

**ARTICLE IV.
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 shown in section 3-7., table of uses. Some uses are also restricted relative to their proximity to the Yadkin River and certain streams due to potential impacts on water quality. For these restrictions, please refer to Article III in its entirety.

4-1. Accessory Communication Antennae.

- (A) No antennae or radio towers shall be permitted in the CB district unless completely camouflaged or hidden from view at the street level.
- (B) No antennae or radio towers shall be permitted adjacent to legal, conforming residential uses or on residentially zoned lots except for small (<three foot diameter) dish satellite and television antennas located on the roof. Short wave radio antennas shall not be permitted.
- (C) If an antenna exceeds the height restrictions for the district in which it is located, it must be set back one foot from any adjacent property lines for each foot of height over the maximum for the district.
- (D) Accessory antenna shall be concealed within or have an exterior appearance as a permitted principal or accessory structure permitted in the district where located.

4-2. Accessory Uses, Buildings, Structures and Dwelling Units, Attached or Detached.

- (A) An accessory dwelling may be attached, within, or separate from the principal dwelling.
- (B) The principal use of the lot shall be residential and the principal structure on the lot shall be a residential building (single-family, duplex, multi-family, or townhouse).
- (C) No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
- (D) The accessory dwelling shall be owned by the same person as the principal dwelling.
- (E) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- (F) A detached accessory dwelling may be a dwelling only or may combine a dwelling with garage, workshop, studio, or similar accessory use.
- (G) A detached accessory dwelling shall be located in the rear yard.
- (H) The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.
- (I) Accessory buildings or structures located in the RA district shall be permitted only in a side or rear yard and shall not be less than ten feet from any property line except that in the case of corner lots, such buildings or structures shall be set back at least twenty-five feet from any side street right-of-way line.

- (J) Accessory buildings or structures located in the R-40, R-20, R-10, and R-8 district shall be permitted in a side or rear yard and shall be not less than ten feet from any property line except that in the case of corner lots, such buildings or structures shall be set back at least twenty-five feet from any side street right-of-way line.
- (K) Greenhouses and gardens which are incidental to a residential use and conducted on a non-commercial basis only shall be permitted provided that no greenhouse heating plant shall be located within sixty feet from any front property line or within thirty feet of any other property line.

4-3. Adult Establishments.

- (A) No adult establishment shall be located within 300 feet (determined by a straight line and not street distance) of the closest boundary line 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 closest boundary line of the property occupied by the adult establishment.
- (B) No adult establishment shall be located within 300 feet (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.
- (C) No more than one adult establishment may be located within the same structure.
- (D) Mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.
- (E) Patrons of adult establishments shall be separated from entertainers, performers or entertainment employees by a minimum of six feet.
- (F) All performers or entertainment employees of adult establishments shall perform on an elevated stage or platform, elevated from the main floor by at least three feet.
- (G) 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.
- (H) Any retail establishment having more than an incidental amount, either in terms of the weight and importance of the material or in terms of greater volume of materials, of sexually oriented devices shall be classified an adult establishment and shall meet all of the requirements of this ordinance.

4-4. Agriculture, Bona fide Farms.

- (A) Outdoor storage of implements and equipment shall be located in the rear yard. Agricultural uses must maintain a minimum ten foot vegetated buffer, or equivalent control as determined by the soil and water conservation commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.
- (B) No pens, enclosures, buildings, or other structures intended or used for the containment of animals shall be permitted within 250 feet of the property line. This shall not include pastures, riding rings, or similar areas intended or used for the containment of animals in such small numbers that they do not present any significant offsite impacts related to noise, odor, or stormwater runoff.

- (C) Two or more principal buildings used as part of the bona fide farm operation may be placed on a single lot of record when such buildings meet the location requirements of this ordinance.

4-5. Agriculture Implement Sales and Service.

- (A) Outdoor storage of implements and equipment shall be located in the rear yard only.
- (B) Outdoor storage shall not occur within 250 feet of a legal, conforming residential use or residentially zoned lot.

4-6. Amusements, Commercial, Indoor and Outdoor.

- (A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential district or containing a legal, conforming residential use.
- (B) No permanently established outdoor amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 500 of the closest point of any abutting property located in a residential district.
- (C) Hours of operation for either type of facility shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.
- (D) Agriculture fairs, carnivals, recreational, and entertainment activities provided that:
 - (1) The applicant for a special use permit shall provide proposed location, intended activities, operation schedule, site plan layout, or any other information deemed necessary to evaluate impact on the neighborhood or community in general.
 - (2) On a case-by-case basis, the council may regulate the use and location of proposed buildings, set time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general.

4-7. Arenas; Assembly Halls, Coliseums, Armories, Ballrooms, Reception Halls, and Exhibition Buildings.

- (A) The facility shall have direct access to a major arterial.
- (B) All facilities and structures related to the use shall be located at least 100 linear feet from any lot line and 500 linear feet from a residential district except that the Zoning Officer may waive part or all of this requirement where the design and location of the facilities or structures conform to accepted urban design principles and are compatible with nearby and adjacent residential uses.
- (C) Two or more principal buildings used as part of an exhibition area or armory may be placed on a single lot of record when such buildings meet the location requirements of this ordinance.

4-8. Automatic Teller Machines (ATMs).

- (A) Automatic teller machines shall be permitted as accessory uses to banks and other financial institutions as either freestanding or attached facilities.
- (B) Automatic teller machines shall be permitted as accessory uses to any use when located on the inside of a building or when attached to the exterior of the principal building.

- (C) Automatic teller machines shall be permitted as freestanding facilities in shopping center parking lots only when the location of such facilities do not present a hazard to the motoring public using the parking lot and they are lighted and located in such a manner as to maximize the safety of the public using the facility.

4-9. Banquet and Events Facilities.

A facility for lease for private parties. Such facilities may or may not provide catering, photography, or similar services associated with private parties, weddings, birthdays and similar occasions.

- (A) Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. 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.
- (B) Outdoor seating and entertainment areas shall not be permitted adjacent to a public street or within 50 feet of a residential use or a residentially zoned lot unless screened from view.
- (C) Music, loud speakers, and similar noise devices shall not be permitted outdoors. 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 facility.

4-10. Bed and Breakfast Establishment.

- (A) The establishment shall serve only breakfast to registered guests of the establishment except that the establishment may also serve dinner to the general public for pay in the CB and HB districts.
- (B) The price of breakfast shall be included in the room rate.
- (C) The establishment shall be the permanent residence of the owner of the establishment and shall contain no more than a maximum of twenty guest rooms.
- (D) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard and overnight guest accommodations shall be in the principal structure only.
- (E) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

4-11. Boarding or Rooming House.

- (A) The house shall be the permanent residence of the owner of the establishment.
- (B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.
- (C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.
- (D) At all times the character of the use shall be residential and shall be designed and maintained to appear as a single-family use.

4-12. Broadcast Studios, Radio and Television.

Broadcast studios shall be permitted only when the applicant can adequately demonstrate that any antenna and/or transmission related to the use will not interfere with the normal and customary television and radio reception enjoyed by town residents.

4-13. Building Contractors, General; Heavy.

(A) All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

(B) Heavy building contractors shall not be located along major thoroughfares.

4-14. Building Materials Supply.

(A) All outdoor storage of logs, lumber and building materials shall be kept at least 100 linear feet from any adjacent residential lot.

(B) Storage of logs, lumber and building materials shall be located in a side or rear yard only.

(C) Saw mills shall not be permitted except as accessory uses to a building materials supply establishment.

4-15. Car Wash, Automatic or Full Service.

(A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.

(B) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(C) Car washes, vacuums, and similar service devices shall be a minimum of fifty feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.

(D) Car washes accessory to a principal use shall be located in the side or rear yard only.

(E) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

4-16. Car Wash, Industrial.

(A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials

(B) Industrial car washes shall be permitted only as accessory uses to a permitted business or industrial use and shall be located in the rear yard only.

(C) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

- (D) Car washes, vacuums, and similar service devices shall be a minimum of 250 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.
- (E) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

4-17. Car Wash, Self-Service.

- (A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials
- (B) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- (C) Car washes, vacuums, and similar service devices shall be a minimum of fifty feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.
- (D) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

4-18. Cemetery.

- (A) Tombstones, crypts, monuments and mausoleums must be located at least fifty 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 twenty feet from any side or rear lot lines in cemeteries (or cemetery expansions).
- (B) 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 twenty feet from any side lot line abutting a residential district and forty feet from any such rear lot line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
- (C) Notwithstanding any other provisions of this ordinance, a minimum of three acres shall be needed for any cemetery being developed as a principal use.

4-19. Childcare Institution; 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 feet shall be observed. On corner or through lots, a minimum twenty 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 feet in height.
- (C) Outdoor activities are limited to the fenced area between 8:00 a.m. and 9:00 p.m.
- (D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate onsite turnaround area shall be provided for all loading/unloading and parking spaces.

4-20. Church or Religious Institution, Community Scale.

- (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 only 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.
- (D) Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:
 - (1) No merchandise or merchandise display shall be visible from outside the building; and
 - (2) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.
- (E) Except as noted in section (C) above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.
- (F) Direct access to the site shall be provided by a major or minor thoroughfare, as depicted on the most up-to-date version of the thoroughfare plan.
- (G) The minimum site area shall be three acres and the minimum setback shall be no less than twenty feet.
- (H) Two or more principal buildings used as part of the church or religious institution may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

4-21. Civic, Fraternal, Cultural, and Community Facilities, Not Otherwise Listed; Private Non-Profit Club or Lodge.

- (A) Such use has direct access to an arterial or collector street.
- (B) No active part of the site (buildings, parking, recreational areas, etc.) are permitted within fifty 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.

4-22. Clubs, Private.

- (A) Private clubs shall be open to members of the club and their guests only.

- (B) Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. 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.

4-23. Cluster Subdivisions.

- (A) All lots within the development shall be accessed solely by interior streets, except that lots used for permitted non-residential uses may have driveway access to adjacent streets if approved by the town.
- (B) No non-residential use in the development shall be permitted within 150 feet of the perimeter of the development site unless the adjacent zoning district permits such use.
- (C) The overall density of the cluster subdivision shall not exceed that of an unclustered subdivision. Land “saved” by clustering shall be dedicated for open space according to the requirements of section 6-3.

4-24. College or University.

- (A) Schools shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated by the school(s).
- (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 minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.
- (D) Two or more principal buildings used as part of the college or university may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

4-25. Commercial Stables.

- (A) Commercial stables shall occupy a zoning lot containing not less than five acres.
- (B) Commercial stables, including any structures housing permitted veterinarian services, shall be set back not less than one hundred fifty feet from any adjoining zoning lot and one hundred feet from any street right-of-way.

4-26. Community Center.

Any community center having a seating capacity in excess of 500 persons shall have direct access to a major or minor arterial.

4-27. Construction Vehicle and Heavy Machinery Sales, Repair, Leasing, Maintenance, and Storage.

Outdoor storage of construction vehicles and heavy machinery associated with sales, repair, leasing, maintenance and storage operations shall be permitted according to the following standards:

- (A) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street.
- (B) Where permitted as a principal use on a lot, the area of storage shall be no closer than forty feet from an abutting street right-of-way.
- (C) The area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

4-28. Day Care Home, Large and Small.

- (A) A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.
- (B) No outdoor play shall be permitted after dark and care shall not be provided on a twenty-four hour basis in any residential district.
- (C) The facility shall be staffed by persons residing in the dwelling in which the day care is located except that up to one non-resident may report to work at a daycare home.
- (D) The day care shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.
- (E) The owner of the daycare home shall reside on premises.

4-29. Dormitory.

- (A) Dormitories shall be permitted only as accessory uses to a college, university, or boarding school.
- (B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.
- (C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

4-30. Dry Cleaning, Laundry Plants and Pick-up Stations.

- (A) Dry cleaning and laundry plants shall not be permitted within 500 feet of a residential use and shall only be permitted as separate freestanding facilities.
- (B) Pick-up stations shall be restricted to non-flammable cleaning products.

4-31. Farmers Market.

Farmers markets shall be permitted only when the products sold are locally grown food and floral produce or products made from such produce such as fruit preserves, candies, cakes, wreathes, etc.

4-32. Feed and Seed Stores.

All outdoor storage shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

4-33. Freight Terminals.

- (A) All freight terminals shall be accessory to an industrial and/or business park or an individual industry or business use.
- (B) The area designated for truck parking shall be located no closer than forty feet from an abutting street right-of-way.
- (C) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- (D) The use shall be located on or have direct access to a major or minor arterial; truck terminals shall not be sited such that collector streets are regularly traversed to access the larger capacity road.
- (E) The area designated for truck parking and/or container storage (including trailer storage) shall be located no closer than fifty feet from public street right-of-way and no closer than 250 feet from a lot containing a legal, conforming residential use or residentially zoned lot unless separated by an arterial street or railroad right-of-way.
- (F) 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.
- (G) 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.

4-34. Funeral Homes.

Funeral homes shall provide a semi-opaque screen when abutting property located in a residential district or a lot containing a legal, conforming residential use.

4-35. Gasoline Station, Large; Neighborhood.

- (A) Hours of operation shall be no earlier than 6:00 a.m. and no later than midnight when this use abuts a lot containing a legal, conforming residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from such residential use or a residentially zoned lot by a major arterial street.

- (B) Any accessory motor vehicle repair service shall store any wrecked, partially dismantled, or inoperative vehicles located on-site in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this ordinance for outdoor storage.
- (C) The overnight storage of all merchandise and vehicles shall be indoors and all repair work and similar activities shall be conducted entirely within enclosed structures.
- (D) All fuel pumps shall be located a minimum of twenty feet from any adjacent property line.
- (E) All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps and canopies located in side yards shall be on the side of the principal structure located away from the street intersection.

4-36. Government-Owned Buildings, Facilities, and Institutions.

Such uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principal activity. In addition:

- (A) These uses shall not create smoke, odor, dust, or noise, which would cause health hazard or nuisance to surrounding property.
- (B) All dangerous apparatus shall be enclosed by a chain link fence at least eight feet in height.
- (C) The maximum height of any building shall be forty-five feet, provided a fifty foot setback from the road right-of-ways and property lines is maintained. Buildings not exceeding thirty-five feet in height shall maintain setbacks as provided by section 5-2.(B).
- (D) These uses shall be limited to offices or to training, housing, incarceration, treatment, or care of individuals, unless otherwise included within the list of permitted or special uses of this district.
- (E) Two or more principal buildings associated with the government use may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

4-37. Group Homes, A or B.

- (A) The zoning lot on which the group home or care facility is proposed shall not be located within a one-half mile radius of a zoning lot containing another such facility.
- (B) The group home shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered nor the site used in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

4-38. Habilitation Facility, A or B.

- (A) Outdoor activity 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 feet shall be observed. On corner or through lots, a minimum twenty foot setback as measured from the abutting street right-of-way line shall be required.
- (B) All outdoor activity areas shall be surrounded by a fence or wall at least four feet in height.
- (C) Outdoor activities shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m.

- (D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled.

4-39. Heliport.

- (A) Heliports shall be permitted as accessory uses to hospitals only.
- (B) Landing pads for on-grade heliports shall be set back a minimum of 400 feet from any property line and 400 feet from buildings used for residential purposes, public or private schools, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated heliports.
- (C) The heliport landing area shall be constructed of a material which is free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.
- (D) Lighting is to be provided according to Federal Aviation Administration (FAA) requirements and is to be oriented as much as possible away from adjacent uses.
- (E) An on-ground landing area shall be surrounded by a fence or other barrier which prohibits access except at controlled access points. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

4-40. Home Occupation, Customary and Rural.

- (A) A customary home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:
 - (1) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the residential dwelling.
 - (2) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
 - (3) The use shall employ no more than one person who is not a resident of the dwelling.
 - (4) A home occupation housed within the dwelling shall occupy no more than twenty-five percent of the total floor area of the dwelling.
 - (5) There shall be no visible outside display of stock in trade which is sold on the premises.
 - (6) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, except equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
 - (7) Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
 - (8) Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.

- (9) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
 - (10) Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis except that instruction in music, dance, voice and similar activities shall be limited to two students at one time.
 - (11) Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of ten feet from abutting property lines.
 - (12) No advertising signs shall be permitted.
- (B) Rural home occupations shall be permitted as accessory uses to residential uses located on tracts of ten acres or more located apart from any coordinated residential subdivision provided that the following requirements are met:
- (1) A building containing a rural home occupation shall be located no less than fifty feet from street right-of-way and at least thirty feet from any exterior property line where a lot line adjoins a residential or residential agricultural tract of land.
 - (2) In the case where a lot line adjoins a commercially zoned lot, the adjoining minimum required yard (rear, side and/or front) for any building containing a rural home occupation shall be as required for accessory buildings in the R-A, residential-agricultural district.
 - (3) A rural home occupation shall be contained entirely within one building with a maximum floor area of 2,000 square feet devoted to the use; and there shall be no outside storage of materials or equipment.
 - (4) One rural home occupation shall be permitted per lot.
 - (5) The operator of the rural home occupation must reside on the same parcel of land or on an adjoining parcel of land in his ownership, upon which the rural home occupation is located.
 - (6) No more than three people who do not reside on the premises may be employed by a rural home occupation.
 - (7) The rural home occupation shall not create smoke, odor, dust, or noise which would cause health hazard or nuisance to surrounding property.

4-41. Kennel.

- (A) Any structure which houses animals which is not fully enclosed shall be located at least 100 feet from any lot line and 250 feet from a residential or mixed-use district.
- (B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line and 500 feet from a lot containing a residential use.

- (C) A maximum of ten weaned animals with a maximum of ten outside runs shall be permitted with up to 40 weaned animals with a maximum of fourth outside runs with the issuance of a special use permit by the Board of Adjustment.
- (D) Facilities shall at all times be maintained in neat and sanitary condition.
- (E) Two or more principal buildings used as part of the kennel may be located on a single lot of record when such buildings meet the location requirements of this ordinance

4-42. Laundry and Linen Supply Service.

Laundry and linen supply service establishments located within the NB district shall be neighborhood in scale.

4-43. Manufactured Home.

- (A) *Design standards.*

In addition to the standards listed below, all manufactured homes shall meet the design standards for residential structures in the underlying district in which they are located except that the zoning administrator may exempt a home from one or more standards if such standard is determined to be impracticable.

- (B) *Exterior finish.*

At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

- (C) *Roof construction and pitch.*

The roof shall be designed to have a minimum rise of four feet for each twelve feet of horizontal run and finished with a type of shingle that is commonly used in standard residential construction. Elevated roof pitches with dormers are preferred.

- (D) *Placement of homes.*

All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site. On corner lots the side with the greatest road frontage shall be considered the front. On cul-de-sacs, the home shall be sited with the front running parallel to the street access.

- (E) *Chassis and tongue removal.*

The towing tongue shall be removed upon final placement of the unit.

- (F) *Foundation.*

All manufactured homes shall be placed on permanent masonry foundations with no visible concrete block.

- (G) *Decks and permanent steps.*

All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set by the North Carolina State Building Code. The minimum square footage of the floor of such porch or deck shall measure at least thirty-two square feet.

4-44. Motor Vehicle Repair and Maintenance.

- (A) The lot containing such use shall be located at least 200 feet from any lot containing a legal, conforming residential use or residentially zoned lot.
- (B) A motor vehicle repair, service, body or paint 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 ordinance for such yards.

4-45. Motor Vehicle Sales, Rental and Leasing.

- (A) Motor vehicle sales, lease, and rental lots shall front on a major or minor arterial.
- (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 paved; and
 - (2) No vehicle shall be displayed within fifteen feet of the street right-of-way; and
 - (3) A strip averaging eight feet in width, but in no case less than five feet in width, located in the area of the lot between the street right-of-way and the vehicle display area shall be heavily landscaped with evergreen shrubs and flowering plants which are suitable for this climate and the growing conditions present on the site. A recommended plant list for shrubs is available from the Town of Richfield planning department. This strip shall be immediately adjacent to the vehicle display area. The number of plantings may be reduced if used in conjunction with and placed on the street side of an opaque, decorative wall at least two and one-half feet in height. This requirement is in addition to any other screening requirements established by this ordinance.
- (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 screen by an opaque fence.
 - (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) No more than twenty-five vehicles shall be permitted to be stored outside on the site at any given time.

4-46. Nursery, Lawn and Garden Supply Store, Retail.

- (A) Up to four storage containers/trailers are permitted to be placed on the lot.
- (B) Storage containers shall be set back a minimum of twenty feet from any adjoining property line or street right-of-way.
- (C) Where permitted as a principal use on a lot, the area of storage for live plants shall be no closer than ten feet from an abutting street right-of-way and the area of storage for all other items shall be no closer than forty feet from an abutting street right-of-way.

4-47. Nursing Care Institutions and Congregate Care Facilities.

- (A) Any facility which is licensed to have more than fifty residents shall maintain a side setback of at least twenty feet and a rear setback of at least forty 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 fifteen feet from internal driveways and parking areas. This standard shall only apply to the living areas of buildings which contain a mixture of uses such as offices, storage and living areas.
- (E) No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.
- (F) Two or more principal buildings used as part of the nursing care or congregate care facility may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

4-48. Outdoor Display and Sales of Merchandise.

All display and sales of merchandise shall be conducted completely within enclosed buildings, except as accessory uses conducted expressly as detailed below:

- (A) Outdoor seating for restaurants provided that such:
 - (1) Shall not be located in any street right-of-way; and
 - (2) Shall be permitted only along the business' tenant bay or storefront façade; and
 - (3) Shall not block the entrance to the business or building.
- (B) Outdoor display or sales of merchandise accessory to a principal use provided that:
 - (1) Such merchandise shall not be located in any public street right-of-way and shall not block the entrance to the business or building; and

- (2) Merchandise stored or sold on private property shall be screened from the public and adjacent residential uses with a minimum six foot opaque screen composed of vegetation, fencing, walls or a combination of such.
- (3) Storefront displays located on the public sidewalk or other public space as permitted by the town shall be located against the building façade, shall be permitted only along the business' tenant bay or storefront façade, and shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day.

4-49. Parking Lot or Deck.

Parking lots and decks not accessory to a building on the same development site shall meet all requirements elsewhere herein for such uses, except that:

- (A) Parking lots may be constructed up to the prevailing established setback line in developed areas or the required setback line in undeveloped areas. In developed areas the prevailing setback line shall be determined by existing structures lying within 300 feet in either direction on the same side of the same street as the proposed parking lot. If the proposed parking lot lies at a street intersection, the prevailing established setback shall be determined for both the fronting street and any abutting side street in the same manner.
- (B) Parking decks shall, to the maximum extent practicable, meet the design standards for buildings.

4-50. Progressive Care Community.

- (A) Accessory buildings shall only include accessory dwellings containing no more than four dwelling units or recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings the use of which shall be for multi-family dwellings, 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.
- (G) No single building shall be greater than 40,000 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 units per acre for accessory residential dwellings. For the purposes of calculating density all land lying underneath and within twenty 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 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 sixty-two 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.
- (K) Two or more principal buildings used as part of the progressive care facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

4-51. Public Safety Facilities.

- (A) Architectural drawings and site plans shall be submitted with each application for gun ranges intended for the training of law enforcement personnel demonstrating that the safe use of the property and its ability to integrate with the area in which it is located is possible.
- (B) Public safety gun ranges shall only be permitted in the RA district.
- (C) Two or more principal buildings used as part of the public safety facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

4-52. Public Works and Public Utility Facilities.

- (A) All outdoor storage of equipment and materials shall be located a minimum of 100 feet from public street rights-of-way and property lines of abutting residential uses.
- (B) To the maximum extent practicable, all outdoor storage of equipment and materials shall be screened from view of adjacent properties and public streets.

4-53. Recreational Facilities, Golf Courses, and Driving Ranges, Public or Private.

- (A) Hours of operation of public or private recreational facilities, golf courses, and driving ranges will be no earlier than 7:00 a.m. and no later than 11:00 p.m. 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 and shall meet the requirements for fencing as listed in section 8-21.
- (C) Private recreational facilities located in a residential zoning district shall be open to members of the club and their guests only.
- (D) Two or more principal buildings used as part of the recreational facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

4-54. Recreation 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 feet in height and six 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) Hours of operation shall be no earlier than 6:00 a.m. for indoor facilities/events and no earlier than 7:00 a.m. for outdoor facilities/events. No facility shall operate after 11:00 p.m.
- (E) All outdoor activities must have a buffer strip as provided in section 6-2. on any side or rear lot line which abuts a residential district.
- (F) Two or more principal buildings used as part of the recreation facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

4-55. Recycling Center.

- (A) A fifty foot side and rear yard buffer shall be required for any site which abuts a residential or mixed-use district.
- (B) No outdoor storage of goods to be recycled shall be permitted. All such materials shall be enclosed within bins, buildings, or storage containers.

4-56. Residential Building, Duplex.

Duplexes are permitted on corner or through lots in any residential or mixed-use district according to the following standards:

- (A) The entrances to each unit shall face different streets.
- (B) The dwelling shall meet the minimum front yard setback from both streets upon which a unit faces.
- (C) The dwelling shall be designed and sited to complement and coordinate with the neighborhood in which it is located.

4-57. Residential Building, Multi-Family; Townhouse.

- (A) Primary access to the development site shall be from a state or town maintained street. The developer may be required to provide turn lanes and other off-site transportation improvements to insure safe and adequate access.
- (B) On small infill development sites in residential districts, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to setbacks, driveway and garage orientation and location, porches, and sidewalks.
- (C) Site designs shall create a sense of “neighborhood” and shall include:
 - (1) An internal vehicular circulation system for private streets, when included, that is reflective of a single-family residential street system.

- (2) Buildings that are sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots.
 - (3) Parking lots that are located behind buildings or screened from view from internal streets, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district.
 - (4) Walkways that connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
 - (5) Plazas, clubhouses, pools, and recreational facilities which are centrally located, when provided.
- (D) Two or more principal buildings used as part of the multi-family complex shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

4-58. Restaurant, With/Without Drive-Through Service.

- (A) All restaurants with drive-through service shall provide a minimum of five stacking spaces associated with each drive through window.
- (B) No required or intended stacking spaces shall block the safe flow of motoring and pedestrian traffic within the parking lot.
- (C) Drive-through facilities located closer than 300 feet to a residential use shall operate no earlier than 6:00 a.m. or later than 12:00 a.m.
- (D) No part of the active use area of a drive-through restaurant shall be located closer than 300 feet to a lot containing a legal, conforming residential use.
- (E) All restaurants located within the NB district shall be limited to a capacity of 80 seats.
- (F) All restaurants that abut residential districts shall be screened entirely from view of adjacent residential properties by an opaque fence and/or vegetative screen to a minimum height of six feet. Such screen shall meet the minimum height requirement at the time of issuance of a certificate of occupancy.

4-59. Retail.

- (A) No outside storage shall be permitted unless preapproved by the Zoning Officer and shown on the site plan as part of the certificate of zoning compliance.
- (B) All proposed areas for outside display and storage shall be clearly marked on the site plan, including but not limited to, open displays of garden supplies, equipment, and other materials and any cargo containers, tractor trailers, storage buildings or similar structures used or intended to be used to contain materials for sale, maintenance, construction, etc.
- (C) The parking of recreational vehicles overnight or camping in any manner on any portion of the lot shall be prohibited.

- (D) Any area intended for use by vendors, civic groups, and other parties either on a temporary or permanent basis for outdoor display, sales, fundraising, etc. shall be clearly marked on the approved site plan.
- (E) Should a structure and/or lot containing an approved retail establishment become vacant, the exterior of such structure and lot shall be maintained by the owner in the same manner as during occupancy including the condition of landscaping, paved surfaces, exterior lighting, façade, etc. The reuse of the structure or lot for any purpose shall be approved by the Zoning Officer prior to such reuse.

4-60. Schools, Elementary and Secondary, Including School Stadiums.

- (A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (B) 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 minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.
- (C) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
- (D) Senior high schools shall be on a lot which abuts an arterial and primary vehicular access shall be provided from the arterial.
- (E) Schools shall be planned, sized and sited to serve as community assets and to integrate with and complement surrounding development. Whenever possible, large schools on greenfield sites away from town should be avoided.
- (F) Two or more principal buildings used as part of the school facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.
- (G) The school shall submit an engineered traffic study as part of the approval process and shall be certified to the findings.

4-61. Schools, Vocational or Professional.

- (A) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
- (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 minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.
- (D) Truck driving schools with outdoor maneuvering areas shall not be permitted.
- (E) Schools shall be planned, sized and sited to serve as community assets and to integrate with and complement surrounding development.

- (F) Two or more principal buildings used as part of the school facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.
- (G) The school shall submit an engineered traffic study as part of the approval process and shall be certified to the findings.

4-62. Services B, Business.

All storage, repair and maintenance of equipment shall occur inside an enclosed building or shall be restricted to the rear yard and screened entirely from the view of adjacent lots and public streets.

4-63. Telecommunication Towers and Facilities.

- (A) Telecommunications towers and facilities are allowed only as special uses in the RA and GB districts.
- (B) Each application for a special use permit shall be accompanied by plot plans showing:
 - (1) The actual dimensions of the lot to be built upon or leased. If leased, then also the dimensions of the lot on which leased portion is located.
 - (2) The size and height of the tower to be erected.
 - (3) Tower type (e.g., monopole or lattice).
 - (4) The location of any existing structures on the lot, if any.
 - (5) The distance to the nearest residential structure.
 - (6) Setbacks or the collapse zone. If collapse zone is used, documentation verifying the collapse zone dimensions.
 - (7) Other information as may be essential and any information requested by the board of adjustment which is necessary for determining whether the provisions of this ordinance are met.
- (C) Requests for special use permits 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. The following factors may be used to evaluate a tower for aesthetic reasons:
 - (1) The effect of the tower on the public view of scenic areas, unique natural features, scenic roadways, etc.
 - (2) A concentration or threat of concentration of towers in one specific area.
 - (3) The ability to modify the height, design, placement, and other characteristics of the tower to have a less intrusive visual impact on the town.
- (D) *Supplementary regulations for new telecommunications towers, antennae, and facilities.*

If it is determined that telecommunications providers cannot: 1) provide an adequate service level from co-locating on an existing telecommunications tower; 2) locate on an existing Duke Power

transmission tower or similar structure; or 3) locate camouflaged antennae within an existing structure, then telecommunications towers and facilities will be allowed, subject to the following regulations in addition to applicable requirements set forth in each underlying zoning district and elsewhere in this ordinance:

- (1) All telecommunication towers shall be of a monopole design and construction. All monopoles must be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible.
- (2) It is the intent of the Town of Richfield to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in the town. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. This will assist the town in reducing the total number of towers in the town. The town requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the certificate of zoning compliance process.
- (3) The maximum allowable height of a tower is 199.9 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 (e.g., cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.
- (4) Where a telecommunication tower is to be located on a lot with an existing principle use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.
- (5) The town encourages stealth tower locations. Telecommunications towers which can locate in or on an existing structure or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Or towers which are located in a stand of trees, rather than in an open field, are preferred.
- (6) Towers are prohibited on the top of buildings or structures in all the residential and business underlying zoning districts. In the industrial underlying zoning districts, towers may be permitted on roofs or walls after submittal of a report by a qualified and licensed professional engineer indicating the existing structure’s suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated, for review by the board of adjustment.

Towers on roofs may be allowed when the tower height: a) does not exceed more than thirty percent of the height of the building; or b) is no more than fifty feet above the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

- (7) The town recognizes that telecommunications facilities (both towers and co-locators) cannot be prohibited, nor can a request for a telecommunications tower be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the federal radio frequency emission standards. The town requires that each applicant for a certificate of zoning

compliance must provide documentation proving that their telecommunications equipment complies with the federal radio frequency emission standards.

- (8) All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the underlying zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.
- (9) A minimum eight-foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The board of adjustment may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

Note: Applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

- (10) Landscape screening shall be required along the outside area of the perimeter-fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall consist of evergreen shrubs planted with a twenty foot screen/buffer with twelve trees [one-third shall be evergreen] and twenty shrubs required per 100 feet of buffer strip. Evergreen shrubs should be of a size expected to reach a minimum of six foot in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be xeriscape (drought) tolerant or irrigated to ensure good health and vitality.

Screening requirements shall not apply to telecommunications providers who have camouflaged (stealth towers) towers or who have located antennas within another structure (such as a steeple), or who have co-located on an existing tower. Nor shall screening apply when an antenna will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

The board of adjustment may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The board may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site (e.g., a floodplain, etc.).

- a) Plant standards and plant installation standards.
 - 1) Minimum tree caliper measured six inches above ground on all trees shall be two and one-half inches and the minimum height shall be eight feet.
 - 2) Shrubs must be at least two feet tall when planted and shall be of a variety and adequately maintained so that an average height of five to six feet could be expected as normal growth within three years of planting.

- 3) All plant material installed shall be free from disease.
 - 4) Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.
 - 5) All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.
- b) *Landscaping maintenance.*

The plantings that constitute a required landscaping shall be properly maintained in order for the landscaping to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen 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 and to keep plantings healthy. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies.

- (11) Minimum setback requirements for free-standing towers shall be one foot for every one foot of actual tower height (e.g., a 199.9 foot tower would require a 199.9 foot setback on all sides), or the documented collapse zone, whichever is less. These setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent icefall materials and/or debris from tower failure or collapse from damaging off-site property. For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured to the edge of the parcel in which the leased area is located.

The board of adjustment may reduce minimum setback requirements, if warranted, or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

- (12) All towers shall be a minimum of 300 feet from the nearest residential dwelling unit.
- (13) Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain written a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (e.g., is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.
- (14) Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period greater than ninety consecutive days. Such removal (clearing from the site) shall take place within six months of the first day the tower was abandoned, and be completed within this same six month period. It shall be the responsibility of the applicant to notify zoning enforcement officer when the tower has been abandoned for greater than ninety days. A sufficient bond to the town shall be submitted to the zoning officer each July 1, with a written estimate for removal of such tower by a contractor.

- (15) Towers having a height of 199.9 feet or less shall not contain lights or light fixtures at a height exceeding fifteen feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night time strobe lights as per the Federal Aviation Administration (FAA).
- (16) Freestanding telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.
- (17) Any planned increase in tower height to an existing approved telecommunication tower shall require the provider to apply for a special use permit. Once the permit has been approved by the board of adjustment, a zoning compliance authorization can be issued to permit the increase in tower height.

Normal maintenance and repair of the structure can be completed without the issuance of a certificate of zoning compliance at the discretion of the zoning enforcement officer.

- (18) Applications by providers to use co-location space on a legally conforming existing tower shall be permitted by right provided that the tower height is not increased. The issuance of a certificate of zoning compliance shall be required.

If the co-locator or owner proposes to increase the tower height on an existing legally conforming telecommunications tower a certificate of zoning compliance shall be required.

- (19) Freestanding signs are prohibited. Wall signs shall be limited to: a) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in size; and b) “no trespassing” signs, “danger - high voltage” signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.
- (20) The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a zoning compliance authorization. Once such authorization is approved, documentation of adequate insurance must be provided to the zoning administrator every twelve months.
- (21) Outdoor storage of equipment or other related items is prohibited.
- (22) Associated telecommunications equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (23) All applications for a special use permit or certificate of zoning compliance, or any amendment to an existing certificate of zoning compliance must include the following information in addition to any other applicable information contained in the zoning ordinance:
 - a) Identification of intended provider(s);
 - b) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.

- c) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
- d) Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to an existing certificate of zoning compliance.
- e) Documentation that the telecommunication equipment complies federal radio frequency emission standards;
- f) Documentation that towers over 199.9 feet are necessary for a minimal level of service;
- g) A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking co-location on an existing legally conforming tower, when the equipment building is to be located within the existing fenced area.
- h) Documentation of monopole tower or lattice tower collapse area, if applicable.
- i) Expert testimony that demonstrates to the satisfaction of the board of adjustment that the provider has explored all means for stealth tower locations and co-location opportunities, if applicable.
- j) Evidence may consist of the following:
 - 1) Existing or approved telecommunications towers with available co-location space are not located within the search area.
 - 2) Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
 - 3) Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.
 - 4) The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (e.g., the spacing requirement between antennae cannot be met).
 - 5) Existing or approved towers lack co-location space.
 - 6) If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower can not be structurally strengthened to accommodate an additional user.

- (24) Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.
- (25) The following requirements apply for a telecommunications tower certificate of zoning compliance:
 - a) Decisions by the board of adjustment to approve or deny a certificate of zoning compliance for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law.
 - b) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the board of adjustment at the public hearing, as suggested by federal law.
 - c) The decision of the board of adjustment must be based upon substantial evidence, which shall be recorded in the minutes.
 - d) In determining if a telecommunications tower should be approved/denied, the board of adjustment may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties. The aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics may be used to evaluate the telecommunications tower request. In reaching a decision, the board of adjustment may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

(E) *Supplementary regulations for telecommunications antennae and associated equipment locating on existing towers and structures.*

- (1) Applications by providers to use co-location space on a legally conforming existing telecommunications tower shall be allowed by right provided that the tower height is not increased. Any co-location which will result in an increase to the tower height, shall require the co-locator or applicant to apply for an amendment to the telecommunications tower certificate of zoning compliance, allowing an increase in tower height if the tower existed prior to the adoption of these regulations.
- (2) Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennae and its associated equipment buildings may locate on any Duke Power transmission tower, water tank/tower, or similar structures by right in all underlying zoning districts so long as the addition does not increase the original height of the existing structure or tower, when zoning compliance authorization has been approved. Such antennae shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.
- (3) The town requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the federal radio frequency emission standards.
- (4) Screening requirements shall not apply to telecommunications providers who camouflage antennas within another structure (stealth locations) such as a church steeple, or co-locate

on an existing tower. Nor shall any screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

- (5) Outdoor storage of equipment or other related or non-related items are prohibited.
- (6) The associated telecommunication antennae equipment buildings located in all underlying zoning districts shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (7) Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

4-64. Temporary Seasonal Uses and Structures, Including Seasonal Markets.

The establishment of temporary sales lots for Christmas trees and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months upon the issuance of a temporary use certificate of zoning compliance by the zoning administrator. The following conditions and exceptions shall apply.

- (A) No more than one trailer shall be used to store goods for sale.
- (B) The use may only be located on a vacant lot, on a lot occupied by a nonresidential use, or on the site of a bona fide farm operation.
- (C) Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.
- (D) On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.
- (E) Such uses shall not include flea markets or any sales of merchandise or products not related to the seasonal sale of agricultural produce.
- (F) Farm-type enterprises when considered as being part of bona fide farms such as plant nurseries, commercial greenhouses, fruit or vegetable packing sheds, retail sale of products grown on premises, hatcheries, tobacco storage for sales, and similar commercial and processing activities shall be permitted in the RA district without a certificate of zoning compliance unless new parking, driveways, or structures are required.

4-65. Temporary Units and Temporary Dwellings.

- (A) A temporary certificate zoning compliance may be issued for a period of one year, according to specific use and other requirements of the zoning district in which the unit is to be located, under the following circumstances: 1) an urgent hardship situation is established upon review by the zoning enforcement officer. Such hardship shall involve loss of a principal dwelling due to disaster; 2) housing need of parents or dependents of the family occupying the principal dwelling, considering factors such as illness, need to care for elderly, lack of space within the principal dwelling; or 3) financial hardship. All state and local laws also shall apply.
- (B) Extensions shall be possible only upon administrative review by the board of adjustment establishing continued hardship, except that financial hardship alone shall not be the basis for any

extension. Extensions shall be granted in one year increments. No more than two extensions shall be permitted.

- (C) The zoning enforcement officer may approve a temporary certificate of zoning compliance of a camper or other mobile unit to be used as an office by a builder during construction in any district. Certificate of zoning compliances for two consecutive six-month periods may be issued provided that construction is carried on diligently. Any further extension of certificate of zoning compliances for temporary units shall be approved as provided in section 9-3. No temporary unit shall be used as temporary living quarters unless approved as provided by section 9-3.
- (D) All other applications not meeting the above conditions may be taken before the board of adjustment for review under variance procedures as presented in section 9-8.

4-66. Utilities, Above Ground.

- (A) Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, shall be installed underground, unless subsurface conditions make underground installation not possible or practical.
- (B) Facilities used for the operation of above ground utilities shall, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage and may include one or more principal structures on a single lot of record when such buildings meet the location requirements of this ordinance.
- (C) Areas around water towers, water and wastewater treatment facilities, substations, and power plants shall be enclosed by a fence, not easily climbable, at least six feet in height. The fence shall be located at least twenty feet from any public street right-of-way and abutting property line and shall be planted on the exterior side with a semi-opaque vegetative screen with expected height of at least six feet at maturity.
- (D) All buildings shall (except public utility cabinets) be set back at least twenty feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area.

4-67. Utility Service Areas.

All equipment associated with a utility service area shall be designed and installed to be as inconspicuous as possible; shall not interfere with the installation or enjoyment of public facilities or facilities that serve the public such as sidewalks, bike paths, and driveways; and shall be installed away from public streets and residences to the maximum extent practicable.

4-68. Veterinary Services.

- (A) Any structure which houses animals which are not fully enclosed shall be located at least 100 feet from any lot line and 250 feet from a legal conforming residential use or lot located within a residential or mixed-use district.
- (B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line, except in the GB district where such lot line abuts another lot zoned GB, in which case all runs shall be at least 50 feet from that lot line.

- (C) Any run located partially or wholly outdoors shall be located at least 250 feet from a lot containing a legal, conforming residential use or lot located within a residential or mixed-use district.
- (D) Facilities shall at all times be maintained in a neat and sanitary condition.
- (E) Two or more principal buildings used as part of the veterinary facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

4-69. Warehousing, Self Storage.

- (A) Self storage warehouse spaces shall be used for storage only. No space shall be leased for any other purpose other than storage at any time.
- (B) Outside storage shall be screened and shall not be located closer than 100 feet to a residential or mixed-use zoning district or a lot containing a legal, conforming residential use.
- (C) All driveways and parking areas between and around buildings shall be paved with asphalt or concrete including parking areas for the storage of boats, recreational vehicles and similar vehicles.
- (D) Two or more principal buildings used as part of the warehouse facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

4-70. Waste Transfer Station, Recycling Only.

- (A) Waste transfer stations shall be limited to the collection and transfer of household recyclables.
- (B) Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.
- (C) The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least eight feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- (D) The active use areas of the site shall be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets.
- (E) That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen at least twenty feet from a public street right-of-way and 100 feet from abutting property lines.
- (F) No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed-use.
- (G) Vehicular access to the proposed use will not be provided by a minor collector or neighborhood street, and access roads to the site will connect directly to a designated arterial.