

## ARTICLE 6

### ADDITIONAL CONDITIONS FOR CERTAIN USES

***Note:** These conditions apply only to uses “Permitted with Conditions” or by “Special Use Permit” in the applicable zoning district as listed in Section 4.6, Table of Permitted Uses.*

#### 6.1 Adult Establishments

- (A) All windows, doors, openings, entries, etc. for all adult establishments shall be so located, covered, screened 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.
- (B) No adult establishment shall be established within 1,000 (determined by a straight line and not street distance) of the closest boundary of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal straight line distance from the closest point on the boundary line of the property occupied by the adult establishment.
- (C) No adult establishment shall be located within 1,000 foot (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.
- (D) Screening shall be required around the entire perimeter of any adult use, regardless of adjacent zoning district or existing land uses. The screening shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years. This screening shall be located in a 15 foot wide buffer.
- (E) Supplemental Site Plan Requirements.
  - 1. Location of existing structures on property within 1,000 feet of exterior wall(s) of the regulated use.
  - 2. Zoning of properties within 1000 feet of each property line of the regulated use.
  - 3. Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this chapter.
- (F) Operational Considerations.
  - 1. If applicable, all viewing booths shall be open and be visible to the manager(s) of the establishment.
  - 2. If applicable, there shall be a minimum separation of six (6) feet between patrons and performers.

3. Masseuses and servers of food and beverage shall at all times wear a shirt and pants.
4. No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

#### 6.2 Amusements, Commercial, Outdoor

- (A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential district.
- (B) No permanently established amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of the closest point of any abutting property located in a residential district.
- (C) Hours of operation shall be no earlier than 8 am and no later than 12 midnight.

#### 6.3 Assembly Halls, Coliseums, Armories, Ballrooms, Reception Halls and Exhibition Buildings

- (A) The facility shall have direct access to a major arterial roadway.
- (B) All facilities shall be located at least 100 feet from any lot line and 300 linear feet from a residential district.

#### 6.4 Auto Wrecking Yards, Building Material Salvage Yards and Scrap Metal Processing Yards

- (A) A minimum of two (2) acres for the site shall be provided.
- (B) The site shall be completely enclosed by a solid or opaque fence in conjunction with required landscape materials. The fencing shall extend from the surface of the ground to a uniform minimum height of at least six (6) feet from the ground at any given point. All business activity, including storage of vehicles or other materials, shall be conducted within the fenced area.
- (C) No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9 pm and 7 am.
- (D) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

#### 6.5 Bed and Breakfast Establishments

- (A) The structure housing the bed and breakfast inn shall be pre-existing at the time of special use approval. No physical expansions of the residential structure shall be allowed to accommodate the bed and breakfast inn.
- (B) Meals served shall be limited to breakfast only. Meals shall be available to guests of the bed and breakfast inn only. Cooking facilities within individual guest bedrooms shall not be allowed.

- (C) One off-street parking space per guest bedroom shall be required in addition to the spaces required for the single-family residential structure itself. All off-street parking spaces shall be located on-site.
- (D) One on-premises sign advertising the bed and breakfast inn shall be allowed. The sign may be attached or free standing and have an area of no greater than four (4) square feet.

6.6 Cemetery

- (A) A minimum of three (3) contiguous acres shall be required to establish a cemetery not located on the same tract of land as a church or place of worship.
- (B) Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least 20 feet any side or rear lot lines in cemeteries (or cemetery expansions).
- (C) Principal access shall be from a collector street or higher capacity street.
- (D) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than 20 feet from any side lot line abutting a residential district and 40 feet from any such rear lot line.

6.7 Church or Religious Institution

- (A) 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.
- (B) Convents, rectories, parsonages or similar uses may be placed on the site as accessory uses.
- (C) Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted. 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.

6.8 Civic, Fraternal, Cultural and Community Facilities not otherwise listed

- (A) Such use shall have direct access to an arterial or collector street.
- (B) No active parts of the site (buildings, parking, recreational areas, etc.) are permitted within 50 feet of an adjacent single-family residential use.
- (C) An auditorium or assembly hall is only permitted provided that:
  1. Such use is permitted as a principal use in the district, or

2. Such use is limited to a seating capacity of no more than 150 people.

6.9 Club or Lodge, Private Non-Profit

- (A) Private clubs shall be open to members of the club and their guests only.
- (B) Hours of operation shall be no earlier than 10 am and no later than 11 pm when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.
- (C) Outdoor seating areas shall not be permitted adjacent to a public street or within 250 feet of a residential use or a residentially zoned lot.
- (D) Outdoor entertainment areas, except areas devoted strictly to seating, shall not be permitted.
- (E) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the club.

6.10 College or University

- (A) Colleges/universities shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated by the college/university.
- (B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs a minimum of three (3) feet in height (expected height at maturity a minimum of six (6) feet), six (6) feet on center at installation.

6.11 Community Center

- (A) Any community center having a seating capacity in excess of 250 persons shall have direct access to a major or minor arterial.

6.12 Congregate Care Facility

- (A) Any facility which is licensed to have more than 20 residents shall maintain a side setback of at least 20 feet and a rear setback of at least 40 feet when the side or rear yard is in or abuts a residential district.
- (B) Driveway access to accessory structures shall be through the main entrance to the facility.

- (C) Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (D) Any portion of a building, which contains living areas, shall be set back a minimum of 15 feet from internal driveways and parking areas.
- (E) No single building shall be greater than 15,000 square feet if located within 200 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.
- (F) Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended to mimic traditional wood siding used on residential structures, or unfinished concrete block be permitted.

#### 6.13 Daycare, Center

- (A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum 20 foot setback as measured from the abutting street right-of-way line shall be required.
- (B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four (4) feet in height.
- (C) Outdoor activities are limited to the fenced area between 8 am and 8 pm.
- (D) At least one (1) off-street passenger loading/unloading space separate from required parking shall be provided for each 20 people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

#### 6.14 Donation Drop Boxes

Donation Drop Boxes shall meet all of the following regulations:

- (A) Operated by a recognized non-profit organization (IRS Section 501 (c)(3));
- (B) Display the owner's name and phone number in a prominent location on the donation drop box and list charitable activities that will benefit from the donation;
- (C) Located on a developed lot that is owned or leased by a nonprofit group who maintains the boxes;
- (D) Located no closer than 20 feet to any public street right-of-way;
- (E) Constructed of noncombustible material and be watertight and properly maintained;
- (F) Removal of any donations left outside of the box within 36 hours;
- (G) Not located on any required parking space or landscaped area;

- (H) Obtain a Town of New London special use permit prior to placement (is necessary).

#### 6.15 Group Home

- (A) Management. If not State licensed, the Family Group Home A or B shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, and on-premises management/supervisory personnel.
- (B) Spacing. The zoning lot on which the group home or care facility is proposed shall not be located within a one-half (1/2) mile radius of a zoning lot containing another such facility

#### 6.16 Home Occupations

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

- (A) The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
- (B) No accessory buildings or outside storage shall be used in connection with the home occupation.
- (C) Use of the dwelling for the home occupation shall be limited to twenty-five percent (25%) of the area of the principal building.
- (D) Residents of the dwelling plus a maximum of one (1) non-resident may be engaged in a home occupation or otherwise report to work at the dwelling.
- (E) A maximum of two (2) items for sale or display may be placed outdoors on the lot. Each item may bear a "for sale" or similar sign no greater than four (4) square feet area. These regulations regarding signs and display shall not be valid for honey, fruit and vegetable stands so long as the honey, fruit or vegetables are grown or produced on the lot on which the fruit stand is located. Said fruit stand may have only one sign which shall be no greater than four (4) square feet on area indicating that honey, fruit and/or vegetables are for sale.
- (F) No external alterations inconsistent with the residential use of the building shall be permitted.
- (G) Only vehicles used primarily as passenger vehicles (i.e., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
- (H) Chemical, mechanical, or electrical equipment that creates odors, light emission, noise, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.

- (I) Customary home occupations may be conducted in an accessory building subject to the issuance of a Special Use Permit by the Town Board, after having first been submitted to the Planning Board for review and recommendation.
- (J) All home occupations shall normally be in operation between the hours of 7:00 am and 9:00 pm only.
- (K) All customary home occupations shall require the issuance of a certificate of occupancy by the Administrator.

#### 6.17 Home Occupations, Rural

- (A) A building containing a rural home occupation shall be located in the rear yard only at least 100 feet from any existing residence on an adjacent parcel and land at least 50 feet from any side or rear property line which abuts a Residential (R) district. If the lot containing a rural home occupation abuts a Business (B) or Manufacturing (M) district, the side and/or rear yard setbacks normally prescribed for said lot shall be followed.
- (B) A rural home occupation shall have a maximum area equal to one-half (1/2) the ground floor area of the principal structures or 800 square feet, whichever is smaller.
- (C) No outside storage of materials shall be permitted.
- (D) Chemical, mechanical or electrical equipment which creates odors, light emission, noise or interference in radio or television reception detectable without the use of instruments beyond the lot shall be prohibited.
- (E) No display of products shall be visible from a public street and only articles that are made on the premises may be sold (except as permitted on Section 6.16 (E)). Sales of products are limited to those made on the premises and/or those which are necessary to the service being provided (except as permitted in Section 6.16 (E)).
- (F) No more than one customary home occupation or rural home occupation may be conducted on a lot.
- (G) The operator of the rural home occupation must reside on the same parcel of land upon which the rural home occupation is located.
- (H) No more than two (2) people who do not reside on the premises may be employed by the rural home occupation.
- (I) Only vehicles used primarily as passenger vehicles (i.e., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the rural home occupation.
- (J) All rural home occupations shall normally conduct business between the hours of 7:00 am and 9:00 pm only.

#### 6.18 Internet Sweepstakes Cafes/Establishments

- (A) Maximum Number of Machines: No more than five (5) machines shall be allowed per establishment.
- (B) Separation from Other Internet Sweepstakes Cafes/Establishments: Internet sweepstakes establishments/cafes shall be located no closer than 500 feet from any other internet sweepstakes establishment/café.
- (C) Age Restriction: No one younger than 18 years old shall be allowed inside of an internet sweepstakes establishment/café.
- (D) All internet sweepstakes establishments/cafes shall normally conduct business between the hours of 8:00 am and 10:00 pm only.

#### 6.19 Kennels

- (A) Any structure which houses animals which is not fully enclosed shall be located at least 100 feet from any lot line.
- (B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line.
- (C) Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height, which shall include primary enclosure of runs.
- (D) A maximum of 12 dogs shall be permitted in outside runs.

#### 6.20 Laboratory, Research

- (A) All research laboratories shall meet any Federal and State regulations and obtain any required permits necessary to operate.

#### 6.21 Livestock Sales and Storage

- (A) Use Separation: All structures, buildings or enclosed area, used for the operation shall be a minimum of 100 feet from all property lines.
- (B) Noise: Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (C) Dust: All unpaved storage area shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (D) Fencing: Security fencing shall be provided around all outside storage areas.

#### 6.22 Manufactured Home Park



- (A) The minimum area of a manufactured home park shall be at least five (5) acres. All manufactured home parks shall contain a minimum of ten (10) designated manufactured home spaces. No more than one (1) manufactured home per manufactured home space is allowed. The maximum density of a manufactured home park shall be eight (8) manufactured homes per acre.
- (B) A manufactured home park shall have all access off of a publicly dedicated street.
- (C) The following dimensional and yard requirements within the manufactured home park shall be required.
  - 1. No manufactured home shall be located within 40 feet of any front, rear or side property line nor within 20 feet of any right-of-way line of any interior street within the manufactured home park.
  - 2. The minimum side yard for any manufactured home space shall be ten (10) feet; the minimum rear yard for any manufactured home space shall be 20 feet.
  - 3. Accessory structures may only be located in any non-required side or rear yard.
  - 4. All manufactured home spaces shall have a minimum area of 4500 square feet.
- (D) All manufactured homes shall have continuous brick, cinder block, concrete block, stucco, stone, or other underpinning specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door. Such underpinning shall be installed under all elements of the building. The tongue shall either be removed or screened from view.
- (E) All streets within the manufactured home park shall be paved and privately maintained. All streets must be at least 20 feet wide, measured from edge of pavement to edge of pavement, and graded to a width of at least 30 feet for two-way traffic.
- (F) The manufactured home park must be designed and graded in such a manner as to allow for the adequate runoff of storm water. Storm drains must be provided with sufficient inlets located at points of surface water accumulation to adequately intersect surface flow.
- (G) A manufactured home park must be equipped with electricity, water and sanitary waste disposal facilities so that convenient, safe and sanitary connections may be made with each manufactured home in the park.
- (H) Two (2) parking spaces with not less than four (4) inches of crushed stone or gravel or other suitable material on a well compacted sub-base shall be provided and maintained for each manufactured home space. Alternative parking arrangements can be made or supplemented with community parking bays. Each parking space in these bays shall be a minimum of 180 square feet in area.
- (I) Each manufactured home must be placed on a permanent stand and shall be subject to the following specifications:

1. The location of each manufactured home stand shall be at such elevation, distance angle in relation to the parking bay and to the adjacent access drive, that placement and removal of the manufactured home is practical by means of customary moving equipment.
  2. Attached structures such as an awning, cabana, storage cabinet, carport or windbreak, or a porch which has a floor area exceeding 25 square feet and is roofed shall, for purposes of all separation requirements, be considered to be part of the manufactured home and shall observe all required setback provisions.
- (J) All manufactured homes shall bear a valid seal indicating conformance with the 1976 National Manufactured Housing Construction and Safety Standards Act (as amended).
- (K) One (1) covered garbage and trash container of at least 30 gallon capacity shall be provided for each manufactured home. Containers shall be placed on racks which shall be located within the manufactured home park at a point or points which are readily accessible for collection. In lieu of requiring individual garbage and trash containers for each manufactured home, other approved garbage and trash disposal facilities may be provided.
- (L) Screening shall be provided around the entire manufactured home park in accordance with Section 9.5 of this Ordinance.
- (M) Any expansion of a manufactured home park shall be in conformance with all applicable portions of this Section.

#### 6.23 Manufactured Home Subdivision

- (A) All lots shall be arranged and all homes oriented to insure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the Zoning Administrator.
- (B) Only Class A manufactured homes are permitted in manufactured home subdivisions.

#### 6.24 Manufactured Home, Temporary

- (A) Temporary manufactured homes shall only be permitted for reasons of personal hardship defined as:
1. A short-term medical emergency within the immediate family.
  2. Cases of fire or destruction of a primary residence requiring temporary relocation.
- (B) Homes shall be permitted for a period not to exceed 24 months.
- (C) All homes shall be placed on the lot in harmony with existing site-built structures.

- (D) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; vinyl; or painted wood or metal to match dwelling. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

6.25 Manufacturing or Processing C

- (A) No structure or manufacturing operation shall be located within 50 feet of any property line nor within 150 feet of abutting property located in a residential district or developed for residential use.
- (B) Vehicular access to the proposed use shall be provided by an arterial roadway.
- (C) Where permitted as an accessory use in conjunction with a building, the area of open storage shall be no closer than 50 feet from any abutting street right-of-way.
- (D) Where permitted as a principal use on a lot, the area of open storage shall be no closer than 25 feet from an abutting street right-of-way.
- (E) All areas established for outdoor storage located within 100 feet from a public street right-of-way and from all abutting properties not used by a manufacturing or processing business, including security fencing of such areas, shall be screened from view from the public street(s) by an opaque screen a minimum of six (6) feet in height.

6.26 Motor Vehicle Paint or Body Shop

- (A) Motor vehicle paint and/or body shops are limited to a maximum area of one (1) acre.
- (B) No repair work shall be done on motor vehicles while stored in an outdoor storage yard.
- (C) Fencing shall be set back a minimum of ten (10) feet from public street rights-of-way.
- (D) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.
- (E) Spray booths shall be constructed and operated in accordance with all state and federal environmental regulations.
- (F) A motor vehicle paint and/or body shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this article for such yards.

6.27 Motor Vehicle Sales, Rental and Leasing

- (A) All signs on the site shall conform to the standards of Section 10.6 - Non-Conforming Signs, if present anywhere on the site, shall be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
- (B) Vehicles for sale or lease may be displayed in the established front yard under the following conditions:
  - 1. All new display areas must be on a paved surface; and
  - 2. No vehicle shall be displayed within 10 feet of the street right-of-way; and
- (C) Outdoor storage of vehicles in process of repair and vehicles for sale or lease that are in the process of dealer preparation for buyer/lessee pick up are permitted as follows:
  - 1. Such storage areas are exempt from the interior landscaping requirements for parking lots. However, the perimeter landscaping requirements of parking lots shall apply to such storage areas; and
  - 2. Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
- (D) Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).
- (E) Outdoor lighting shall meet all of the following requirements:
  - 1. The maximum height for lighting (pole mounted and wall mounted) shall be 20 feet, including the base/mounting fixture;
  - 2. Floodlights are not permitted for parking lot illumination;
  - 3. Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices; and
  - 4. Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of -way are prohibited.

6.28 Motor Vehicle Repair and Maintenance

- (A) The lot containing such use shall be located at least 200 feet from any residential use or residentially zoned lot.
- (B) A motor vehicle repair and maintenance shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this article for such yards.

6.29 Motor Vehicle Storage Yard

- (A) A motor vehicle storage yard created or expanded after the adoption date of this article shall have an enclosed storage area not exceeding one (1) acre.
- (B) No repair work shall be done on motor vehicles while stored in the storage yard. No parts or other articles shall be removed from the vehicles except for security purposes, nor shall any parts or articles be sold. The sale of whole vehicles shall be permitted only to satisfy a mechanic's lien or by order of a law enforcement agency.
- (C) Fencing shall be set back a minimum of ten (10) feet from public street rights-of-way.
- (D) Vertical stacking of motor vehicles is prohibited.
- (E) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.
- (F) Tractor-trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in motor vehicle storage yards located in the M-2 district. A motor vehicle storage yard which stores a tanker which has contained a hazardous substance shall be enclosed by a minimum six (6) foot high fence which shall be locked during non-operating hours. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required. No tanker shall be stored closer than 300 feet from any residential zoning district or lot containing a legal conforming residential use.

6.30 Nursing Care Institution

- (A) Any facility which is licensed to have more than 20 residents shall maintain a side setback of at least 20 feet and a rear setback of at least 40 feet when the side or rear yard is in or abuts a residential district.
- (B) Driveway access to accessory structures shall be through the main entrance to the facility.
- (C) Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (D) Any portion of a building, which contains living areas, shall be set back a minimum of 15 feet from internal driveways and parking areas.
- (E) No single building shall be greater than 15,000 square feet if located within 200 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.
- (F) Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended

to mimic traditional wood siding used on residential structures, or unfinished concrete block be permitted.

6.31 Park and Open Space Areas, including Athletic Fields

- (A) Hours of operation of park and open space areas, including athletic fields will be no earlier than 6 am and no later than 10pm for uses located in or abutting a residential district.
- (B) Service areas (i.e. trash containment) shall be separated by an opaque screen from the view from any street and from abutting properties.
- (C) Outdoor lighting associated with athletic fields shall not shine directly into yards of a residential use nor into the windows of a residential structure.
- (D) Outdoor speaker systems shall not be permitted between the hours of 10 pm and 8 am without the express written consent of the New London Town Board.

6.32 Progressive Care Facility

- (A) Accessory buildings shall only include accessory dwellings containing no more than four (4) dwelling units, recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings, the use of which shall be for congregate or nursing care.
- (B) Driveway access to accessory structures shall be through the main entrance to the community.
- (C) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (D) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.
- (E) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the progressive care community.
- (F) Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors. Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding not intended to mimic traditional wood siding, or unfinished concrete block be permitted.
- (G) No single building shall be greater than 15,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

- (H) No site shall have a density greater than ten (10) units per acre for accessory residential dwellings. For the purposes of calculating density, all land lying underneath and within 20 feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.
- (I) A minimum of five (5) acres shall be required. All land used for the progressive care community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually and functionally divide the development, including, but not limited to, preventing the free flow of pedestrian and vehicular traffic.
- (J) All structures are limited in occupancy to persons aged 62 years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.

6.33 Public Works Facility

- (A) The open storage of materials used in routine maintenance of public works facilities (i.e. water and sewer pipe, manholes, cable, telephone poles, aggregates, salt, etc.) shall be screened from view from public roads and adjacent properties in accordance with the standards outlined in Article 9 – Landscaping, Screening, and Buffer Areas.
- (B) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.
- (C) Public works facilities shall have direct access to an arterial or collector street.
- (D) All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved, but dust shall be controlled on all internal driveways, roads, and operation areas at all times.

6.34 Recreational Facilities, Public or Private

- (A) Hours of operation of public or private recreational facilities will be no earlier than 6 am and no later than 11pm for uses located in or abutting a residential district.
- (B) All outdoor swimming facilities shall be located at least 100 feet from any adjoining residentially zoned lot.
- (C) Private recreational facilities located in a residential zoning district shall be open to members of the club and their guests only.
- (D) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- (E) Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum three (3) feet in height and six (6) feet on center at installation.

- (F) Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.
- (G) Outdoor speaker systems shall not be permitted.

6.35 Recreational Services, Indoors and Outdoors

- (A) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- (B) Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum three (3) feet in height and six (6) feet on center at installation.
- (C) Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.
- (D) Outdoor speaker systems shall not be permitted.
- (E) Hours of operation shall be no earlier than 6:00 am and no later than 11:00 pm.

6.36 Recreational Vehicle Park and Campground

- (A) Density. The maximum density of any recreational park shall be 15 recreational vehicle spaces per acre.
- (B) Park Size. The minimum contiguous area of any recreational vehicle park shall be five (5) acres.
- (C) Site Area. The minimum area devoted to each recreational vehicle space shall be 1,500 square feet.
- (D) Vegetative Buffer. A 20 foot wide vegetative buffer composed primarily of evergreen trees to shield the park and/or campground from view shall be required on the perimeter of a recreational vehicle park and campground including adjacent to any public rights-of-way.
- (E) Setbacks. All recreational vehicle spaces shall be located a minimum of 100 feet from all adjacent property lines and public rights-of-way.
- (F) Access. Recreational vehicle parks shall have direct access to a major or minor thoroughfare. Recreational vehicle spaces shall only have direct access to an internal private street which accesses a public street. No recreational vehicle space shall have direct vehicular access to a public street.
- (G) Floodplains. No recreational vehicle sites shall be located in the floodplain.
- (H) Landscaping. Each recreational vehicle space shall have a planting area containing at least one deciduous or evergreen tree with a minimum height of eight (8) feet and a diameter of two (2) inches measured six (6) feet above ground level at the time of



installation. Each planting area shall be a minimum of 150 feet with a minimum radius of seven (7) feet. The use of existing trees when possible to meet these landscaping requirements is encouraged.

- (I) Sanitary Facilities, Sewage and Garbage Disposal. Adequate sanitary facilities, sewage and garbage disposal shall be provided and shall conform to all applicable codes.
- (J) Length of Stay. No recreational vehicle shall be used as a permanent place of residence. Occupancy extending beyond three (3) months in any 12 month period shall be presumed to be permanent occupancy and is prohibited in a recreational vehicle park.
- (K) Accessory Uses. Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, subject to the following restrictions:
  - 1. Size. Such establishments and the parking areas related to their operations shall not occupy more than five percent (5%) of the gross area of the park.
  - 2. Clientele. Such establishments shall be restricted in their use to the occupants of the park.
  - 3. Visibility. Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.
  - 4. Access. Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.
  - 5. Manufactured Homes. No manufactured home may be parked or stored in a recreational vehicle park, except that one Class A manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator. The park manager or operator's dwelling shall be removed from the property upon cessation of the Recreational Vehicle Park or Campground operation.

#### 6.37 Residential Building, Multi-Family

- (A) Density. See Dimensional Requirements listed in Section 4.5 for maximum density permitted in zoning district.
- (B) Lot Width. The minimum lot width for all multi-family developments shall be 100 feet.
- (C) Building Setback Lines. All principal buildings shall be located at least 35 feet from any property lines.
- (D) Building Location. Buildings containing dwellings shall be set back a minimum of 15 feet from internal driveways and parking areas.

- (E) **Building Separation.** A separation of at least 20 feet shall be provided between all buildings on the same site.
- (F) **Building Height.** The maximum height for all structures in a multi-family development shall be 35 feet.
- (G) **Screening and Buffers.** A visual screen and/or vegetative buffer composed primarily of evergreen trees shall be provided around the perimeter of the development to effectively screen the development from view of adjoining properties.
- (H) **Control of Potential Nuisance Uses.** Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children’s play areas and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used for single-family residential.
- (I) **Internal Relationships.** All structures, uses, and facilities shall be grouped in a safe, efficient, convenient and harmonious relationship in order to preserve desirable natural features and minimize disturbances to the natural topography of the site.
- (J) **Interior Circulation System.** Streets, drives, parking areas shall provide safe and convenient access to dwelling units. Specifically, streets and driveways shall be laid out to not encourage outside traffic to traverse the development on minor streets and streets should not create unnecessary fragmentation of the development into small blocks.
- (K) **Vehicular Access to Public Roads.** When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed and controlled as to channel traffic to and from such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.
- (L) **Signs.** Signage shall be permitted in accordance with the sign regulations listed in Article 8 of this ordinance.
- (M) **Off-Street Parking.** Off-street parking shall be provided in accordance with the parking requirements listed in Article 7 of this ordinance.

6.38 Residential Building, Two-Family

Two-family residential buildings are permitted on corner or through lots in districts designated in Section 4.6 – Table of Permitted Uses according to the following standards:

- (A) The entrances to each unit may face different streets.
- (B) If a duplex building fronts on two (2) streets, the building shall meet the minimum front yard setback from both streets upon which a unit faces.
- (C) The lot shall meet the minimum lot and yard requirements listed in Section 4.5 – Dimensional Requirements for Two-Family Residences.

6.39 Riding Stables

- (A) Riding stables shall occupy a zoning lot containing not less than five (5) acres.
- (B) Riding stables and riding areas shall be set back not less than 100 feet from any street or property line.

6.40 Sawmills

- (A) The use shall be located on a minimum of three (3) acres.
- (B) All sawmill operations and off-street parking and service operations shall be separated by a vegetative buffer consisting of primarily evergreen trees that effectively screens the use from all adjacent properties and public streets.
- (C) No structure or sawmill operation shall be located within 100 feet of any property line nor within 150 feet of abutting property located in a residential district or developed for residential use.
- (D) Vehicular access to the proposed use shall be provided by an arterial roadway.
- (E) Temporary sawmills shall be permitted for a period not to exceed 24 months.
- (F) All temporary sawmill sites shall have any temporary roads, storage areas, and other disturbed areas replanted with an approved ground cover following removal of the equipment from the site.
- (G) The use shall not be located adjacent to any existing place of worship, day care, nursing home, or school.
- (H) Permanent roads, defined, as those to be used in excess of one (1) year, within the cleared site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland cement concrete.
- (I) Roads other than permanent roads shall be treated with dust inhibitors which shall reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action.

6.41 Shooting Range, Indoor

- (A) Indoor shooting ranges shall be designed to absorb sound to the maximum extent possible.
- (B) Noise emanating from the facility shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the use.

6.42 Shopping Center, Large (>25,000 s.f.)

- (A) Shopping Center sites shall be immediately adjacent to a major thoroughfare or arterial.
- (B) Total site area occupied by all structures shall not exceed 40% of the gross land area.
- (C) Uses shall be permitted in accordance with the underlying zoning district.
- (D) Accessory Outdoor Sales Areas: All merchandise for sale or rent shall be contained within the building envelope or under cover of attached canopies except:
  - 1. Sidewalk sales or other organized temporary promotional events not to exceed one (1) event per month.
  - 2. Lawn and Garden Centers, Home Improvement or Department Stores may permanently display plant materials, lawn and garden supplies, outdoor furniture or similar merchandise. All sales areas shall be contained within a designated area immediately adjacent to the primary retail building. Any permanent sales areas shall be designated on the required site plan. Sales areas shall not encroach upon required parking areas and must be designed so as not to impede the passage of vehicles within required parking areas. All tents or detached canopies must be securely tied down and maintained to prevent a hazardous condition.
- (E) Access.
  - 1. All vehicular access to a shopping center development containing multiple destinations shall be provided by means of a shared driveway, side street, or frontage road.
  - 2. The approaches to loading and unloading areas shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.
  - 3. At least one (1) driveway or other vehicular link shall be provided between adjacent mixed use and commercial properties, such as shops and offices that require public access.
- (F) Service areas, including trash containment areas and outdoor wash areas, shall be shielded from the view of any street and abutting properties by an opaque screen consisting of buildings, landscaping, walls, fencing or any combination thereof.
- (G) Lighting. Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way.
- (H) Articulation. Facades greater than 100 feet in linear length shall be articulated with recesses or projections, which total at least 25% of that façade. Each recess or projection shall be a minimum of two percent (2%) of the length of that façade. No uninterrupted length of any façade shall exceed 75 horizontal feet.

6.43 Shopping Center, Small (<25,000 s.f.)

- (A) Shopping Center sites shall be immediately adjacent to a major thoroughfare or arterial.
- (B) Total site area occupied by all structures shall not exceed 40% of the gross land area.
- (C) Uses shall be permitted in accordance with the underlying zoning district.
- (D) Access.
  - 1. All vehicular access to a shopping center development containing multiple destinations shall be provided by means of a shared driveway, side street, or frontage road.
  - 2. The approaches to loading and unloading areas shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.
  - 3. At least one (1) driveway or other vehicular link shall be provided between adjacent mixed use and commercial properties, such as shops and offices that require public access.
- (E) Service areas, including trash containment areas and outdoor wash areas, shall be shielded from the view of any street and abutting properties by an opaque screen consisting of buildings, landscaping, walls, fencing or any combination thereof.
- (F) Lighting. Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any public right-of-way

#### 6.44 Telecommunications Tower

- (A) In recognition of the Telecommunications Act of 1996, it is the intent of the Town of New London to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of New London and its ETJ. Wireless towers may be considered undesirable with other types of uses, most notably residential, therefore special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.
- (B) All telecommunication towers must be of a monopole design and construction. If a permit is issued for a tower that must be higher than 199.9 feet, the provider should explore means for “stealth” antennae locations. This includes antennae in a structure or building disguised to look like something else (i.e. steeples, bell towers etc.).
- (C) The maximum allowable height of a tower is 125 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot meet reasonable service coverage area).
- (D) It is the intent of the Town to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in New London's jurisdiction. The Town

may require providers to negotiate in good faith with other providers space at a reasonable lease cost, and to publicize the fact that space is available on a lease basis as part of the special use process. No tower may be located within 1,500 linear feet of an existing tower unless the applicant can prove that co-location is not a viable option.

- (E) Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, an access road at least 12 feet wide shall be maintained by the property owner and/or applicant from a public street to the tower for use by service and emergency vehicles. A minimum separation of 20 feet is required between structures.
- (F) The Town of New London recognizes that a tower cannot be prohibited nor can a special use permit be denied on the basis of environmental or health concerns relating to radio emissions if the tower complies with the Federal Radio Frequency Emission Standards. The Town requires that the applicant must provide documentation proving that the proposed tower does comply with the Federal Radio Frequency Emission Standards.
- (G) Wherever feasible, all accessory structures on the ground which contain switching equipment or other related equipment must be designed to closely resemble the neighborhood's basic architecture, or the architecture and style of the principal use on the property.
- (H) Screening is required along all sides of the perimeter of the telecommunication tower site as per Section 9.5 of this ordinance. In addition, a minimum eight (8) foot high fence is required immediately around the tower and any equipment buildings, with the screening to be located on the outside of the fenced area. It will be the responsibility of the provider to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where screening is required, shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the screening shall be replaced in the event it dies.
- (I) Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. Elected officials must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.
- (J) A minimum setback requirement, on all sides of the property or leased area of a parcel, shall be 150 feet or one and one-half (1-1/2) feet for every one (1) foot of actual tower height (i.e. a 120 foot tower would require a 180 foot setback), whichever is greater. Additionally, all towers must be designed to collapse inward unless documentation can be provided to prove that such design is not feasible. Minimum setback requirements may be reduced by the Town if warranted.

- (K) Towers having a height of 199.9 feet or less, shall not contain lights or light fixtures at a height exceeding 15 feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce the effect of glare.
- (L) Towers and related facilities must be removed by the applicant and/or property owner if abandoned (no longer used for its original intent) for a period greater than 90 consecutive days.
- (M) Any replacement or improvement to an existing telecommunication tower, including if the tower is blown over or considered inoperable, requires the provider to apply for a new review and approval process by the Planning Board and Town Board. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Zoning Officer.
- (N) Free-standing signs are prohibited. Wall signs limited to identification area allowed on equipment structures or fences surrounding the telecommunication tower provided it does not exceed nine square feet in size. Any signage must be specifically addressed in the special use permit.
- (O) The provider must show proof of adequate insurance coverage for any potential damage caused by or to the tower prior to the issuance of a special use permit. Once approved, documentation of adequate insurance must be provided to the town every six (6) months.
- (P) Outdoor storage of equipment or other related items is prohibited.
- (Q) All applications for a Special Use permit for a telecommunication tower must include the following information in addition to any other applicable information contained in the Land Development Ordinance:
  1. Identification of intended provider(s);
  2. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable;
  3. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated, if applicable;
  4. Evidence that the property owners of residentially zoned property within 300 feet of the site in addition to adjacent property owners if applicable, have been notified by the applicant of the proposed tower height and design;
  5. Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standards;
  6. Documentation that towers over 125 feet are necessary for a minimal level of service;
  7. Screening, if applicable, must be shown on the site plan detailing the type, amount of plantings, and location; and
  8. Documentation of collapse area if applicable.

#### 6.45 Terminal, Freight

- (A) The area designed for truck parking and/or container storage (including trailer storage) shall be located no closer than 50 feet from public street rights-of-way and no closer than

250 feet from a residential use or residentially zoned lot unless separated by an arterial street or railroad right-of-way.

- (B) Truck parking areas are exempt from parking lot landscaping requirements but shall be substantially screened from view from public streets and from all abutting non-industrial properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- (C) The use shall be located on or directly accessible to a major or minor arterial, freeway, or railroad right-of-way. Terminals shall not be sited such that collector or neighborhood streets are regularly traversed to access a larger capacity road or railroad.

6.46 Tire Recapping Shops

- (A) Up to two (2) storage trailers are permitted in conjunction with the use.
- (B) The area of storage shall not be placed in any front yard or side yard abutting a street.
- (C) The area of storage shall be no closer than 40 feet from an abutting street right-of-way.
- (D) All areas established for outdoor storage, including security fencing of such areas, shall be screened from view from any adjacent residential use or residentially zoned lot by an opaque screen a minimum of six (6) feet in height.

6.47 Utilities, Above Ground (includes Utility Substations)

- (A) All facilities shall be completely enclosed and the site fenced with a suitable chain link fence not less than four (4) feet in height.
- (B) The entire site shall be screened according to the standards of Article 9 and the plant materials properly maintained in a healthy and growing conditions.
- (C) All buildings constructed shall be so designed that they are architecturally compatible with surrounding buildings and dwellings.

6.48 Warehousing (excluding Self-Storage)

- (A) A maximum of 10,000 square feet of gross floor area shall be permitted for warehousing or wholesaling per establishment per lot.
- (B) No outdoor storage of warehousing or wholesaling items is permitted in the HB zoning district.

6.49 Warehousing, Self-Storage

- (A) The total area covered by buildings shall not exceed 50% of the site.
- (B) The maximum height of building (s) shall be 20 feet and shall not exceed one (1) story.



- (C) No outside storage shall be permitted, however the storage of RV's, campers, boats, and vehicles shall be allowed in areas designated on the site plan.
- (D) The storage of hazardous, toxic, or explosive substances, including but not limited to ; but excluding the storage of hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil as defined in NCGS § 130A-290, is prohibited.
- (E) No business activity shall be conducted in the individual storage units.
- (F) One (1) dwelling unit shall be allowed on the same lot for use as a caretaker dwelling. The dwelling unit shall be removed from the site at the time the business ceases to operate.

#### 6.50 Yard Waste Composting Facility

- (A) Site Location and Design.
  1. Because of the level of truck traffic associated with this use, all such uses shall be located on an arterial or collector roadway.
  2. Dust shall be controlled on all internal roads and operation areas at all times.
  3. The site shall be level and well-drained.
  4. The site shall have vegetative buffers installed in accordance with the requirements of Article 9.
  5. No composting, storage, transfer or loading activities shall take place less than 500 feet from existing residences and 50 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants from stormwater runoff.
  6. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved.
  7. The portion of the compost site visible from a public street shall be screened from public view by a combination berm/landscaped buffer or other method approved by the Zoning Administrator.
  8. Adequate parking shall be provided for all employees and visitors. A minimum of four (4) paved, off-street parking spaces shall be provided on-site.
  9. In order to contain windblown debris, chain link fencing shall be installed and maintained around all areas of the site which are utilized in any phase of the composting process.

(B) Operation.

1. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours.
2. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
3. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings.
4. The decomposition process shall be properly managed and maintained in the aerobic condition to prevent all unnecessary odors. Towards this end, the temperature of compost piles shall be monitored regularly, and all compost piles shall be turned when the internal temperature drops below 120° F.
5. Poned water shall not be permitted to collect on a yard waste composting site. An engineering plan for collection, retention and drainage of stormwater shall be provided for review and approval. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure. Any direct discharge to a water body may require a permit from the NC Department of Environment and Natural Resources.
6. The operator shall provide sufficient equipment to properly manage the composting process. At a minimum this shall include a front end loader or similar machinery for loading and unloading; a windrow machine for turning and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks for dust control and proper moisture content in windrows; and a screen to improve the quality and marketability of the final product.
7. The volume of yard wastes handled by the facility shall not exceed 7,000 cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
8. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Town of New London.
9. Treated yard wastes shall be actively rotated in an aerobic condition. Wastes shall not be allowed to accumulate for longer than three (3) years before being finished and removed from the site.
10. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage areas and shall detail primary and secondary containment of all hazardous materials, including

product-tight containers for primary containment. Secondary containment facilities shall be adequate to accept the full volume of the hazardous materials stored in the primary container, in the event of a leak or spill.

11. The applicant shall provide a plan for the removal of unmarketable compost.

#### 6.51 Quarries or other Extractive Industries

Mining and extraction operation means any establishment or business primarily engaged in dressing and beneficiation of ores; the breaking, washing and grading of coal; the crushing and breaking of stone; and the crushing, grinding, or otherwise preparing of sand, gravel, and nonmetallic chemical and fertilizer minerals.

(A) Mining and Quarrying or other Extraction Operations

1. Additional Site Plan Requirements:

- (A) The names and addresses of property owner(s) or developers(s) and the designer or Registered Surveyor or Professional Engineer, if the plans are drawn other than by the property owner, operator or developer.
- (B) Date, scale and approximate North arrow.
- (C) Boundaries of the tract, parcel, plot or lot shown with bearing and Distances.
- (D) Buffers, ingress and egress, surrounding land usage and any other specific information pertinent to the parcel, plot or lot
- (E) A vicinity map showing the location of the parcel, plot or lot.
- (F) The names for each adjoining property owner, shown on the parcel, plot or lot they own.
- (G) Land contours with vertical intervals of not less than ten (10) feet. U.S.G.S. 7.5 Minute Topographical Quadrangle Maps are acceptable.
- (H) When an expansion is being requested, the size and location of any existing area that is being operated as a mine or mining operation.
- (I) A letter or other certification of approval must be submitted from the North Carolina Department of Transportation, as to the safety and design of the access or entrance on to a State maintained street or road from the mine. In place of this requirement, the applicant may submit a completed application as required by the State of North Carolina for a Mining Permit.

(J) Shall meet all the requirements of Chapter 74 Article 7 “The mining act of 1971” as amended

2. Access: Access to a mine or mining operation must be from a road or street that is a State maintained road or a private road with a right-of-way width of not less than thirty (30) feet and a cleared or drivable area of not less than twenty (20) feet. Any ingress or egress that does not abut one of the above roads, entrance etc. must also have a right-of-way width of not less than thirty (30) feet and a cleared and drivable area that is adequately maintained at all times for vehicular travel and that is at least twenty (20) feet in width. All accesses to a public street shall be paved with a hard service and maintained in a dust free manner daily and to avoid any materials migrating onto the public street or unto the air. A Town or NCDOT driveway permit is required.
3. Screening and Buffering: An area of land, which shall not be less than one hundred fifty (150) feet in width, (unless the Board of Adjustment approves a lesser width) shall be provided along all boundaries of the affected land with the exception of permitted ingress and egress to public roadways. This buffer area may be left in a natural vegetative state if sufficient visual buffering is provided otherwise the buffer, where practical, must be planted with trees, shrubs or plants that create a visual screen. Trees, plants, and ground covers to be planted must be native to the area and trees shall not be less than eight (8) feet in height when mature. Alternatively, an earthen berm (or berms) may be placed within the buffer for visual screening. Any berm must have a vegetative groundcover and side slopes sufficient to minimize erosion. If the berm(s) is (are) less than ten feet in height, trees not less than six (6) feet in height at the crown shall be planted on the berm(s) to supplement visual screening.
4. Hours and days of types of operations: Hours of operation shall be limited to 7am to dusk, Monday through Friday and Saturday 7am to 4pm. No operations shall ever be allowed on Sundays, Federal, State and Local holidays. Blasting shall only occur one time a day with one alternate time daily due to weather conditions. The days of the week shall be limited to Monday through Friday 9am to 4pm, excluding Federal, State and Local holidays.
5. Blasting. A Full Blasting Report and analysis from a 3rd party engineering firm as hired by the Town and paid for by the applicant. This is to ensure a non-biased opinion of the possible impacts to the surrounding infrastructure, vibration, air overpressure, water table, town and its citizens.
6. Reclamation. A full reclamation plan shall be submitted and bonded for anytime following the mine is inactive for more than 24 continuous months.
7. Additional Considerations: In the case of denial because all the requirements of this section were not met, the Application may be resubmitted when all requirements have been met, with no additional fee required, provided the plan is resubmitted within one hundred eighty (180) days of the notice of rejection or denial. Following approval by the Town of New London Board of Adjustment, the Zoning Administrator is authorized to issue a Special Use Permit. No site

disturbing activities are allowed until all required permits have been issued by the State of North Carolina, including but not limited to a Mining Permit, an Air Quality Permit and a Water Quality Permit.

8. Compliance. If compliance with all terms of approval by the Town of New London Board of Adjustment has not been completed within one year (365 days) from the date of approval of the application by the Board of Adjustment, the approval of the application and Special Use Permit shall be null and void and a new application must be submitted, unless the Board of Adjustment authorizes an extension beyond the one year time limit.