Center								P	P		
2375	Research Facility								P	P		P
2476	Restaurant A								P	P	P	
2477	Restaurant B								P	P	P	
2478	Restaurant C								P	P	P	
2279	Retail sales/rentals of goods with outside display/storage of merchandise									P		
4780	Retail sales/rentals of goods within wholly enclosed structure								P	P	P	P
4481	Rooming/Board house	P	P	P							P	
2482	School: Art & Music								P	P	P	
2483	School: Dance, Martial Arts								P	P	P	
4984	School: Elementary, Middle & Secondary	P	P	P	P	P	P	P	P	P	P	
4585	School: Higher Education						P	P	P	P	P	
4586	School: Vocational						P	P	P	P	P	
4387	Solar Energy Facility						SUP	SUP				SUP
2388	Storage & Warehousing: Inside building, excluding explosives & hazardous wastes								P	P		P
3189	Storage & Warehousing: Outside											P
2290	Storage & Warehousing: Self									P		P
4691	Telecommunication Tower, 200' or taller						SUP	SUP				P
4692	Telecommunication Tower, less than 200' tall						SUP	SUP				P
2293	Transit Passenger Terminal									P		
4994	Transmission Lines	P	P	P	P	P	P	P	P	P	P	P
2295	Vehicle Restoration									P		P
2496	Veterinarian/Animal Hospital							P		P	P	
2497	Wholesale sales, indoor							SUP	P	P	P	
2198	Wholesale sales, with outdoor storage/display									P		
4999	Yard Sales (limit 6 per year)	P	P	P	P	P	P	P				

5.2 USE-SPECIFIC STANDARDS

A. ADULT USE

Adult uses as defined in N.C. Gen. Stat. § 14-202.10 are recognized as having certain serious objectionable operational characteristics and a deleterious effect on adjacent areas. Special regulation of these uses is necessary to ensure that their adverse effects do not contribute to degradation or decline of surrounding areas. The primary intent of the following standards is to prevent negative impacts on residential areas and particular uses.

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of adult uses:

- (a) No building to be occupied as an adult use shall be established within five hundred (500) feet of a residentially zoned lot line. No adult use shall be located less than one thousand (1,000) feet from any church, school, park, playground, synagogue, convent, library, or other areas where large numbers of minors regularly travel or congregate.
- (b) All windows, doors, openings, entries, etc. for all adult uses shall be located, covered, buffered, or otherwise treated so that views into the interior of the establishment are not possible from any public or semi-public area, street or way.
- (c) No adult use shall be located within a one thousand (1,000) foot radius of another adult use.
- (d) The proposed methods of soundproofing the buildings must be sufficient to reduce noise from the interior of the building. The noise level at the property line shall not exceed forty-five (45) decibels.
- (e) There must be sufficient number of employees to maintain the safe and orderly operation of the establishment.
- (f) Live entertainment and amplified music shall cease no later than 12:00 a.m. (midnight)

B. BED AND BREAKFAST HOME

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) Each unit within a bed and breakfast establishment shall have direct access to a hall or exterior door.
- (b) The applicant shall provide evidence that the Fire Marshal has reviewed and approved the fire protection plan.
- (c) If a state, county or city license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been met; no Zoning Permit or Certificate of Occupancy will be issued until the Town receives proof that all State, county, and/or other local permits have been approved.

C. BILLBOARDS

1. STANDARDS OF EVALUATION

- (a) All billboards (except those in Subsection (b) below) are subject to the Billboard Overlay District [See *Section 4.6(B)*]
- (b) Billboards along the I-40 Corridor are exempt from these requirements.
- (b) No two billboards shall be spaced less than 2,000 feet apart on the same side of the roadway on all streets and rights-of-way where they are allowed. In addition, no two billboard structures shall be placed within 1,000 feet in either direction of the nearest point on the opposite side of the same right-

of-way from an existing billboard. When determining the distance between signs the measurement shall be from the nearest points of the respective signs (including braces, overhang, etc.).

- (c) No billboards shall be allowed within 750 feet of the center point of an intersection where both roads allow billboards nor within 750 feet of the interior apex of an angle intersection, where both roads allow billboards.
- (d) All billboard structures, including overhangs and all other components, shall be set back at least 20 feet from the nearest road right-of-way.
- (e) The maximum allowable height for a billboard shall be 40 feet.
- (f) No one copy area of any billboard structure shall exceed four hundred square feet, and there shall be no more than one copy area facing any one side of the traveled roadway on any sign structure.
- (g) All billboards shall be plainly marked with the name of the person, firm, or corporation erecting and maintaining such sign and shall have affixed the firm number issued for said sign by the building inspector.
- (h) All owners of billboards are required to obtain and maintain an annual billboard permit in order for the billboard to be considered a conforming use. Billboard permits shall only be issued for billboards that are in complete conformance with the requirements of this ordinance. If a billboard permit expires, the billboard shall be deemed non-conforming until a new permit is obtained. For the purposes of this subsection, a billboard shall be considered "destroyed" if damaged to an extent that the cost of repairing the billboard to its former stature or replacing it with an equivalent billboard equals or exceeds 50 percent of the tax value, as listed in the Duplin County Tax Office, of the billboard so damaged.

D. CEMETERY

1. STANDARDS OF EVALUATION

The following specific standards shall be used in deciding upon an application for approval of this use:

- (a) Proof that the requirements of the North Carolina General Statutes Chapter 65 the standards of the North Carolina Cemetery Commission shall be met, to the extent that they apply to the applicant entity.
- (b) There shall be adequate space within the site for the parking and maneuvering of the funeral cortege at each proposed burial site.
- (c) The proposed landscaping shall provide visual obstruction from adjacent property through new planting or existing vegetation. At a minimum, this visual obstruction shall be equal to a Type A buffer.
- (d) The proposed landscaping shall show the balance between providing an aesthetically pleasing arrangement of plots, amenities, driveways and landscaping and providing a facility that is safe for visitation and long term protection of grave markers.
- (e) The minimum lot size for any cemetery not co-locating on a parcel occupied by the place of worship of the applicant faith-based organization shall meet the minimum lot size for the zoning district in which it is located.
- (f) The site for a proposed cemetery for a faith-based organization shall be located within one-half mile of the site the applicant organization uses as its place of worship.

- (g) The site shall have frontage on Town or State maintained road.
- (h) All interior vehicular access and maneuvering space shall be improved with pervious, semi-pervious or impervious surfaces which can be maintained to provide safe and consistent passage.
- (i) No interments shall take place within thirty (30) feet of any lot line.
- (j) The applicant has provided information sufficient to the permit issuing authority regarding guarantee of perpetual maintenance and the length of time the proposed cemetery will have lots available for sale.

E. CHILD DAY CARE

1. STANDARDS OF EVALUATION

Child day care centers, including pre-schools, shall be licensed as a child care center by the State, shall comply with all state regulations for child care centers, and must satisfy the following standards:

- (a) Proof that a license from the State of North Carolina has been applied for. A copy of the approved license shall be provided to the Planning Department within 30 days of the Certificate of Occupancy for any approved Child Day Care requiring a license. No unconditional Certificate of Occupancy may be issued until a copy of all required state licenses have been issued.
- (b) If not located in a stand-alone building, a child day care center shall be located on the first floor of a principal structure, and must be segregated and secured (including the restrooms) from the remaining portion of the building in which it is located
- (c) Child day care centers shall not be established within one thousand (1,000) feet of any adult uses nor within five hundred (500) feet of any bar or nightclub.
- (d) Outdoor recreation areas associated with the facility must meet the State's requirement for the licensing level being sought for the facility, and must satisfy the fencing and buffering requirements with particular attention paid to protecting the privacy of adjacent property owners and to maintaining the character of a residential neighborhood.
- (e) All required parking spaces shall be located off the street right-of-way. In addition, safe and adequate access shall be provided from the parking spaces to the building and to the street.

F. CHURCH OR PLACE OF WORSHIP

1. STANDARDS OF EVALUATION

The following specific standards shall be used in deciding upon an application for approval of uses in this category:

- (a) The written description of the operation indicates compliance with the stated, applied for use and that use is permitted by right or special use permit within the zoning district.
- (b) The lot area is of sufficient size that all required parking, access, yard areas, and screens are provided without any variance to the stated standards of this Ordinance. A combination of on-street, on-site, and shared parking may be allowed with the approval of the permit issuing authority.
- (c) Structures, driveways, and other significant physical features within 100 feet of the development area of this project are protected from adverse impacts as required by this ordinance.

G. COMMUNITY CENTER

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) Evidence from the owners or operators that the facility will be operated by a non-profit organization. The identification numbers for such non-profit organization from the North Carolina Department of Revenue and the Internal Revenue Service shall be provided to the Town.
- (b) No structure associated with outdoor recreation activities shall be situated within the setback required for the district in which the use occurs. Such structures include but are not limited to: back stops, basketball or football or soccer goals, pavement for tennis or basketball courts and batting cages.
- (c) Floor plans must show adequate meeting areas and that the bathroom facilities are adequate for the type of facility and the number of participants expected, as determined by the permit issuing authority.
- (d) The minimum lot area shall be one acre, and shall be adequate for the improvements proposed or required, as determined by the permit-issuing authority.
- (e) The hours of operation of outdoor activities shall not adversely affect the residential character of the surrounding residential neighborhoods.

H. DRIVE-UP WINDOW

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use.

- (a) The site plan shows that there is adequate vehicular and pedestrian circulation space around the building in addition to the required stacking spaces (for purposes of this section a "stacking space" equals one car length, or approximately twenty feet). The required number of stacking spaces shown must be usable and must be located outside any public road right-of-way. In the case of uses not specified in this Ordinance, the permit issuing authority shall determine whether the number of proposed stacking spaces is adequate for the intended use.
- (b) The site plan shows that the circulation pattern is a one-way system that provides a separation between the drive-up window customers and other customers, and that there is adequate room for individuals to park and maneuver safely in the parking lot.
- (c) Drive-up windows and their menu boards shall not be located on the primary or pedestrian-oriented facades of buildings.
- (d) Financial institutions with drive-up windows shall be limited to five (5) drive-up bays per building.
- (e) Stacking spaces for drive-up areas shall not inhibit traffic flow on the site.
- (f) Restaurants are required to have six (6) stacking spaces per window;
- (g) Drive-up banks are required to have six (6) stacking spaces per window;
- (h) Dry cleaning and laundry services are required to have three (3) stacking spaces per window.

I. DWELLING, ACCESSORY

- 1. New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit, subject to the following conditions:
 - (a) One (1) accessory dwelling unit is permitted per lot, provided that the unit per acre density is not greater than that allowed by right for the zoning district. Units existing as of at time of original adoption of this ordinance that do not meet the density limit may continue as non-conforming uses

- (b) Both structures meet all the applicable building setback requirements.
- (c) The accessory unit does not exceed fifty (50) percent of the heated living area of the principal structure.
- (d) Approval of the Duplin County Health Department for water and sewage disposal facilities or the approval of the Town of Wallace for water or sewer service, as applicable.

2. EFFICIENCY APARTMENT

An efficiency apartment must be located within a principal single family dwelling, and must meet the following criteria:

- (a) The efficiency apartment must be architecturally integrated with the principal structure. Connection by breezeway, walkway or other artificial means does not satisfy this requirement.
- (b) The lot fronts on a public street;
- (c) One of the units is occupied by the property owner;
- (d) The efficiency apartment shall contain no more than one fourth (1/4) of the gross floor area of the total dwelling; and
- (e) The efficiency apartment must be inaccessible, or able to be made inaccessible from the principal dwelling.
- (f) Other situations with more than one dwelling unit within a single structure are considered attached dwellings under this ordinance.

J. DWELLING, ATTACHED

1. CATEGORIES OF ATTACHED DWELLINGS

This Ordinance hereby establishes the following attached dwelling use types:

- (a) Attached Dwellings Up to 4 Units, requiring administrative approval;
- (b) Attached Dwellings 5+ Units, requiring Special Use Permit approval.

2. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) The number of dwelling units per acre proposed is equal to or less than the maximum number of units per acre permitted in the district in which they are proposed, when calculated according to the rounding information provided in *Section 10.1, Rules of Measurement, Computation, and Exceptions*.
- (b) Site plans show compliance with the dimensional requirements for the applicable Zoning District in which the attached dwelling unit is being developed.
- (c) For developments consisting of 5 or more dwelling units, vehicular ingress and egress and exits for the development are directly off a public road(s) which is either a collector or arterial street and meet the driveway standards in *Section 6.9, Driveway Connections*. Up to 4 dwelling units are permissible on any public street.
- (d) The interior roads and parking areas shall meet the required specifications included in *Section 6.21, Streets*.

- (e) The project is served or is proposed to be served by public water and sewer systems. The proposed distribution systems have been sized to meet the demands of the project, including fire protection.
- (f) The Fire Marshal has reviewed and approved in writing the fire protection plan, including the location of fire hydrants.
- (g) The utility plan has been reviewed and approved by the Public Works Director and the State has approved the extension of the Town's systems. All utilities, including electrical, telephone, and cable television, are to be installed underground.
- (h) The lighting plan meets or exceeds the specification of this Ordinance.
- (i) The grading, storm drainage, and soil erosion and sedimentation control plans have been reviewed and approved by the Public Works Director, Planning Director, or consulting Engineer, as applicable.
- (j) The pedestrian circulation minimizes the conflicts between pedestrians and motor vehicles, and it provides convenient access to all common areas and facilities and to public streets.
- (k) The proposed trash container and recycling system meets the requirements of this Ordinance and the policies of the Wallace Public Works Department.
- (l) The site plan shows the phasing, if any, of the development, including any phases to be developed later. If a development is to be built in phases, and complete plans for the succeeding phases are not available, then the requirements in this section shall apply to each phase as if it were a separate and discrete development. Further, when a development is built in phases and includes improvements that are designed to relate to, benefit, or be used by the entire development, (such as swimming pools or tennis courts), the developer shall submit a schedule for completion of these improvements. All common implements necessary to comply with the requirements of this Ordinance for each phase must be completed before occupancy of a subsequent phase may commence.
- (m) An improvement must be scheduled and completed before the final phase of the development is begun. The permit-issuing authority may, in special cases (exclusive of financial hardship) authorize the applicant to commence the intended use of the property or to occupy any building before these improvements are installed provided that a performance bond or other security is issued in accordance with G.S. 160D-804.1 as to an amount certified by the applicant's engineer to be 125% of the estimated cost to complete the work, and in a form to the Town Attorney, is furnished.

3. Recreational Standards for attached dwellings

For recreational standards, see *Section 6.16, Recreational Sites*.

4. Open Space Standards for attached dwellings

For open space standards, see *Section 6.13, Open Space*.

5. Zoning District Specific Standards for attached dwellings

(a) Central Business (CB) District

- i. It is the intent of these provisions to allow attached dwelling developments on lots zoned Central Business in an effort to mix land uses within the Central Business zone to the extent that it does not detract from the function of the zone as a commercial center. It is not the intent of this section to impede the location of retail establishments in the CB district.
- ii. Any lot within the CB zone may contain a single dwelling unit along with a non-residential enterprise or as an individual use.
- iii. Multiple dwelling units in an attached building are permitted within the CB zone when:

- iv. The lot is at least 10,000 square feet in area.
- v. The ground floor area is used exclusively for non-residential use(s), including at least one retail enterprise.
- vi. A sidewalk exists within the adjacent public right-of-way or will be constructed as part of the construction/conversion process.

K. DWELLING, MOBILE HOME

1. INTENT

It is the intent of this section to address the specific criteria which must be met to place a mobile home or manufactured home within the zoning jurisdiction of the Town of Wallace.

2. CLASSES OF MOBILE OR MANUFACTURED HOMES

This Ordinance recognizes three (3) classes of mobile homes: Class A, Class B, and Class C. Homes which do not meet the criteria set forth shall not be located within the Town's jurisdiction.

(a) Dwelling, Mobile Home, Class A

Before issuing a Zoning Compliance Permit for a Class A mobile home, the Planning Director shall certify the following:

- i. The pitch of the home's roof shall have a minimum vertical rise of two (2) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in residential construction. The main portion of the building shall have a length not exceeding four times its width. The minimum width shall be sixteen (16) feet.
- ii. The exterior siding shall consist of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- iii. Each home shall either have a brick curtain wall or other masonry foundation installed around the perimeter of the home before a Certificate of Occupancy is issued.
- iv. All transportation lights and towing apparatus shall be removed before a Certificate of Occupancy is issued.
- v. A deck or a porch of at least thirty-six (36) square feet in size must be located on the front of the home and must include steps.
- vi. Applicant shall provide documentation showing that the proposed unit meets the requirements for a Class A designation. This information shall be retained by the Planning Director.

(b) Dwelling, Mobile Home, Class B

Before issuing a Zoning Compliance Permit for a Class B mobile home, the Planning Director shall certify that the home meets the following standards:

- i. The pitch of the home's roof shall have a minimum vertical rise of two (2) feet for each twelve (12) feet of horizontal run. The roof shall be finished with a type of shingle that is commonly used in residential construction. The minimum width shall be fourteen (14) feet.
- ii. All transportation lights and towing apparatus shall be removed before a Certificate of Occupancy is issued.

- iii. Class B manufactured homes must be underpinned. This underpinning may consist of vinyl or masonite materials manufactured for that purpose OR the home may be placed on a permanent foundation of masonry materials such as brick, block, or stone.
 - iv. The exterior siding shall consist of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
 - v. A deck or a porch of at least thirty-six (36) square feet in size must be located on the front of the home and must include steps.
 - vi. A legal non-conforming Class B mobile home may be replaced with a similar or higher class mobile home provided the replacement is permitted within 180 days of the removal of the existing Class B mobile home. The replacement mobile home may not increase any dimensional non-conformity enjoyed by the existing mobile home.
- (c) Dwelling, Mobile Home, Class C
 Before issuing a Zoning Compliance Permit for a Class C mobile home, the Planning Director shall certify the following:

Class C: Single or double-wide manufactured housing unit existing in the Town of Wallace prior to the effective date of this ordinance that meets the U.S. Department of Housing and Urban Development manufactured home construction standards, but does not meet the town's appearance criteria. Such manufactured homes may only be relocated to currently conforming mobile home parks that existed prior to the effective date of this ordinance. At that time, the home must be underpinned with either masonry materials or other products manufactured expressly for the purpose of underpinning and installed in accordance with the manufacturer's specifications.

L. ELECTRONIC GAMING

1. STANDARDS FOR EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) Electronic Gaming Operations are allowed as a primary use as established in the Table of Permitted Uses. No alcohol sales or consumption allowed for operations allowed as a primary use.
- (b) Electronic Gaming Operations are allowed as an accessory use with a Zoning Compliance Permit only when collocated with the following primary uses: restaurant A or C, Laundromat, bar, nightclub, or convenience store.
- (c) Any Electronic Gaming Operation must provide a written description of their good faith efforts to prevent minors from using the gaming terminals as part of their application materials. Efforts may include but are not limited to business operation methods, physical separation of terminals from other parts of the business, and the like.
- (d) To qualify as an accessory use within a primary use listed above, the Electronic Gaming Operation may not contain more than three (3) computer terminals or individual stations.
- (e) No Electronic Gaming Operation with four (4) or more computer terminals shall:
 - i. be established within one hundred (100) feet of a residentially zoned lot line or lot line of a parcel in residential use; or
 - ii. be established within two hundred and fifty (250) feet of any school, park, playground, library, or any areas where large numbers of minors regularly travel or congregate; or

- iii. be established within a two hundred and fifty (250) foot radius of another Electronic Gaming Operation.
- iv. have on-site sales and/or consumption of alcoholic beverages.

M. EVENT CENTER

1. STANDARDS FOR EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) The proposed uses must occupy a structure that exists on the applicant parcel before application is submitted.
- (b) The proposed use of the site shall not require a structural expansion or addition of more than fifty (50) percent of the gross floor area existing in the building to be used at the time of application and planned to be retained for use.
- (c) If a state, county or town license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been, or can be met; no building permit or certificate of occupancy for such use shall be issued until all other state, county and/or local permits required for the use are submitted to the Town.
- (d) If live or recorded music is allowed at events, no amplified sound and/or music shall be allowed outdoors after 9 PM or indoors after 12:00 AM (midnight).
- (e) The proposed methods of soundproofing the buildings must be sufficient to reduce noise from the interior of the building. The noise level at the property line shall not exceed forty-five (45) decibels.
- (f) Outdoor areas planned to be used in connection with the event center shall be located and buffered in such a manner as to protect neighboring uses from light, noise, and loss of privacy.

N. EXTENDED CARE FACILITY

1. STANDARDS FOR EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) All proposed structures shall appear residential in character.
- (b) The standards for building setbacks, landscaping, buffering, stormwater control, impervious surface limits, signage, parking, and lighting, for the Highway Business District shall apply regardless of the zoning classification of the site.
- (c) At least (10) percent of the gross parcel area shall be maintained as outdoor open space or park space. Areas dedicated to required buffers, storm drainage or detention shall not be considered open or park space.

O. FAMILY CHILD CARE HOME

1. STANDARDS OF EVALUATION

All family child care homes shall be licensed as required by the state and shall meet all applicable state requirements.

- (a) The principal person or persons operating the family child care home must reside in the dwelling on the premises.
- (b) The family child care home shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- (c) Notwithstanding any other limitation established by this Ordinance, a family care home may have one, unlighted freestanding sign not to exceed 8 square feet in area or 5 feet in height, otherwise in compliance with Section 6.19, *Signage*.

P. FENCE

1. STANDARDS OF EVALUATION

- (a) Fences which have a "friendly" (i.e., aesthetically pleasing) and "unfriendly" (i.e., aesthetically less pleasing) sides shall be constructed so the "friendly" side faces outward toward neighboring properties. The "unfriendly" side of a fence is that with the rails connecting pickets or posts.

- (b) Fences do not have to meet any setback standard, but must be located outside of a public right of way, or utility, access or drainage easement unless an encroachment agreement or other similar written authorization is provided. At the discretion of the Planning Director, fences maybe required to observe a minimal setback to allow maintenance without trespassing on neighboring properties.
- (c) Applicants seeking to erect fences are required to secure a Zoning Compliance Permit before construction.

Q. GROUP CARE FACILITY

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) Operators shall have licensing permit or letter stating that such licensing permit will be issued from the Duplin County Department of Social Services, Adult Home Specialist or such other County, state and/or federal agency as may have licensing jurisdiction over the operator.
- (b) The lot area shall conform to the minimum required for the zoning district and be sufficient to contain all required components.
- (c) The structure proposed shall have the appearance of a residential building, and any proposed structural alterations shall be of such a nature as to preserve the residential character of the building. The proposed changes or improvements of the property shall be in keeping with the residential nature of the area.
- (d) Parking areas are to be located to the side or rear of the building, shall meet the parking lot landscaping requirements in *Section 6.10, Landscaping*, and shall provide any screening required by *Section 6.17, Screening*, for neighboring uses as determined by the permit issuing authority.
- (e) Improved recreation areas shall provide screening to neighboring uses as required by *Section 6.17, Screening*, and as determined by the permit issuing authority.
- (f) The proposed use shall not be located within five hundred (500) feet of another existing group care facility.

R. HOME OCCUPATION

1. ALL HOME OCCUPATIONS SHALL COMPLY WITH THE FOLLOWING CONDITIONS:

- (a) A home occupation is the base of operations for the business and the primary function of the business takes place on the residential property for which the permit is issued. For example: an employee who telecommutes to their place of business in Wilmington is not engaged in a home occupation and does not require a home occupation permit, but the person who owns a computer consulting business and conducts business from their home does. A self-employed business owner who keeps his business records at his home and is contacted at his home to arrange work but does not do any of the job function at the home does not need a home occupation permit.
- (b) A home occupation is located within a dwelling unit or in an accessory building on the same lot or parcel as the dwelling unit. A home occupation involving the growing or raising of an agricultural product may also be allowed so long as the area outside of a structure involved in raising the product sold meets the area requirement below.
- (c) The area occupied by the home occupation shall not exceed 25 percent of the heated floor area of the dwelling unit to which it is accessory.
- (d) The principal person or persons providing the business or service must reside in the dwelling on the premises.
- (e) The operator of the home occupation may not employ more than two (2) non-resident persons on the premises.
- (f) The home occupation shall not cause or result in any change in the external appearance of the existing dwelling and structures on the property.
- (g) All vehicles used in connection with the home occupation shall be of a size, type customary for residential use, and shall be located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the surrounding area. No more than two (2) business-related vehicles may

be parked at the site of the home occupation. In no instance shall any vehicle with a gross vehicle weight exceeding 5,000 pounds be parked, stored, or otherwise maintained at the site of a home occupation.

- (h) Home occupations shall not result in regular and on-going business-related vehicular traffic to the home where located.
 - (i) There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
 - (j) There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
 - (k) The site of the home occupation shall not contain any outdoor display or storage of goods, equipment, or services associated with the home occupation.
 - (l) The home occupation shall not create adverse impacts on health, safety, or comfort of customers or neighboring residents which can be detected by the normal senses off the premises. Such impacts shall include but not be limited to fire or explosive hazards; interference with electronic communication; loud, raucous or disturbing noise; dust; odors; fumes; glare; or vibration.
 - (m) The home occupation shall not create or exhibit an increase in noise, traffic or parking demands markedly beyond that normally associated with a residential use.
2. Home occupations shall obtain a Zoning Compliance Permit in accordance with *Section 3.13, Zoning Compliance Permit*.
3. The following uses are not permitted as home occupations in residential zoning districts except as a legal non-conforming use:
- (a) Boarding of domesticated animals
 - (b) Dealerships for firearms or motor vehicles
 - (c) Motor vehicle maintenance, service, or repair
 - (d) Any use that will routinely generate five or more customers within one hour.
 - (e) Any use that is only permitted with a Special Use Permit if otherwise located.

S. JUNKYARD, VEHICLE

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) All storage areas on the site shall be secured by a fence at least eight (8) feet tall, uninterrupted except for required vehicle access points to prevent unlawful entry.
- (b) The landscape plan shows that all storage areas are screened so that a person six feet tall cannot see stored items when standing at ground level on all adjacent properties and the public right of way within 100 feet of the property line. This screening may be accomplished through any single or combination of methods approved by the permit issuing authority.
- (c) No outside work using motorized equipment or mechanical devices shall be allowed between the hours of 7:00 p.m. and 7:00 a.m.
- (d) Applicants shall provide noise level documentation for equipment used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.
- (e) There shall be no storage of materials closer than fifty (50) feet to a public right-of-way or residentially zoned property, nor closer than thirty (30) feet to non-residentially zoned property.

T. KENNEL, BOARDING

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) No part of any building, structure, or runway in which animals are housed or exercised shall be closer than one hundred and fifty (150) feet to a property line., The minimum distance from a property line

shall be fifty (50) feet if all portions of the facility in which animals are housed are wholly enclosed within a building.

- (b) Any kennel or runway which is not wholly enclosed within a building shall be encircled by a security fence at least six (6) feet in height.
- (c) The applicant shall provide written evidence of compliance with all applicable state standards, including copies of all state permits and approvals necessary to operate the kennel.
- (d) The proposed landscaping shall provide visual obstruction equal to a Type B buffer from adjacent property through new planting or existing vegetation.
- (e) The facility shall be designed in a manner to minimize visual contact between animals and outside influences. The number of windows and doors shall be kept to a minimum.
- (f) The facility shall be air conditioned.

U. MAIL ORDER HOUSE

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) No more than twenty (20) percent of the gross floor area of the structure can be used for retail sales to walk-in customers.

V. MANUFACTURING COMPLEX

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) Any use requiring a state air permit and/or local Significant Industrial User Pretreatment certificate shall provide a copy of the current permit for the operation with the application.
- (b) Average daily traffic and anticipated characteristics of vehicular traffic, particularly heavy truck traffic (three or more axels), anticipated to be generated by the use shall be submitted with the application.
- (c) Anticipated noise levels at property lines based on similarly situated uses in other locations. Movable equipment on site must be included in the calculation.
- (d) No outside work using motorized equipment or mechanical devices shall be allowed between the hours of 7:00 p.m. and 7:00 a.m.
- (e) Applicants shall provide noise level documentation for equipment used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.
- (f) Outside storage of materials and equipment is permitted if it meets the standards of *Section 6.11, Lighting Requirements*.
- (g) The distance to the nearest occupied dwelling unit and residentially zoned parcel shall be submitted.

W. MOBILE HOME PARK/MANUFACTURED HOME PARK

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) The minimum lot area of a new mobile home park shall be five (5) acres exclusive of any public rights-of-way.
- (b) The maximum number of units per forty thousand (40,000) square feet of lot area shall be seven (7). The minimum distances between mobile homes, the access road and property lines are as shown.
- (c) The owner and developers have submitted a plan to maintain the mobile home park.
- (d) The rules and regulations for the park tenants shall address, at a minimum, the following:
 - i. Accessory storage of goods;
 - ii. Outside storage of goods;
 - iii. Maintenance of units, skirting, lawns, parking areas, common facilities and recreation areas; and
 - iv. Non-functioning motor vehicles
- (e) Off-street parking spaces shall be provided as required in *Section 6.12, Mobile Home Parks*.

- (f) The proposed street names shall be approved by the Duplin County E-911 Addressing Department and shall not duplicate any other street name in the Town of Wallace's zoning jurisdiction. All street intersections shall have a road name sign for each intersecting street. The signs shall be made to conform to the existing street name signs erected by the Town.
- (g) Each unit in the park shall display the correct 911 address as per *Section 6.15, POSTING REQUIREMENTS FOR STRUCTURES*. The unit numbers shall be reflective and placed on the side of the unit facing the road. The park owner shall ensure that new units are numbered and that existing units maintain their numbers.
- (l) A school bus stop shall be provided at the entrance of the park. The space shall be a minimum of twelve (12) feet wide by twenty-four (24) feet long. There shall be a weather shelter of not less than fifty (50) square feet. This shelter may be in conjunction with central mail distribution boxes.
- (m) Mobile home parks shall comply with the active recreational facilities as per *Section 6.12(B)(18)* and usable open space requirements applicable to other multi-family developments as described in *Section 6.13, OPEN SPACE*.
- (n) All electrical, telephone and cable TV service lines shall be installed underground. Only those facilities such as transformers normally not buried may be above ground.
- (o) The lighting plan for the mobile home park shall meet the minimum requirements of the Ordinance.
- (p) Trash and recycling receptacles shall be provided in adequate numbers and locations to meet the requirements of this Ordinance.
- (q) The pedestrian circulation system shall connect each unit with all common areas in the park, with the off-street parking spaces and with the public road. The pathways shall be a minimum of three (3) feet wide and surfaced with an all-weather material such as asphalt or gravel. The number of intersections of the interior pedestrian pathways and the road system shall be kept to a minimum.
- (r) Each unit within the park shall have individual connections to the public water and sewer systems.
- (s) The water and sewer line extension plans have been approved by the State and the Town.
- (t) Each mobile home unit shall be skirted as per *Section 6.12, MOBILE HOME PARKS*, before a Certificate of Occupancy will be issued.
- (u) The landscape plan meets the requirements for a Type B buffer around the perimeter of the park.
- (v) The entrances and exits for the development are directly off a paved public road(s) which is either a collector or arterial street, and meet the driveway standards in *Section 6.9, DRIVEWAY CONNECTIONS*.
- (w) All other standards set forth in *Section 6.12, MOBILE HOME PARKS*.

2. Existing Mobile Home Parks

After the adoption of this Ordinance, existing mobile home parks must comply with *Section 6.12(F), NONCONFORMING PARKS*, in order to continue operation.

X. MOTOR VEHICLE FUEL STATION

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate application for the approval of this use:

- (a) The proposed hours of operation shall be consistent with the predominant uses in the area.
- (b) Subject to the limitation established in *Section 5.2(X)(1)(d)*, below, lots with frontage on more than one street shall be limited to one (1) driveway cut on the higher classified street. Additional driveway cut(s), if any, shall be on streets of lower classification. Driveways permits shall be approved by NCDOT for access to state roads.
- (c) Site plan shall show anticipated traffic pattern for vehicles entering, exiting and on the site, including pump islands, stacking space, additional parking spaces, and sidewalks and other pedestrian areas, with emphasis on vehicular and pedestrian safety;
- (d) Sites shall not have direct driveway connections to streets classified as arterial or collector.
- (e) Changeable message signs (1) will be permitted to display the price of fuel only and (2) may not exceed fifty (50) percent of the sign area for the use.
- (f) Gas station canopies shall be designed to be an integral part of the station architecture, and canopy lighting shall comply with the lighting requirements of *Section 6.11, LIGHTING*.

- (g) Gas station pumps may be placed at the rear of the lot when the use is combined with a convenience store, and the convenience store is located near the main street to shield the utilitarian pump canopy and highlight the building
- (h) Vehicle Accommodation/Pump Island
 - i. Within the Highway Business (HB) District and Industrial (i) District, motor vehicle stations may accommodate a maximum of twelve (12) vehicles at one time.
 - ii. In all other districts where the use is permitted, a maximum of eight (8) vehicles may be served at one time.

Y. MOTOR VEHICLE MAINTENANCE AND SERVICE

1. STANDARDS OF EVALUATION

The following specific standards shall be used in evaluating an application for the approval of this use:

- (a) The proposed hours of operation shall be consistent with the predominant uses in the area.
- (b) Lots with frontage on more than one street shall be limited to one (1) driveway cut on the higher classified street. Additional driveway cut(s), if any, shall be on streets of lower classification. Driveways permits shall be approved by NCDOT for access to state roads.
- (c) Service bay doors shall not be located on the building façade facing the public right-of-way or on pedestrian- oriented façades.
- (d) Applicants shall provide noise level documentation for equipment use outdoors on site.
- (e) The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

Z. MOTOR VEHICLE REPAIR

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) Areas for storage of vehicles awaiting repair shall be buffered from the public right-of-way.
- (b) Service bay doors shall not be located on the building façade facing the public right-of-way or on pedestrian- oriented façades.
- (c) No outside display or storage of retail goods is permitted unless approved as a combination use.
- (d) Applicants shall provide noise level documentation for equipment and sound system use outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

AA. MOTOR VEHICLE SALES/RENTAL

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) Outside displays shall not be permitted in designated parking spaces. Vehicles designated as available for sale, lease or rent shall not be parked or displayed in designated parking spaces required to meet the minimum parking requirements of this Ordinance.
- (b) Outside display of vehicles available for sale, lease or rent are considered “parked cars” and the display area must meet requirements for parking lots in terms of landscaping, vehicle maneuvering, and similar requirements.
- (c) No service, maintenance or repairs of vehicles is permitted unless approved as a combination use.
- (d) Applicants shall provide noise level documentation for any sound system used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

BB. NIGHTCLUB

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) The proposed methods of soundproofing the buildings must be sufficient to reduce noise from the interior of the building. The noise level at the property line shall not exceed forty-five (45) decibels.

- (b) There must be sufficient number of employees to maintain the safe and orderly operation of the establishment.
- (c) Live entertainment and amplified music shall cease no later than 1:00 a.m.

CC. OUTLET SALES

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) Outlet sales areas may not exceed ten (10) percent of the gross floor area of the building on the parcel where such sales are to occur.
- (b) Parking spaces shall be provided for outlet sales areas using the same formula for determining the required number of spaces as is used for retail sales. Parking spaces shall be conveniently located to the sales entrance.

DD. PARK, ATHLETIC AND PARK, COMMUNITY

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) The site plan shows there are no residential structures within one hundred (100) feet of any outdoor playing field (including but not limited to baseball fields, basketball courts, tennis courts, soccer fields, football fields, and spectator areas for such fields).
- (b) If there is no residential structure on the adjacent property, the outside boundary of the playing field must be set back at least fifty (50) feet from the property line. No structure associated with outdoor recreation activities shall be located within the setback required for the district in which the use occurs. Such structures include but are not limited to back stops, basketball or football goals, soccer goals, pavement for tennis or basketball courts, batting cages, bleachers, as well as picnic shelters, tables, swings, barbecue grills and playground equipment.
- (c) Athletic and community parks shall have a minimum lot area of five (5) acres, unless a lesser area is approved by the permit issuing authority upon good cause shown by the applicant to justify the reduction.
- (d) The lot size is adequate for the improvements proposed or required, and the lot provides room for adequate buffers and fencing. In particular, the applicant must show that adjacent property is protected from undue glare from outdoor lighting and trespass by patrons going to and from the park.
- (e) Security of park users and surrounding properties is addressed by balancing buffers and visual access into the park from adjacent lots and rights-of-way.
- (f) Proposed restroom facilities shall be adequate to accommodate the maximum number of participants expected.
- (g) The type of illumination for playing fields shall be designed and located to minimize the impact of glare on adjacent property and shall comply with the applicable lighting requirements of this Ordinance. All outdoor illumination associated with playing fields shall cease at 11:00 pm.

EE. PARK, CULTURAL AND PARK, NATURAL

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) Cultural parks shall have a minimum lot area of two (2) acres, unless a lesser area is approved by the permit issuing authority upon good cause shown by the applicant to justify the reduction.
- (b) The lot size is adequate for the improvements proposed or required, and the lot provides room for adequate buffers and fencing. In particular, the applicant must show that the adjacent property is protected from undue glare from outdoor lighting and trespass by patrons going to and from the park.
- (c) Security of park users and surrounding properties is addressed by balancing buffers and visual access into the park from adjacent lots and rights-of-way.
- (d) Proposed restroom facilities shall be adequate to accommodate the maximum number of participants expected.

- (e) All outdoor lighting shall be designed and located to minimize the impact of glare on adjacent property and be extinguished when the park is not in use.
- (f) All applicable site plan performance standards included in *Section 3.11, SITE PLAN REVIEW*, have been met.

FF. PARK, NEIGHBORHOOD

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) The lot size is adequate for the improvements proposed or required and sufficient to serve the population living within a ¼ mile radius
- (b) The site plan provides protection to neighboring uses in the form of buffers and fencing.
- (c) In particular, the applicant must demonstrate that the adjacent property is protected from undue glare from outdoor lighting and trespass by participants going to and from the park.
- (d) Security of park users and surrounding properties is addressed by balancing buffers and visual access into the park from adjacent lots and rights-of-way.
- (e) Parking spaces are not required because of proximity to intended users; however, some parking may be appropriate to accommodate guests.

GG. PERSONAL VEHICLE SALES

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) The proposed hours of operation shall consistent with the predominant uses in the area.
- (b) Applicants with lots having frontage on more than one street shall be limited to one (1) driveway cut on the higher classified street. Additional driveway cut(s), if any, shall be on streets of lower classification. Driveways permits shall be approved by NCDOT for access to state roads.

HH. PETROLEUM PRODUCTS, STORAGE AND DISTRIBUTION

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for the approval of this use:

- (a) When this use is operated in conjunction with retail sales and uses storage capacity is limited to no more than ten thousand (10,000) gallons for sale to retail customers.
- (b) When this use is operated only for sale to bulk customers or storage capacity exceeds ten thousand (10,000) gallons, retail sales and rental uses are allowed.
- (c) The amounts of petroleum products to be stored shall not exceed the capacity of the site to protect adjacent property from harm in an emergency. The proposed methods of handling the material shall be in accordance with accepted practices.
- (d) The Fire Marshal has reviewed and accepted the emergency response plan. The applicant shall have sufficient material to respond to an emergency or the fire department has the existing capacity to respond.
- (e) No existing structures on adjacent property shall be closer than one hundred and fifty (150) feet to any proposed storage vessel. No vessel shall be closer than one hundred (100) feet to a property line. Existing bulk storage facilities shall meet the standards set forth in the Fire Prevention Code as recommended by the American Insurance Association.
- (f) The site shall be secured, by a chain link fence with barbed wire or a wall with barbed wire, or other similar perimeter security barriers as approved by the permit issuing authority. The minimum height shall be eight (8) feet.
- (g) The system of drainage and dikes on site shall prevent the discharge of any stored products into streams on the property or on adjacent property. The impoundment basin shall be of sufficient volume to retain the volume of the largest storage vessel on the site. The dikes must be designed in such a manner as not to impede normal maintenance in and around the vessels or the response during an emergency.
- (h) The site plan must demonstrate that there will be no adverse environmental impacts on water quality.

- (i) A fire hydrant served by a minimum six (6) inch line shall be located within two hundred and fifty (250) feet of the main entrance to the proposed facility.
- (j) The storage facilities shall be screen from the public right-of-way and from adjoining properties by a Type B buffer.

II. PUBLIC UTILITIES

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of these uses:

- (a) The proposed landscaping shall provide a visual buffer equal to a Type B buffer from adjacent property through new plantings or existing vegetation.
- (b) The proposed site meets the needs of the applicant and minimizes potential adverse impacts on the adjacent property.
- (c) All required state agency approvals have been obtained, and the proposed operators have been or will be certified by the appropriate state agency; no certificate of occupancy shall be issued until proof of such certification has been submitted to the Town.
- (d) Public convenience and necessity shall be served by this facility if installed as proposed.
- (e) All outside storage areas and treatment facilities are fenced with a minimum eight (8) foot high cyclone fence topped with barbed wire, or similar perimeter security satisfactory to the permit issuing authority
- (f) The architectural elevations of the buildings show that the buildings preserve the character of the surrounding area to the maximum extent practicable.
- (g) All structures except public water storage facilities are set back at least one hundred (100) feet from the property line. Elevated public water storage facilities shall observe a setback equal to the greater of the height of the storage facility or the setback required in the district where the facility is located.
- (h) All electric power, telephone, gas distribution, and cable television lines serving new development and/or new structures shall run underground from the point of connection with the existing main lines to all structures on the lot served by those lines. Such lines shall be placed underground in accordance with the specifications and policies of the respective utility companies.
- (i) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby properties, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden, expense or unnecessary duplication of service.
- (j) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

JJ. RECREATIONAL FACILITY

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) Applicants shall indicate the maximum building capacity and the expected peak usage times including capacities and peak usage for all outdoor facilities, fields or courts included as elements of the facility.
- (b) Shared parking with adjacent uses that have different peak usage times is encouraged.
- (c) Outdoor facilities, fields, and courts located within one thousand (1000) feet of residential uses shall not be used after 10:00 PM unless specifically authorized at the time of permit approval.
- (d) The public use portion of outdoor facilities, fields, and courts shall observe a fifty (50) foot setback from property lines when adjacent to property in residential use.
- (e) The setback requirement stated above is a presumptive setback, and may be expanded or reduced based on the particular circumstances of each application. In determining the appropriate setback for a particular situation, the Town must consider the impacts of noise, lights, and loss of privacy on neighboring properties. Mitigation measures may include, but are not limited to: grade change, landscaping, fencing, operations modifications and details.

- (f) In reviewing applications, the Town will balance the need for security and the impact of the proposed use on the surrounding neighborhood.

KK. RESTAURANT (TYPES A, B, AND C)

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) Outdoor eating areas shall be buffered, screened, landscaped, or otherwise located to protect patrons and adjacent properties from adverse impacts, and to provide a pleasant experience to the patrons. This standard may not apply in the Central Business (CB) District.
- (b) Outdoor play or recreation areas shall be located on a pedestrian façade.
- (c) Changeable message signs are prohibited.
- (d) Drive-up windows and ground-mounted menu boards shall not be located on the primary or pedestrian oriented façades.
- (e) Stacking space for drive-up areas shall not inhibit traffic flow on the site.
- (f) Restaurants proposed in the Neighborhood Business (NB) district shall provide information about their seating capacity, hours of operation, provision of drive-up or delivery service, on-site food preparation, special events offered, and service of alcoholic beverages to determine the use's compliance with the intent of the Neighborhood Business district.
- (g) Applicants shall provide noise level documentation for any sound system used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities

LL. RETAIL SALES AND RENTAL

1. STANDARDS OF EVALUATION

The following specific standards shall be used in evaluating an application for approval of this use:

- (a) Areas proposed for outside storage and display of retail items shall be clearly delineated on the site plan.
- (b) Areas proposed for outside display and storage of retail items shall be located in a fenced or buffered area.
- (c) Fenced areas must be enclosed on all sides by fencing or buildings, may be open to the sky, and the fence must be of adequate height to secure the area, but shall not exceed 8 feet in height.
- (d) Outside displays may not encroach on pedestrian ways, fire lanes, required parking spaces, travel lanes, or landscaped areas.

MM. ROOMING / BOARDING HOUSE

1. STANDARDS OF EVALUATION

The following specific standards shall be used in evaluating an application for approval of this use:

- (a) Each unit within a rooming/boarding house shall have direct access to a hall or exterior door.
- (b) If a state, county or town license or permit is required to operate such a facility, the standards necessary to qualify for such permit must be met, and such permit issued before a final Certificate of Occupancy is issued.

NN. SCHOOL: ELEMENTARY, MIDDLE, & SECONDARY

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) Structures, driveways, and other significant physical features within one hundred (100) feet of property line of this project are protected from adverse impacts as required by this Ordinance.
- (b) Schools shall be located a minimum of one thousand (1,000) feet from established adult uses.

OO. SOLAR ENERGY FACILITY

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) Fencing. The proposed Solar Energy Facility shall be enclosed by a fence at a minimum of six (6) feet in height.
- (b) Screening. The proposed Solar Energy Facility shall be screened with plant material that will attain the height of the fence within a three (3) year period after the facility is built. This distance, location, and screening requirements shall be at the recommendation of the Planning Director and at direction of the Town Council under the special use permit.
- (c) Lighting. Lighting shall be such that it is not directed onto any adjacent properties or right-of-ways.
- (d) Parking. There must be an area designated outside the DOT right-of-way to accommodate a minimum of three (3) maintenance vehicles.
- (e) Removal. Solar Energy Facilities shall be removed at the owner's expense within 180 days when it is deemed that the area is no longer maintained in an operable state of good repair.
- (f) Safety Hazards. Solar Energy Facilities shall not create a visual safety hazard for passing motorist.
- (g) Setbacks. Solar Energy Facilities and structures shall conform to the principal building setbacks of the underlying zoning district which they are located.
- (h) Structures shall not exceed twenty (20) feet in height as measured from the grade at the base of the structure to its highest point.

PP. SUBDIVISION, CONSERVATION

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) The site plan shall identify and protect existing "irreplaceable nature features" on the site. These areas shall be designated Open Space in accordance with *Section 6.13, OPEN SPACE*.
- (b) The development plan sets aside a minimum of 35% of the gross parcel area in land that meets the standards for open space
- (c) The development plan creates no more 100 dwelling units, including accessory units in detached structures
- (d) Individual lots have no required minimum area or width, provided each lot meets the minimum street frontage requirement and the density limit for the zoning district as calculated in Section 6.3, General Dimensional Standards.
- (e) Individual lots observe a minimum front yard setback of 15' and side and rear setback of
- (f) 10' each, or such other setbacks approved by the permit issuing authority that meet fire and building code requirements.
- (g) Any new public street conforms to the town design specifications for that street type.
- (h) At least 20 new lots, including any remainder of the original parcel being subdivided, are being created within a five year period.
- (i) The relevant development standards in *Section 6* are met or reasonably can be met.
- (j) A map or plat suitable for recording in the Register of Deeds shall be submitted. The map must be prepared according to applicable Surveying and Register of Deeds Standards.

QQ. SUBDIVISION, MAJOR

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) The preliminary subdivision plan shows lots that conform to the minimum lot size and width requirements shown in *Section 6.3, General Dimensional Standards*.
- (b) Any new public street to be constructed as part of this proposal conforms to the town design specifications for that street type.
- (c) At least five (5) new lots, including any remainder, are being created from the parent tract within any five year period for a Major Subdivision.
- (d) The relevant development standards in *Section 6* are met or reasonably can be met.

- (e) A map or plat suitable for recording in the Register of Deeds shall be submitted.

RR. SUBDIVISION, MINOR

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category, except for statutory expedited minor subdivisions as provided in subsection (e) below:

- (a) The preliminary subdivision plan shows lots that conform to the minimum lot size and width requirements as shown in *Section 6.3, General Dimensional Standards*.
- (b) Any new street to be constructed as part of this proposal conforms to the town design specifications for that street type.
- (c) No more than four (4) lots, including any remainder, shall be created from the parent tract within any two year period. The creation of a fifth (or more) lot within a five year period shall cause the subdivision to be processed as a Major Subdivision.
- (d) A map or plat suitable for recording in the Register of Deeds shall be submitted.
- (e) Only a final plat for recordation, to be approved by the Planning Director, shall be required for the division of one existing parcel of land under single ownership that is not exempt per G.S. 160D-802(a); (1) where no part of the tract or parcel to be divided has been divided in the 10 years prior to the proposed division; (2) the entire area of the tract or parcel to be divided is greater than 5 acres; (3) after division, no more than three lots result from the division and all resultant lots comply with all lot dimension size requirements of the applicable zoning district and the use of the lots is in conformity with the applicable zoning district; and (4) a permanent means of ingress and egress is recorded for each.

SS. STORAGE AND WAREHOUSING, OUTDOOR

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of this use:

- (a) Storage areas shall be located behind buildings or screened from adjacent property and public right-of-way with a solid screen at least six (6) feet in height.
- (b) Solid screens may be one or a combination of fences, walls, vegetation, topographical change, or berms. Fences and walls must be opaque and vegetation must be kept in healthy condition.
- (c) No item defined by this Ordinance or in the Town Code as "solid waste" may be stored on a site.
- (d) No hazardous materials may be stored unless specifically authorized by the State Fire Code and necessary for operations in the ordinary course of business for the principle use on the site.
- (e) All outside storage areas shall be clearly indicated on submitted site plans and storage must be confined to designated areas.

TT. TELECOMMUNICATION TOWER

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval:

- (a) Adjacent to residential zoning districts, minimum setbacks from the base of the tower to the property boundary shall be equal to the height of the tower. The setback may be reduced to no less than one-half of the tower height if easements for the remaining setback distance are granted by adjoining property owners, provided that no residence may be located within a distance equal to the height of the tower measured from the base of the tower.
- (b) Adjacent to non-residential zoning districts, minimum setbacks from the base of the tower to the property boundary shall be equal to fifty (50) percent of the height of the tower. The setback may be reduced to no less than twenty (20) percent of the tower height if an engineer certifies that the proposed setbacks are sufficient to contain the tower in the event of collapse.
- (c) A Type B buffer shall be provided between the base of the tower (including all base station equipment) and adjoining property. Existing vegetation may be removed only to the extent necessary to accommodate the tower, equipment buildings, and support structures such as guy wires.

- (d) No structures may be located within the required tower setback area, except those structures which are accessory to the tower.
- (e) The site plan shall reserve space for at least one (1) equipment building in addition to that proposed for use by the applicant in order to accommodate and encourage collocation opportunities.
- (f) Security fencing shall be provided around the tower base or around the perimeter of the site.
- (g) The applicant shall provide a written explanation documenting how or why the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower. Such written explanation shall, at a minimum, address the following issues:
- (h) The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers. The applicant must address whether any existing tower serving the area can be reinforced to accommodate planned or equivalent equipment at a reasonable cost.
- (i) The planned equipment would cause radio frequency interferences with other existing or planned equipment for existing towers and the interference cannot be prevented at a reasonable cost.
- (j) Existing or approved towers do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing or approved equipment.
- (k) No tower or other suitable facility exists in an area where the equipment to be placed on the tower will function in its intended manner.
- (l) The proposed telecommunications tower shall be structurally designed to support at least one (1) additional user, and the required Special Use Permit shall include a statement that the owner of the tower will require all users of the tower to permit other user(s) to attach communication facilities which do not interfere with the primary purpose of the tower, provided that such other users agree to negotiate commercially reasonable terms for shared use of the facility. The color of the tower shall be of light tone, except to the extent required by law, so as to minimize its visual impact.
- (m) The tower shall not be artificially lighted unless required by the FAA, FCC or other federal or state agency having jurisdiction.
- (n) Although the height of the tower and antenna may exceed the maximum height of the zoning district, neither will unreasonably interfere with the view of/from any historic site, scenic road, or major view corridor. The height, design, placement, or other characteristics of the proposed tower shall be designed in a manner to minimize the intrusive visual impact on the surrounding area.
- (o) Towers and appurtenant fixtures with expired communication licenses shall be removed within twelve (12) months of the license expiration, or within 12 months of the cessation of active telecommunications use of the tower for any reason. The Special Use Permit shall include a requirement that the applicant record a removal agreement to ensure compliance with this requirement. The approved permit will also list the Planning Department as a recipient of all license renewal notices.

UU. TRANSMISSION LINE

1. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of new high voltage electric transmission lines in the Town's zoning jurisdiction:

- (a) The width of the right-of-way is sufficient to protect for existing structures on adjacent property from tower collapse, effects of electromagnetic fields, and transmission line failure.
- (b) The methods of the proposed right-of-way maintenance protect adjacent property owners and property from herbicide damage due to herbicides and other maintenance methods and chemicals.
- (c) The public convenience and necessity shall be served by this facility if installed as proposed.
- (d) The applicant has submitted an emergency response plan which protects adjacent properties and the environment from accidental or natural disaster.

VV. USE REQUIRING SPECIAL USE PERMITS BASED ON THE SIZE, INTENSITY, OR LOCATION OF THE USE

1. INTENT

This section establishes submittal requirements and standards of evaluation for the Town Council to use in reviewing Special Use Permits for uses requiring such permit, but for which specific standards are not stated in this section.

2. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) The written description of the operation indicates that the use is permitted either as of right or as a Special Use within the zoning district.
- (b) Any use requiring a state air permit and/or local Significant Industrial User Pretreatment certificate shall provide a copy of the current permit for the operation with the application.
- (c) Average daily traffic and anticipated characteristics of vehicular traffic, particularly heavy truck traffic (three or more axles), anticipated to be generated by the use shall be submitted with the application.
- (d) Applicants shall provide noise level documentation for equipment or vehicles used outdoors on site, if any. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.
- (e) The distance to the nearest occupied dwelling unit and residentially zoned parcel shall be submitted.

WW. YARD SALES

1. INTENT

It is the intent of this section to protect and promote the public health, safety, aesthetics, and general welfare of the Town of Wallace by regulating the number of yard sales permitted within the Town's jurisdiction.

2. STANDARDS OF EVALUATION

The following specific standards shall be used to evaluate an application for approval of uses in this category:

- (a) It shall be unlawful for residents of residential districts to conduct more than six (6) yard sales per year, neither of which shall exceed two (2) days in length. No permitting is required for this use.
- (b) It shall be unlawful for any person, property owner, or business owner to conduct any yard sale in any non-residential district, including the Highway Business (HB), Neighborhood Business (NB), Central Business (CB), or Industrial (I) districts.
- (c) Any signs are subject to the regulations contained in Section 6.19 of this Ordinance.

3. PENALTY

Penalties as set forth in *Chapter 9, ENFORCEMENT*, shall apply to violations of yard sale requirements.