ARTICLE XI
CONDITIONAL USE STANDARDS

Section 1100. General Provisions.

The Laurel Park Town Council, subject to the requirements and review procedures in Article XIII, may grant conditional use permits. Certain conditional uses have specific requirements that are listed in this article.

Section 1101. Private Swimming Pools and Tennis Courts.

Private swimming pools and tennis courts may be granted a conditional use permit subject to the following conditions:

1101.1 Location.

The facilities and all accessory structures shall be located on the same lot as the principal dwelling unit in a side or rear yard and shall conform to the yard requirements for accessory structures.

1101.2 Lighting.

If the pool or courts are to have external lighting, the lights shall be designed to reduce the glare on any adjacent properties.

1101.3 Screening.

The Town Council may require a planted buffer strip or other means of screening for these facilities when existing vegetation is not sufficient to screen adjacent properties.

Section 1102. Planned Commercial Developments.

Planned Commercial Developments (PCD) may be granted a conditional use permit in the C-1 districts:
1102.1 **Purpose and Intent.**

The purpose and intent of the PCD is to encourage a more creative, aesthetic approach to land and building site planning for commercial uses. The requirements established in this section allow a broader range of flexibility and individuality in site design and architectural styles while providing for the installation of adequate parking and access, utilities, landscaping and screening, and other conditions that will ensure the safety and aesthetic environment of the development for its patrons and adjacent properties.

1102.2 **Location.**

PCDs are permitted in the C-1 Commercial District as a conditional use.

1102.3 **Permitted Uses.**

Within a PCD, a building or land shall be used only for those purposes allowed in the C-1 Commercial District.

1102.4 **Minimum Size.**

A PCD shall have at least the minimum lot area as required in the C-1 Commercial District. In determining the minimum area requirements, the contiguous area must not be divided by a public street, and the total area shall not include any public right-of-ways or easements.

1102.5 **Design Requirements.**

1. **Dimensional Requirements.** The Planning Board and the Town Council shall evaluate the site plan in order to determine that the proposed design and density of the project is acceptable with regard to the health, safety, and general welfare of the commercial development, the patrons, and adjacent properties. All buildings and structures shall conform to the minimum setback requirements for the C-1 Commercial District along the exterior boundaries of the project property. The total building coverage area of all principal and accessory structures shall not exceed thirty percent (30%) of the gross square footage of the proposed site. Common wall construction is permitted in PCDs. The maximum building height of all structures in the PCD shall be two stories and not exceed thirty-five (35) feet.

2. **Water Service.** A PCD shall have an approved connection with a public water system.
(3) **Sanitary Sewerage.** Within any PCD, sewage shall be disposed of through a connection with a public sewer system, with the connection designed by a registered engineer and approved by applicable state and local government agencies. The sewer collection system shall be consistent with the plans and needs of the Town of Laurel Park at that time.

(4) **Soil Erosion and Sedimentation Control Plan.** Prior to any land disturbing activities on a site proposed for a PCD, a soil erosion and sedimentation control plan shall be submitted to and approved by the Henderson County, Erosion Control Division.

(5) **Stormwater Disposal.** Within any PCD, stormwater shall be collected, channeled, or piped to discharge into natural drainageways without potential damage to neighboring properties, and the system shall be designed in accordance with accepted civil engineering practices and the approved soil erosion and sedimentation control plan.

(6) **Off-Street Parking.** Off-street parking in a PCD shall be provided at a ratio of one parking space for each two hundred (200) square feet of enclosed floor space. All parking spaces shall be setback at least eight (8) feet from any property line or street right-of-way line. All parking areas shall be paved, and each parking space shall have at least a minimum area of one hundred seventy-one (171) square feet, exclusive of access drives and maneuvering space. Every parking space shall have at least a minimum width of nine (9) feet and at least a minimum length of nineteen (19) feet.

Handicap parking must be provided in accordance with Section 901.6.

(7) **Signs.** Signs shall be permitted in a PCD in accordance with the provisions in Section 902 of this ordinance.

(8) **Outdoor Lighting.** A PCD shall have exterior lighting for the safety of drives, service areas, and pedestrian walks. The lighting fixtures shall be designed in keeping with the scale and architectural harmony of the project. The lighting fixtures shall be oriented, in such a manner as to reduce the glare on adjacent residential properties.

(9) **Landscaping.** A landscaping plan is considered a required element of the project. The landscaping plan shall require that all exposed surfaces be covered with a permanent plant, mulch, or other similar natural material. Landscaping shall cover at least twenty percent (20%) of the gross lot area.
The plan shall incorporate landscaping trees and shrubs for the parking areas at a ratio of not less than one tree for each ten parking spaces. The eight (8) foot setback required for all parking spaces adjacent to any street right-of-way shall be incorporated in the landscaping plan. All trees and plant materials shall be planted and maintained with accepted nursery practices, and all dead materials shall be replaced by the next growing season.

(10) **Screen Planting.** Where the Planning Board and the Town Council deem necessary, a screen planting shall be provided to form a visual separation between the PCD and adjacent residential properties if existing vegetation is inadequate. Screen plantings shall include two staggered rows of evergreen trees. Trees in each row shall be planted at eight (8) foot intervals and shall have a minimum height of five (5) feet when planted. The trees shall be planted and maintained in accordance with accepted nursery practices, and all dead materials shall be replaced by the next growing season.

(11) **Electrical Service.** All exterior wiring shall be underground.

(12) **Maintenance.** The buildings and grounds shall be properly maintained at all times. Outdoor storage of goods, materials, and equipment is prohibited.

(13) **Design.** Conformity to the following standards is encouraged:

Use of indigenous materials of the region such as stone or natural wood.

Use of colors, materials, finishes, and proportions in a manner to produce a coordinated appearance.

(14) **Off-Street Loading and Unloading.** Loading space shall be provided in a PCD off the street or alley. A loading space shall have the minimum dimensions of twelve (12) feet in width, and sixty (60) feet in length. Every loading space shall have access to an alley or a public street. Off-street loading spaces shall be provided in a ratio of one loading space for each 20,000 square feet of gross floor area or fraction thereof in the PCD.

(15) **Pedestrian Circulation.** Within any PCD, paved walks connecting parking areas with entries and other areas such as service facilities shall be provided.
1102.6 **Site Plan.**

Prior to review and approval of a PCD as a conditional use and subsequent issuance of any building permit or certificate of zoning compliance, a site plan shall be submitted to the Planning Board for review and recommendation to the Town Council, which shall decide whether to grant a conditional use in accordance with this section and Article XIII.

The conditional use application and site plans in duplicate shall be submitted to the office of the Zoning Administrator at least ten (10) days prior to the Planning Board's first scheduled consideration of the project. The site plan shall include the following information and supporting documentation:

1. The proposed name of the development, and the names of the developer, engineer, architect, designer, and landscape architect.
2. The site plan drawn to an appropriate scale adequately illustrating required information, a North Arrow, and the date of preparation.
3. A sketch vicinity map.
4. The boundaries of the property involved, the location of all existing rights-of-way, easements, streams or bodies of water, and adjacent property owners and land uses.
5. The location and use of each structure on the property, either existing or proposed.
6. Basic floor plans and rendered elevations or perspectives.
7. The location of all streets, walks, drives, parking, service areas, fences, and retaining walls, either existing or proposed.
8. The location, size, and gradient of all sanitary and storm sewers and water mains and the location of all other utilities within or adjacent to the development site.
9. The acreage in the total project and the calculation of the proportion of the landscaped area to the total project area, and the proportion of the building coverage area of all structures to the total project area.
10. Landscaping and screening plans.
(11) Method of collecting, channeling, or piping to discharge storm water into natural drainageways that will assure no damage to Town facilities or neighboring properties.

(12) Design and location of outdoor lighting fixtures.

(13) The location, design, orientation, and materials used for all signs.

(14) Approval for connections to public water and sewerage systems.

(15) Approval of the soil erosion and sedimentation control plan.

(16) Proposed construction time-line.

(17) Method of buffering or concealing loading and unloading areas, garbage retention and collection areas, mechanical equipment, and utility entrances from public and residential areas.

1102.7 Site Plan Approval.

The Zoning Administrator shall review submitted site plans and documentation for conformance with the provisions in this section and all other applicable provisions of this ordinance.

The Zoning Administrator shall present the site plans and documentation to the Planning Board at their first scheduled consideration of the project, noting any nonconformities with the zoning ordinance. The Planning Board will review the site plan with the Zoning Administrator and forward their recommendation to the Town Council for its action in accordance with the provisions in this section and Article XIII. If no action is taken by the Planning Board within forty-five (45) days after its first consideration of the site plans, the plans shall be deemed to have been recommended by the Planning Board.

1102.8 Guarantee of Performance.

In order to insure that the improvements specified in the approved site plan are properly completed within a period of time specified by the Town Council and prior to the issuance of the conditional use permit, the developer shall guarantee completion in one of the following manners:

(1) Posting a performance or surety bond in an amount to be determined by the Town Council.
(2) Depositing or placing in escrow a certified check or cash in an amount to be determined by the Town Council. Portions of the security deposit may be released as work progresses.

(3) Entering into an agreement with the Town Council guaranteeing the completion of the required work, said agreement to be binding on subsequent purchasers of the property and shall be recorded. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the improvements.

1102.9 Responsibility for Services.

A written agreement shall be entered into by the owner or developer of the PCD and the Town of Laurel Park that clearly states which services are to be the responsibility of the owner or the developer and which are to be provided by the Town of Laurel Park. Said agreement shall be submitted as a condition of site plan approval.

1102.10 Failure to Comply.

Construction and use of the PCD shall be as set forth in the plans and applications approved by the Town Council. Construction or use differing from the plans and applications approved shall be deemed a violation of this ordinance and subject to penalties as provided in Section 1207.

1102.11 Timing.

If no development has occurred pursuant to the issuance of a conditional use permit (a) one year after the date of the conditional use permit for the PCD, or (b) upon the expiration of one 90-day extension of time for starting development granted by the Town Council, the conditional use permit shall become null and void and the procedures for application and review as outlined in this section shall be required for any development on the subject property.

1102.12 Staged Development.

After general construction commences, the Zoning Administrator shall review, at least once every six months, all permits issued and compare them to the overall proposed construction time-line. If the Zoning Administrator determines that the rate of construction substantially differs from the approved plan, he shall notify the developer and Town Council in writing. Thereafter, the Town Council may issue appropriate orders to the developer as it sees fit and, upon continued violation of this section, may order the Zoning
Administrator to refuse any further permits until the project is in general accordance with the approved plan.

1102.13 **Construction Codes.**

The developer shall comply with all applicable state and local construction codes and requirements.

1102.14 **Restriction on Use of Land in PCDs.**

No building permit shall be issued now or hereafter for any portion of land that has been used under 1102.4 and 1102.5 above to meet the minimum size requirements of this article except for the proposed uses set forth in the PCD unless the remaining property in the PCD would be sufficient to meet the minimum size requirements of that article. This applies even though the ownership of such portion of land may have been transferred to other owners.

**Section 1103. Residential Planned Unit Developments.**

Residential Planned Unit Developments (RPUD), which shall include more than four (4) multi-family dwelling units, may be granted a conditional use permit in the R-20 and R-30 districts, subject to the requirements in this section.

1103.1 **Purpose and Intent.**

The purpose and intent of the RPUD requirements shall be to permit the establishment of medium density residential developments in locations that can accommodate a substantial increase in population, to regulate the installation of utilities, to provide for adequate vehicular and pedestrian circulation, and to encourage compatibility with the surrounding neighborhood. Further, it is the intent of these requirements to allow flexibility and individuality in site and architectural design.

1103.2 **Location.**

RPUDs are permitted as conditional uses in the R-20, R-30, and MIC districts. The proposed developments shall be located on a lot or tract which has a minimum frontage of two hundred (200) feet on one of the following segments of roads in Laurel Park:

Laurel Park Highway from the Laurel Park corporate limits at the Southern Railway to White Pine Drive.
Hebron Road between Fairway Drive and White Pine Drive.

Lake Drive between Laurel Park Highway and White Pine Drive.

Davis Mountain Road.

Laurel Park Highway from Fleetwood Plaza Drive to its terminus at Jump Off Rock.

No parcel of land having a frontage on a public right-of-way other than those described above shall be a part of a RPUD.

1103.3 Permitted Uses.

The following uses shall be permitted in a RPUD:

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Multi-family residential structures including, but not limited to: apartments, townhouses, condominiums, and cooperative apartments.

(4) Customary accessory uses and structures when located on the same lot, excluding open storage.

(5) Recreational facilities intended only for use by the residents and guests of the RPUD.

1103.4 Minimum Size.

The minimum area of a RPUD or additions to an existing RPUD shall be five (5) contiguous acres. In determining whether a given parcel has the minimum required acreage, no established public areas such as, but not limited to, streets, roads, a storm water easement or drainage right-of-way (as established by a federal authority such as the U.S. Army Corps of Engineers, or other state, county and/or Town land use authority), bodies of water, or recreational facilities or area, shall qualify as a portion of the required minimum area.

1103.5 Design Requirements.

(1) Dimensional Requirements. The Planning Board and the Town Council shall evaluate the site plan in order to determine whether the proposed design and density of the project is acceptable with regard to
the health, safety, and general welfare of the RPUD development and adjacent properties. The maximum density permitted within any RPUD shall be five (5) dwelling units per acre. The minimum building setback from any public street right-of-way line and from any exterior property line shall be thirty-five (35) feet. The minimum distance between buildings shall be thirty (30) feet. The maximum building height of all structures in the RPUD shall be two stories and not exceed thirty-five (35) feet.

(2) **Water Service.** A RPUD shall have an approved connection with a public water system.

(3) **Sanitary Sewer.** Within any RPUD, sewage shall be disposed of through a connection with a public sewer system, with the system designed by a registered engineer and approved by applicable state and local government agencies. The sewer system shall be consistent with the plans and needs recommended by the Town Council at that time.

(4) **Soil Erosion and Sedimentation Control Plan.** Prior to any land disturbing activities on a site proposed for a RPUD, a soil erosion and sedimentation control plan shall be submitted to and approved by the Henderson County, Erosion Control Division.

(5) **Stormwater Disposal.** Within any RPUD, stormwater shall be collected, channeled, or piped to discharge into natural drainageways without potential damage to neighboring properties. The system shall be designed in accordance with accepted civil engineering practices and meet the approved soil erosion and sedimentation control plan.

(6) **Parking.** Within any RPUD, paved off-street parking shall be provided at a ratio of at least two parking spaces for each dwelling unit. All parking spaces shall be set back at least eight (8) feet from any property line or street right-of-way line.

(7) **Signs.** Signs shall be permitted in a RPUD in accordance with the provisions in Section 902 of this ordinance.

(8) **Outdoor Lighting.** A RPUD shall have exterior lighting for the safety of drives, service areas, and pedestrian walks. The lighting fixtures shall be designed in keeping with the scale and architectural harmony of the project. The lighting fixtures shall be oriented in such a manner as to reduce the glare on adjacent residential properties.
(9) **Landscaping.** Within an RPUD, a landscaping plan shall be considered a required element of the project. The landscaping plan shall require that all exposed surfaces be covered with a permanent plant, mulch, or other similar natural material. Landscaping shall cover at least forty percent (40%) of the gross lot area.

(10) **Screening.** Where the Planning Board and the Town Council deem necessary, plants shall be provided to create a visual separation between the RPUD and adjacent properties. These plants shall consist of evergreen shrubs which will reach a height of at least six (6) feet within three years after planting. This requirement may be modified by the Planning Board on the basis of existing vegetation and/or topography.

(11) **Electrical Service.** All exterior wiring shall be underground.

(12) **Maintenance.** The buildings and grounds shall be properly maintained at all times.

(13) **Design.** Conformity to the following standards is encouraged:

Use of indigenous materials of the region such as stone or natural wood.

Use of colors, materials, finishes, and proportions in a manner to produce a coordinated appearance.

(14) **Vehicular Circulation.** Within any RPUD, paved driveways or streets shall be provided that are adequate in width and alignment to accommodate vehicles operated by residents, guests, service personnel, and emergency vehicles. All streets shall be designed and constructed to meet the minimum construction requirements of the N.C. Department of Transportation’s publication, *Subdivision Roads, Minimum Construction Standards*, January 1, 1999, or as hereafter amended, except the surface coarse thickness shall be increased to two (2) inches of compacted Asphalt Concrete Surface Course, Type I-2.

(15) **Pedestrian Circulation.** Within any RPUD, paved walks connecting parking areas with entries and other areas such as service facilities and recreation facilities shall be provided.
1103.6 Site Plan.

Prior to review and approval of an RPUD as a conditional use and subsequent issuance of any building permit or zoning compliance certificate, a site plan shall be submitted to the Planning Board for review and recommendation to the Town Council, which shall decide whether to grant a conditional use in accordance with this section and Article XIII.

The conditional use application and site plans in duplicate shall be submitted to the office of the Zoning Administrator at least ten (10) days prior to the Planning Board's first scheduled consideration of the project. The site plan shall include the following information and supporting documentation:

(1) The proposed name of the development, and the names of the developer, engineer, architect, designer, and landscape architect.

(2) The site plan drawn to an appropriate scale adequately illustrating required information, a North Arrow, and the date of preparation.

(3) A sketch vicinity map.

(4) The boundaries of the property involved, the location of all existing rights-of-way, easements, streams or bodies of water, and adjacent property owners and land uses.

(5) The location and use of each structure on the property, either existing or proposed.

(6) Basic floor plans and rendered elevations or perspectives.

(7) The location of all streets, walks, drives, parking, service areas, fences, and retaining walls, either existing or proposed.

(8) The location, size, and gradient of all sanitary and storm sewers and water mains and the location of all other utilities within or adjacent to the development site.

(9) The number of dwelling units proposed, the acreage in the total project, the calculation of the proportion of the landscaped area to the total project area, and the proportion of the building coverage area of all structures to the total project area.

(10) Landscaping and screening plans.
(11) Method of collecting, channeling, or piping to discharge storm water into natural drainageways that will assure no damage to Town facilities or neighboring properties.

(12) Design and location of outdoor lighting fixtures.

(13) The location, design, orientation, and materials used for all signs.

(14) Approval for connections to public water and sewerage systems.

(15) Approval of the soil erosion and sedimentation control plan.

(16) Proposed construction time-line.

1103.7 Site Plan Approval.

The Zoning Administrator shall review submitted site plans and documentation for conformance with the provisions in this section and all other applicable provisions of this ordinance.

The Zoning Administrator shall present the site plans and documentation to the Planning Board at their first scheduled consideration of the project, noting any nonconformities with the zoning ordinance. The Planning Board will review the site plan with the Zoning Administrator and forward their recommendation to the Town Council for its action in accordance with the provisions in this section and Article XIII. If no action is taken by the Planning Board within forty-five (45) days after its first consideration of the site plans, the plans shall be deemed to have been recommended by the Planning Board.

1103.8 Guarantee of Performance.

In order to insure that the improvements specified in the approved site plan are properly completed within a period of time specified by the Town Council, the developer shall guarantee completion in one of the following manners, prior to the issuance of the conditional use permit:

(1) Posting a performance or surety bond in an amount to be determined by the Town Council.

(2) Depositing or placing in escrow a certified check or cash in an amount to be determined by the Town Council. Portions of the security deposit may be released as work progresses.
(3) Entering into an agreement with the Town Council guaranteeing the completion of the required work, said agreement to be binding on subsequent purchasers of the property and shall be recorded. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the improvements.

1103.9 **Responsibility for Services.**

A written agreement shall be entered into by each owner or developer and the Town of Laurel Park. This agreement shall clearly state which services are to be the responsibility of the owner or developer and which are to be provided by the Town of Laurel Park. Said agreement shall be submitted as a condition of site plan approval.

1103.10 **Failure to Comply.**

Construction and use of the RPUD shall be as set forth in the plans and applications approved by the Town Council. Construction or use differing from the plans and applications approved shall be deemed a violation of this ordinance and subject to penalties as provided in Section 1207.

1103.11 **Timing.**

If no development has occurred pursuant to the issuance of a conditional use permit (a) one year after the date of the conditional use permit for the RPUD, or (b) upon the expiration of one 90-day extension of time for starting development granted by the Town Council, the conditional use permit shall become null and void and the procedures for application and review as outlined in this section shall be required for any subsequent development on subject property.

1103.12 **Staged Development.**

After general construction commences, the Zoning Administrator shall review, at least once every six months, all permits issued and compare them to the overall proposed construction time-line. If the Zoning Administrator determines that the rate of construction substantially differs from the approved plan, he shall so notify the developer and Town Council in writing. Thereafter, the Town Council may issue appropriate orders to the developer as it sees fit and, upon continued violation of this section, may order the Zoning Administrator to refuse any further permits until the project is in general accordance with the approved plan.
1103.13 **Construction Codes.**

The developer shall comply with all applicable state and local construction codes and requirements.

1103.14 **Restriction on Use of Land in RPUDs.**

No building permit shall be issued now or hereafter for any portion of land that has been used under 1103.4 and 1103.5 above to meet the minimum size requirements of this article except for the proposed uses set forth in the RPUD, unless the remaining property in the RPUD would be sufficient to meet the minimum size requirements of that article. This applies even though the ownership of such portion of land may have been transferred to other owners.

**Section 1104. Adult Establishments.**

Adult establishments as herein defined may be granted a conditional use permit subject to the requirements in this section.

1104.1 **Adjacent Buildings.**

The use shall be the only use in the building and said building shall be located no closer than 50 feet from any adjacent building.

1104.2 **Exterior Display.**

No adult establishment activities or materials, as herein defined, shall be conducted, performed, sold, rented, advertised, or displayed outside of, or on any exterior surface of the building.

1104.3 **Parking.**

Off-street parking shall be provided in accordance with the requirements for retail sales and services in Section 901.2.
1104.4 **Location Relative to Other Adult Establishments.**

No adult establishment use or activity shall be located closer than 1500 feet from any other adult establishment use or activity. Said distance shall be measured between the closest points on the property line of any such establishments or uses.

1104.5 **Location Relative to Non-commercial Facilities.**

No adult establishment shall be located closer than 1500 feet from any church or place of worship, school, park or playground, or cemetery or closer than 500 feet from a residential dwelling unit. Said distance shall be measured between the closest points on the property line of any such establishment or use and the property line of any church or place of worship, school, cemetery, park or playground, or residential dwelling unit.

**Section 1105. Private Clubs.**

Private clubs as herein defined may be granted a conditional use permit subject to the requirements in this section.

1105.1 **Adjacent Buildings.**

The use shall be the only use in the building and said building shall be located no closer than 50 feet from any adjacent building.

1105.2 **Location Relative to Other Private Clubs.**

No private club shall be located closer than 1500 feet from any other private club or adult establishment. Said distance shall be measured between the closest points on the property line of any such establishments or uses.

1105.3 **Location Relative to Non-commercial Facilities.**

No private club shall be located closer than 1500 feet from any church or place of worship, school, park or playground, or cemetery or closer than 500 feet from a residential dwelling unit. Said distance shall be measured between the closest points on the property line of any such establishment or use and the property line of any church or place of worship, school, cemetery, park or playground, or residential dwelling unit.
Section 1106. Electronic Gaming.

Electronic Gaming as herein defined may be granted a conditional use permit subject to the requirements in this section.

1106.1 **Adjacent Buildings.**

The use shall be the only use in the building and said building shall be located no closer than 50 feet from any adjacent building.

1106.2 **Location Relative to Other Electronic Gaming Establishments.**

No electronic gaming establishment shall be located closer than 1500 feet from any other electronic gaming establishment. Said distance shall be measured between the closest points on the property line of any such establishments.

1106.3 **Location Relative to Non-commercial Facilities.**

No electronic gaming establishment shall be located closer than 1500 feet from any church or place of worship, school, park or playground, or cemetery or closer than 500 feet from a residential dwelling unit. Said distance shall be measured between the closest points on the property line of any such establishment and the property line of any church or place of worship, school, cemetery, park or playground, or residential dwelling unit.