

ORDINANCE NO. 20-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE
FOR THE TOWN OF MIDWAY, NORTH CAROLINA REGARDING TRUCK STOPS

BE IT ORDAINED by the Town Council of the Town of Midway, North Carolina that the Zoning Ordinance is hereby amended as follows:¹

Section 1. Article III, Section 3.7 (V)(14)(B) is hereby amended as follows:

(B) Prohibited Uses

The following uses are hereby prohibited from being established within the area covered by the Core Commercial Overlay District. These regulations supersede the Table of Permitted Uses set forth in Section 3.08.

Abattoirs
Adult Uses
Automobile Graveyards
Bottling Plants
Brick, Tile and Cement Manufacturing
Chemical Manufacturing
Compartmentalized Storage for Individual Storage of Residential and Commercial Goods
Electronic Gaming Operations
Extraction of Earth Products
Farm Machinery Sales
Flea Markets, Indoors
Flea Markets, Out of Doors
Foundry Casting
Freight Terminals
Fuel Oil Dealers
Furniture Manufacturing
Golf Driving Range
Golf, Miniature
Greenhouses, nurseries, etc.
Hazardous Waste Facility
Indoor Firing Range
Junkyard
Kennels, Commercial
Landfills
Light Manufacturing, unclassified
Livestock Sales
Manufacturing or Processing
Manufactured Home, Class A, B and C
Manufactured Home Parks
Outdoor Advertising Sign
Outdoor Storage Yard
Petroleum Bulk Stations, Terminals

¹NOTE: Language to be added is indicated with an underscore.

Racetracks, Drag Strips
 Sawmills
 Skeet Trap, Rifle and Pistol Ranges
 Storage of Low Explosives
 Travel Trailer Parks and Campgrounds
Truck Stop
 Warehouses
 Wireless Telecommunication Facilities (All heights)

Section 2. The Table of Permitted Uses found at Article III, Section 3.08 is hereby amended to add “Truck Stop” as a particular use in only HC, LI, HI Districts upon approval by the Board of Adjustment. Such use shall be a Class B Special Use, denoted by “SB” in the columns “HC”, “LI”, and “HI”. A copy of the relevant portion of the amended table is hereby hereto as Exhibit A and is incorporated here by reference.

Section 3. Article V, Section 5.08 shall be amended as follows to add the following subsection FF:

FF Truck Stop

Special Use Districts: HC, LI, HI

Approved by: Board of Adjustment

Minimum Lot Size 20 Acres

Submittals: 1. Site plan showing location and size of all existing and proposed structures, the distance of all structures and parking from adjoining properties, all overnight parking areas and all amenities, i.e.; fuel island, truck wash, weigh station, etc.

2. Plans, elevations, and perspectives for all proposed structures and descriptions of the color and nature of all exterior materials.

3. A landscape plan showing, at the same scale as the site plan, existing and proposed trees, plus shrubs, ground cover, proposed screening and other landscape materials.

4. A traffic impact analysis for the proposed facility.

5. A N.C.D.O.T. Commercial Driveway Permit for the facility.

Standards: A. When overnight parking lot is involved, there shall be a minimum distance of 500 feet from the proposed parking facility and any residentially zone property.

B. Truck Stop facilities shall be located a minimum of 350 feet from any residentially zoned property

C. Any outdoor lighting associated with the truck stop or other amenity areas shall be installed as full cut-off fixtures. Residential dusk-to-dawn lighting is permitted elsewhere on the site. No lighting shall be directed onto adjacent property and shall be shielded to prevent such light pollution.

D. The truck stop property shall have security fencing on the sides and rear of the developed site. Fencing shall extend from the surface of the ground to a uniform minimum height of 6 feet from the ground at any given point.

E. The truck stop property shall have screening against any adjoining residential property. Vegetation shall be of a type that will reach a minimum height of 20 feet at maturity and shall be placed at intervals so that a continuous, unbroken hedgerow will exist to a height of at least 20 feet when the vegetation reaches maturity.

F. Every owner or operator shall be responsible for maintaining the fencing and/or vegetation. Dead or diseased vegetation shall be removed and replanted.

Section 4. Article IX, Section 9.02 shall be amended by adding the following definition:

TRUCK STOP. A business enterprise oriented to serving the needs of commercial vehicles, particularly heavy trucks, that is engaged in vehicle fuel sales. Truck stops may provide repair and maintenance services, good and convenience item sales, overnight vehicle accommodation, and other related services typically associated with such uses. A truck stop may also include fuel and other services oriented to serving passenger vehicles.

Section 5. This ordinance is adopted in accordance with N.C.G.S. 160A-383 and the Town Council has found the amendment to be consistent with the Town's adopted plans.

Consistency Statement


"The Town Council finds that the proposed text amendment to establish Truck Stops as a use in the Table of Permitted Uses, make Truck Stops a use permitted by right in the Highway Commercial, Light Industrial and Heavy Industrial Districts, establish a proposed definition of Truck Stops, and make Truck Stops a prohibited use in the Core Commercial Overlay District is consistent with the Town of Midway Land Use Plan and the US Highway 52 Corridor Plan. Specifically, the proposed amendment will reinforce the Town's goals for enhancing its Core Commercial Overlay District through regulations uses which are not consistent with the goals for the development of that area, while facilitating commercial growth in areas of the Town where such uses may be more appropriately located."

Section 6. As required by statute, the Town Council finds the action reasonable and in the public interest. "The Town Council finds that its action with regard to the adopted amendment is reasonable, as the proposed amendment seeks to regulate a new type of business that the Town's zoning ordinance does not currently address, and, in adopting the new regulation, the Council's action provides for the establishment of the businesses addressed by the ordinance in appropriate locations throughout the Town, while also preventing their establishment in areas where the Town's adopted plans indicate that such businesses could detract from the desired character of those areas. The Council believes that this action is also reasonable in that it excludes such businesses from areas where their establishment could


interfere with the viability of the public and private investments that have been made and are planned to be made in those areas. In recognition of the need to preserve the character of the Town's Commercial Core, and the need to balance that need with the rights of legal businesses to operate under proper regulation, the Council believes that its action with respect to the adopted amendment is in the public interest.

Section 7. This ordinance shall become effective upon adopted.

This the 2, day of December, 2019.



John E. Byrum, Mayor



Linda A. Hunt, Town Clerk

Use	RA-1	RA-2	RA-3	RS	RM-1	RM-2	RC	CS	OI	HC	LI	HI	MX-R	MX-C
Solar Farm											SA	SA		
Special Event, Accessory Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Storage of Low Explosives		SB	SB								SB	SB		
Streets; Railroad Tracks	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Structure, Temporary; Related to Development of Land	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Structure, Non-permanent	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Telephone Exchange, Switching Station	SB	SB	SB	SB	SB	SB	X	X	X	X	X	X	SB	SB
Townhome					X	X			X				X	X
Travel Trailer Park; Campground	SB	SB	SB		SB									
Travel Trailer/Recreational Vehicle, Temporary Accessory Use (Disaster Hardship)	D	D	D	D	D	D								
Truck Stop										SB	SB	SB		
Underground Electrical Power Distribution Lines Under 44,000 Volts; Gas or Liquid Fuel Distribution Under 100 PSI	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Utility Station and Substation	SB	SB	SB	SB	SB	SB	X	X	SB	X	X	X	SB	X
Utility Tower , Water Storage Tanks	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA
Vending Kiosk, accessory to a commercial use							X	X	X	X			X	X

Use	RA-1	RA-2	RA-3	RS	RM-1	RM-2	RC	CS	OI	HC	LI	HI	MX-R	MX-C
Solar Farm											SA	SA		
Special Event, Accessory Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Storage of Low Explosives		SB	SB								SB	SB		
Streets; Railroad Tracks	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Structure, Temporary; Related to Development of Land	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Structure, Non-permanent	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Telephone Exchange, Switching Station	SB	SB	SB	SB	SB	SB	X	X	X	X	X	X	SB	SB
Townhome					X	X			X				X	X
Travel Trailer Park; Campground	SB	SB	SB		SB									
Travel Trailer/Recreational Vehicle, Temporary Accessory Use (Disaster Hardship)	D	D	D	D	D	D								
Truck Stop										SB	SB	SB		
Underground Electrical Power Distribution Lines Under 44,000 Volts; Gas or Liquid Fuel Distribution Under 100 PSI	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Utility Station and Substation	SB	SB	SB	SB	SB	SB	X	X	SB	X	X	X	SB	X
Utility Tower , Water Storage Tanks	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA
Vending Kiosk, accessory to a commercial use							X	X	X	X			X	X

