

ZONING ORDINANCE

City of Archdale, North Carolina

Adopted July 25, 2023

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ARTICLE 1. PURPOSE, AUTHORITY, AND LEGAL PROVISIONS

1.1 Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and for the purposes of:

1. Promoting the public health, safety, morals, and general welfare;
2. Promoting the orderly growth and development of the City of Archdale and the surrounding area;
3. Lessening congestion in the streets and roads;
4. Providing adequate light and air;
5. Securing safety from fires, panic, and other dangers;
6. Preventing the overcrowding of land;
7. Avoiding undue congestion of population; and
8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

They have been made with reasonable consideration, among other things to the character of each Zoning District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

1.2 Authority

This Ordinance is enacted pursuant to the authority conferred by Chapter 160D of the General Statutes of North Carolina.

1.3 Title

This Ordinance shall be known as the Zoning Ordinance of the City of Archdale, North Carolina and may be referred to as the Zoning Ordinance. The map referred to herein is identified by the title Official Zoning Map, Archdale, North Carolina and may be known as the Zoning Map.

1.4 Territorial Jurisdiction

For the purpose of this Zoning Ordinance, the zoning jurisdiction of the City of Archdale shall include the land within the corporate limits of the City and that land located between these limits and the boundaries established in the municipal ordinance establishing extraterritorial jurisdiction (ETJ) boundaries, as now or hereafter fixed.

1.5 Zoning Affects Every Building and Use; Bona Fide Farm Exemption

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Zoning Ordinance. Bona fide farms in the City's extraterritorial jurisdiction are exempt from regulation under this ordinance to the extent granted in the exemption established under NCGS 160D-903(c).

1.6 Minimum Regulations

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinance, the more restrictive or higher standards shall govern.

1.7 Applications for Development Approvals - Qualifications

Only the landowner, or duly authorized agent, as set forth in NCGS 160D-403(a) shall be permitted to submit an application for any development approval under this Ordinance. Proof of agency may be required by the Zoning Administrator prior to accepting any application.

1.8 Fees

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the City Council in the Schedule of Fees and Charges.

1.9 Incorporation of Zoning Map

The Official Zoning Map and all notations, references, and other information shown on the map are hereby incorporated and made a part of this Ordinance.

1.10 Interpretation and Conflicts

In interpreting and applying the provisions of the Ordinance, the provision shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. This Ordinance is not intended to interfere with, abrogate, or annul any

easements, covenants, or other agreements between parties; provided, however, where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement causing the highest standard of improvement, shall govern.

1.11 Repeal and Reenactment of Existing Zoning Ordinance

The rewriting of this Ordinance in part carries forth by re-enactment some of the provisions of the existing Zoning Ordinance of the City of Archdale and it is not intended to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Zoning Ordinance which are not re-enacted herein, are hereby repealed.

All suits at law or in equity and/or all prosecutions resulting from the violation of the Zoning Ordinance in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality the same as if this Ordinance had not been adopted; and any and all violations of the existing Ordinance, prosecutions for which have not been instituted, may be filled and prosecuted; and nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

1.12 Effect of Ordinance Changes on Previous Development Approvals

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto; provided, however, that where construction is not begun under the outstanding permit within a period of one year subsequent to the passage of this Ordinance or any amendment thereto, or where construction has been voluntarily discontinued for 12 consecutive months, any further construction or use shall be in conformity with the provisions of this Ordinance or any such amendment.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Zoning Permit which has been granted prior to the adoption of this Ordinance provided that a Building Permit has been obtained and construction begun within one year of the date of the issuance of such permit and provided that such Building Permit is prosecuted to completion as provided for above.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any Special Use Permit which has been granted prior to the adoption of this Ordinance and which Special Use is no longer carried forth on this Ordinance provided that a Building Permit has been obtained and construction begun within one year of the date of the approval of such Permit and provided that such Building Permit is prosecuted to completion as provided for above. Such valid Special Uses including those already existing for non-continued uses may be constructed, continued, and reconstructed the same as any permitted use subject to such use limitations and other conditions as provided for in the original issuance of the Special Use Permit. Any such Special Use that is changed to any permitted use for any period of time shall not be permitted to resume the Special Use.

Nothing herein contained shall require any change in any zoning vested right which has been established prior to the adoption of this Ordinance during its vested rights period except to the extent permitted at the time of the approval of the Site-Specific Vesting Plan and consistent with North Carolina General Statute 160D-108.1.

1.13 Severability

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each Section, Subsection, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared invalid.

1.14 Effective Date

The effective date of the City of Archdale Zoning Ordinance is November 1, 2023.

ARTICLE 2. ESTABLISHMENT OF ZONING DISTRICTS

2.1 Base Zoning Districts Established: Purposes Set Forth

For the purposes of this Ordinance, the City of Archdale, North Carolina, and the area comprising its extraterritorial zoning jurisdiction (ETJ), is hereby divided into the following base zoning districts:

2.1.1 R-40 Residential District

The R-40 Residential District is established for low density residential and rural agricultural purposes with some limited public, semi-public, and passive recreational uses permitted when they are compatible with low density residential development. As municipal services become available to such areas it is anticipated that the R-40 District will be considered for rezoning to other districts.

2.1.2 R-15 Residential District

The R-15 Residential District is established for moderately low residential uses with some limited public, semi-public, and passive recreational uses permitted when they are compatible with moderately low density residential developments.

2.1.3 R-12.5 Residential District

The R-12.5 Residential District is established for medium density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density residential developments.

2.1.4 R-10 Residential District

The R-10 Residential District is established for medium to high density residential development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium density to high density residential developments.

2.1.5 Group Residential District (GRD)

The intent of the Group Residential District (GRD) is to ensure that group developments are zoned and planned so as to provide adequate open space, access, and circulation within the development and sufficient buffers to ensure compatibility with surrounding land uses. Limited public and semi-public uses are permitted when they are compatible with these uses. Amendments to the Official Zoning Map to apply the GRD district to additional parcels beyond

those to which it has been applied as of October 31, 2023, shall be prohibited, and no application for a Zoning Map Amendment to the GRD district shall be accepted after that date.

2.1.6 Residential Attached Housing District (R-AH)

The Residential Attached Housing District (R-AH) is established for medium to high density development with some limited public, semi-public, and passive recreational uses permitted when they are compatible with medium to high density residential developments.

2.1.7 Downtown Residential District (DR)

The Downtown Residential District (DR) is intended to encourage the development and redevelopment of a mixture of residential housing types at an urban density in areas proximate to the Downtown District. The form and density of residential development in the Downtown Residential District is intended to help build and sustain a critical mass of residents living in a walkable environment that is connected to Downtown Archdale in order to enhance the viability of a diverse array of commercial and civic uses in the downtown area.

2.1.8 Office and Institutional District (OI)

The Office and Institutional District (OI) is established to provide for business and professional office service occupations and light commercial uses. Because the office and institutional uses are subject to the public view, developers and operators of offices and businesses should provide an appropriate appearance, parking, and design of entrances and exits to offices and businesses in a manner to minimize the traffic congestion.

2.1.9 Highway Business District (HB)

The Highway Business District (HB) is established for the retailing of goods and services that cater primarily to the passing motorists. Uses in this district are highly intensive in nature, require high visibility, and have significant front setbacks. Developments in this district are located along major thoroughfares and are within a close proximity to the interstate highway.

2.1.10 B-1 Business District

The B-1 Business District is established to provide for retailing goods and services to the passing motorists and residents living in the area. Because the business uses are subject to the public view, developers and operators of businesses should provide an appropriate appearance, parking, and design of entrances and exits to businesses in a manner to minimize traffic congestion. The regulations of this district are designed to permit a concentrated development

of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

2.1.11 B-2 Neighborhood Business District

The B-2 Neighborhood Business District is established to provide for a compact neighborhood shopping district which provides convenience goods such as groceries and drugs and some types of personal services to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance. Parking and design of entrances and exits to businesses must be established in a manner to minimize traffic congestion.

2.1.12 Downtown District (DT)

The Downtown District is intended to support the development and redevelopment of property for commercial and residential use in a dense, walkable, urban area that serves as the focal point of the City of Archdale. The Downtown District supports a wide range of commercial and civic uses that enhance the active nature of a downtown area, while prohibiting large scale and auto-oriented retail and service uses that would detract from the intent of the district. Urban design consistent with a traditional downtown area is required to ensure that new development and redevelopment is consistent with the City's plans and investments to realize the creation and sustainment of Downtown Archdale.

2.1.13 Commerce Park District (CP)

The Commerce Park District (CP) is intended to support the development of a cohesive regional center of employment, industry, and commerce in the vicinity of the I-85 / I-74 interchange. Primary uses in the Commerce Park District are intended to focus on office, research and development, logistics, and high-tech / low impact manufacturing uses. Supporting the employment generating uses in the district are a range of commercial establishments that serve the needs of employees and visitors. Residential use in the district is intended to be higher density multi-family housing that is integrated into the overall design of the Commerce Park. Walkability between employment, commercial, and residential uses is critical, as is adherence to high-quality design of buildings, sites, and public spaces / infrastructure.

2.1.14 M-1 Heavy Manufacturing District

The M-1 Heavy Manufacturing District is established for those areas of the community where the principal use of land is for manufacturing, industrial, and warehousing uses. These uses, by their nature, may create some nuisances that are not properly associated with residential,

institutional, commercial, and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

2.1.15 M-2 Light Industrial District

The M-2 Light Manufacturing District is established for industry assembly, fabrication, and warehousing located on planned sites with access to major highways and streets and with adequate utility facilities. This district is intended to allow a lower density of manufacturing and warehousing operations which create a more desirable appearance and less environment pollution than a more dense manufacturing zone. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby development property. The purpose of these regulations is to control building and traffic congestion and to provide an appropriate community appearance.

2.2 Conditional Zoning Districts Established: Purposes Set Forth

Parallel Conditional Zoning Districts are hereby established to correspond to each Base Zoning District established in Section 2.1, excepting the GRD District. For the purposes of record-keeping and administering the Ordinance, each Conditional Zoning District shall be denoted by the prefix “CD” and assigned a unique case number.

2.2.1 Purpose and Intent

It is recognized that certain zoning districts would be inappropriate to establish in certain locations in the absence of site-specific conditions that ensure the compatible development and use of the property in the context of its location in the City and the surrounding uses and development pattern. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, Conditional Zoning is the means by which such site-specific conditions can be imposed in the furtherance of the purpose of this Ordinance and the Comprehensive Plan.

Zoning map amendments to a Conditional Zoning District classification will be considered only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any written condition, it is the intent of this Ordinance that the authorization of such Conditional Zoning District shall be null and void and of no effect and that proceedings shall be instituted to rezone the property to its previous zoning classification.

2.2.2 Uses Permitted in a Conditional Zoning District

Within a Conditional Zoning District, only those uses authorized as permitted or special uses in the Base Zoning District with which the Conditional Zoning District corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a Conditional Zoning District, no use shall be permitted except pursuant to the written conditions adopted the City Council, which shall specify the use or uses authorized.

The inclusion of a use within a Conditional Zoning District which is permitted only as a Special Use in the zoning district which corresponds to the parallel Conditional Zoning District shall preclude any requirement for obtaining a Special Use Permit for any such use in a separate procedure.

2.2.3 Other Development Conditions

An associated site plan and/or written conditions may further specify the location on the property of the proposed use and uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development controls.

In granting a Conditional Zoning District map amendment, the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done, provided that such conditions are in writing and agreed to by the applicant prior to adoption of the amendment.

2.3 Overlay Districts Established: Purposes Set Forth

The following Overlay Districts are established for the purpose of applying additional standards or modifying the generally applicable standards of a Base Zoning District to which it is applied. Overlay Districts shall be delineated on the Official Zoning Map in the same manner as the Base Zoning Districts. Where an addition or modification to a generally applicable standard is not established in the regulations for the Overlay District, the generally applicable standard shall apply.

2.3.1 Urban Residential Overlay District

The Urban Residential Overlay District is intended to foster investment and revitalization through infill development and redevelopment in the core / legacy residential areas of the City of Archdale by providing additional opportunities for property owners to increase the utilization of larger properties. This is primarily achieved by allowing smaller minimum lots sizes and more options for the types of residential uses that are permitted by-right in the area(s) to which the Urban Residential Overlay District is applied.

2.3.2 North Main Overlay District

The North Main Overlay District is intended to support the transformation of North Main Street from its legacy auto-oriented commercial strip development pattern into a walkable / mixed use environment that directly supports the modification of the function of North Main Street, the development of Downtown Archdale, and reinvestment in the adjacent residential neighborhoods. This is primarily achieved through the reorientation of development patterns to create a walkable and human scale environment that is designed to serve pedestrians over vehicular traffic, limitations on auto-oriented and large-scale development, and use limitations that create a mix of uses that support the desired vision for North Main Street.

2.4 District Boundaries Shown on Zoning Map

The boundaries of the districts are shown on the map accompanying this Ordinance and made a part hereof entitled "Official Zoning Map of the City of Archdale, North Carolina". The Zoning Map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described as set out herein. The Official Zoning Map shall be maintained in paper form in the office of the City Clerk and is available for inspection by the public. The Clerk shall maintain an archive of all previous versions of the Official Zoning Map.

2.5 Rules Governing Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street or railroad right-of-way lines, or such lines extended, such centerlines or street or railway right-of-way lines shall be construed to be such boundaries.

2. Where district boundaries are so indicated that they approximately follow platted lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways, railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by use of the scale shown on the said Zoning Map.
4. Where any street or alley is hereafter officially closed, vacated, or abandoned, the zoning district adjoining each side of the street or alley shall be automatically extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.
5. Boundaries indicated as approximately following City limit lines shall be construed to follow such City limit lines.
6. Where district boundaries are indicated as following topographic contours, drainage divides, or specific measured distances, such features shall be construed to be such boundaries.
7. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
8. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
9. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if further uncertainty exists as to the location of boundaries or applicability of zoning districts, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of such boundaries and the applicability of such districts.

ARTICLE 3. DIMENSIONAL STANDARDS

3.1 Zoning District Dimensional Standards

The following general dimensional standards shall apply unless otherwise modified by another provision of this Ordinance.

3.1.1 Dimensional Standards for Residential Districts

The minimum dimensional standards shown in the following table shall apply within the residential zoning districts, subject to any additional standards imposed in this Section or otherwise modified by a provision of this Ordinance or the Subdivision Ordinance.

Table 3.1: Dimensional Standards for Residential Districts

District	Lot Area (sf)	Lot Width (ft)	Front Yard Setback (ft)	Side Yard Setback (ft)	Rear Yard Setback (ft)	Maximum Height (ft)
R-40	40,000	100	45	10	25	35
R-15	15,000	80	35	10	25	35
R-12.5	12,500	80	35	10	25	35
R-10	10,000	75	35	10	25	35
DR	5,000	50	20	5	25	35
R-AH	See Supplemental Use Standards and Notes 6 and 7					
GRD	See Supplemental Use Standards and Notes 6 and 7					

1. For corner lots, the minimum side yard setback on exterior (street) side property lines shall be 15 feet, regardless of the base zoning district.
2. Prevailing front yard setbacks of existing single-family detached dwellings shall be observed on platted residential lots 40,000 square feet or smaller, unless otherwise modified by a provision of this Ordinance. The setback shall be established by determined the existing front setback of each detached single-family residential structure within 200 feet of the property on the same side of the street and averaging the existing setbacks.
3. Within the residential districts, nonresidential structures and uses may only be established on lots containing a minimum of the greater of 20,000 square feet of lot area, or the minimum for the district, unless a larger minimum lot area is required by another provision of this Ordinance. In any circumstance, the lot upon which a nonresidential structure or use is established shall contain

sufficient area and dimensions to meet all requirements of this Ordinance regarding the provision of parking, landscaping, buffering, and similar site development requirements.

4. For lots not meeting the minimum lot width of the base zoning district, a single-family detached dwelling may be built on a preexisting lot with a minimum of 50 feet of frontage, provided all other dimensional requirements can be met. A Special Use Permit shall be required to construct single-family detached residences on preexisting lots with less than 50 feet of lot width or that cannot meet another dimensional standard.
5. Within permitted Cluster Subdivisions, dimensional standards may be reduced in accordance with the standards set forth in the Subdivision Ordinance.
6. Within the GRD and R-AH districts, single family detached dwellings shall adhere to the dimensional standards for the R-10 district.
7. Within the GRD and R-AH districts, nonresidential uses shall have a minimum lot area of 20,000 square feet adhere to the OI district dimensional standards for lot width, setbacks, and height.

3.1.2 Dimensional Standards for Nonresidential Districts

The minimum dimensional standards shown in the following table shall apply within the nonresidential zoning districts, subject to any additional standards imposed in this Section or otherwise modified by a provision of this Ordinance or the Subdivision Ordinance.

Table 3.2: Dimensional Standards for Non-Residential Districts

District	Lot Area (sf)	Lot Width (ft)	Front Yard Setback (ft)	Side Yard Setback (ft)	Rear Yard Setback (ft)	Maximum Height (ft)
OI	-	75	30	8	20	35
HB	-	150	50	5	20	50
B-1	-	100	30	5	20	50
B-2	-	50	30	5	20	35
DT	-	-	-	-	-	50
CP	-	-	-	-	-	100
M-1	-	75	40	20	20	50
M-2	-	75	40	20	20	50

- 1.** For corner lots, the minimum side yard setback on exterior (street) side property lines shall be 20 feet, regardless of the base zoning district. This requirement shall not apply within the Downtown (DT) district.
- 2.** The maximum height within the M-1 and M-2 districts may be increased by 1 foot for each additional 1 foot of side and rear yard setback provided.
- 3.** Nonresidential accessory structures shall be permitted to be located no closer than 5 feet to side and rear property lines where no buffer is required.

ARTICLE 4. PERMITTED USES

4.1 General

The Table of Permitted and Special Uses which follows in Section 4.6 contains a listing of uses which may be permitted in one or more of the various Zoning Districts established by this Ordinance.

4.2 Determining Permitted and Special Uses, Principal Uses and Mixed Uses

The listings of Permitted and Special Uses in the various Districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the Districts. In determining proposed uses, the Zoning Administrator shall classify the form and function of the use. When a proposed use is not specifically listed in the Table of Permitted and Special Uses, the Zoning Administrator shall determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Zoning Administrator finds that the proposed use is the same as, or manifestly similar to, a listed use, he shall classify the proposed use as the listed use. If the Zoning Administrator finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In each case, the Zoning Administrator shall maintain a written record of such determinations.

In determining what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure serves or is proposed to serve. An accessory use shall be considered a structure or use that meets one or more of the following:

1. Is clearly incidental to and customarily found in connection with a principal building or use;
2. Is subordinate in area, extent, or purpose to the principal building or principal use served;
3. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; or,
4. Is located on the same lot and zoned the same as the principal building or use served.

Two or more principal uses may, in some cases, be permitted to occupy the same land or buildings as long as each is a permitted use.

4.3 Entries

The District or Districts in which a particular listed use may be permitted is indicated in the column(s) opposite the listed use. Where a column is blank and no entry is made for a particular district or district, such use is prohibited in that district. Uses listed in the table which do not have any entry in the column for any district are prohibited entirely within the City of Archdale's zoning jurisdiction.

4.4 Meaning of Entries

The meanings of the entries in the Table are as follows:

1. "P" indicates the use is permitted by right.
2. "S" indicates the use requires approval of a Special Use Permit.
3. "PC" or "SC" indicates that there are Supplemental Use Standards associated with the use in the district or districts so indicated.

4.5 Supplemental Use Standards

Certain uses require adherence to supplemental regulations in some, or all, circumstances. Supplemental regulations are established in Article V.

4.6 Table of Permitted and Special Uses

Table 4.1: Permitted Uses by Zoning District

Zoning District	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Residential Uses															
Bed and Breakfast Inn	PC						PC								
Dwelling - Live Work							P	P				P			
Dwelling - Manufactured Home (On Individual Parcel)	P														
Dwelling - Multi-Family, Attached					PC	PC	PC								
Dwelling - Multi-Family, Stacked					PC		PC						PC		
Dwelling - Multi-Family, Upper Story								P		P	P	P			
Dwelling - Single Family, Attached					PC	PC	PC								
Dwelling - Single Family, Detached	P	P	P	P	P	P	P								
Family Care Home	P	P	P	P	P	P	P								
Family Childcare Home	PC	PC	PC	PC			PC	P							
Group Home								S							
Manufactured Home Park															

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Zoning District	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Commercial Uses															
Adult Electronic Gaming Establishments															
Amusement Facility - Indoor									P	P					S
Amusement Facility - Outdoor									PC	SC					
Arts and Crafts Studios / Instruction								P	P	P	P				
Auction Houses, other than Vehicles and Equipment									P	P					
Bars and Nightclubs									SC	SC		S	S		
Car Wash									P	P					
Contractor Office with Outdoor Storage															P
Employment/Labor Service Agency								P	P	P					P
Equipment Sales, Rental, and Service Establishments									P					P	P
Event Venue	SC								P	P					
Financial Institution								P	P	P					
Funeral Home								P	P	P					
Gas Station									P	P					P
Greenhouses and Nurseries - Retail									P	P					P
Household and Personal Goods Service and Repair									P	P	P	P			
Kennel / Animal Boarding	SC								PC	PC					PC
Live Performance Venue - Indoor									P	P		P			
Live Performance Venue - Outdoor															
Lodging Establishment									PC	PC			PC		
Medical/Dental Office								P	P	P	P	P	P		
Personal Service Establishment								P	P	P	P	P	P		
Professional Offices								P	P	P	P	P	P	P	P

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Zoning District	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Commercial Uses (continued)															
Restaurant									P	P	P	P	P		P
Restaurant with Drive-Through									P	P					
Retail Sales Establishment, Small (Under 5,000 SF)									P	P	P	P	P		P
Retail Sales Establishment, Large (Over 5,000 SF)									P	P					
Self-Storage Facility: Indoor									P	P					P
Self-Storage Facility: Outdoor									PC					P	P
Sexually Oriented Business									SC						
Showroom									P	P			P	P	P
Tattoo Studios									P	P					
Vehicle and Equipment Auction Facilities														P	P
Vehicle Sales and Rental, Passenger									PC	PC					
Vehicle Repair Facility, Major									PC	PC				P	P
Vehicle Repair Facility, Minor									P	P	P		P	P	P
Veterinary Services	SC								P	P					
Wholesale Goods Establishment									P					P	P

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Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Institutional and Governmental Uses															
Addiction Treatment Facility, Residential								S							
Adult Care Center								P		P					
Animal Shelter	SC														P
Cemetery	P							P							
Childcare Center	PC	PC	PC	PC				P		P	P		P		
Childcare Center, Large								P		P			P		
Civic, Social, and Fraternal Organizations								P	P	P	P	P			
Community Center	SC	SC	SC	SC				P	P	P	P	P			
Correctional Facility															
Cultural Facility	SC							P	P	P		P			
Domestic Violence Shelter	P	P	P	P			P	P							
Drug Treatment Clinic								P	P						
Educational Facility - Pre-School	P	P	P	P				P		P	P		P		
Educational Facility - Primary or Secondary	P	P	P	P				P							
Educational Facility - University or College								P	P				P		
Educational Facility - Vocational								P	P	P			P	P	P
Government Office/Facility	SC	SC	SC	SC				P	P	P	P	P	P	P	P
Halfway House															
Hospital / Medical Campus								P	P	P			P		
Public Health and Social Service Uses								P	P	P					
Public Safety Facility	SC	SC	SC	SC				P	P	P	P	P	P	P	P
Public Works / Utility Facility	S							P	P	P				P	P
Religious Institution	P	P	P	P			P	P	P	P	P	P			
Religious Institution, Large								S	P	S					
Residential Care Facility	SC	SC	SC	SC				P		P					

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Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Industrial Uses															
Asphalt Plant														S	
Chemical Production and Bulk Storage														S	
Concrete Plant														S	
Crematorium								SC	SC	SC					P
Hazardous Materials Collection or Storage														S	
Industrial, Agricultural and Food Process														P	
Industrial, Craft									P	P		S		P	P
Industrial, General													S	P	
Industrial, Light													P	P	P
Landfill, Land Clearing & Inert Debris (LCID)															
Landfill, Municipal Solid Waste															
Landfill, Other															
Light Assembly									P	P			P	P	P
Micro-Production of Alcohol (less than 10,000 sf)									P	S		P	P	P	P
Outdoor Storage Yard, Principal Use														P	P
Paper and Related Materials Production															
Petroleum Products Refineries and Bulk Storage															
Quarries and Mines														S	
Rail Freight Terminal														S	
Recycling Collection Center														P	P
Research and Development (R&D)								P	P	P			P	P	P
Salvage and/or Junk Yard														P	P
Solid Waste Transfer Station, Outdoor															
Solid Waste Transfer Station, Indoor														S	
Warehouse and Distribution Center													P	P	P

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Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Transportation Uses															
Airport / Heliport														SC	SC
Helistop													SC	SC	SC
Parking Lot (Principal Use)								P	P	P			P	P	P
Parking Structure (Principal Use)												P	P	P	P
Public Transit Facility								P	P	P	P	P	P	P	P
Truck Stop									PC					PC	PC
Truck Terminal														P	P
Vehicle Operations Facility														P	P

Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Agricultural Uses															
Agriculture, Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agriculture, Crop Production - Indoor														P	P
Agriculture, Livestock Production (excluding poultry and swine)	P	P	P	P											
Agriculture, Poultry and Swine Production															
Agritourism Enterprise (associated with Agricultural use)	P														
Aquaculture	P														
Community Garden	P	P	P	P	P	P	P	P	P	P	P				
Equestrian Riding Facilities / Schools, Commercial	PC														
Equestrian Stables, Commercial	PC														
Greenhouses and Nurseries, Excluding Retail Sales	P														

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Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Recreation Uses															
Campground															
Campground, Recreational Vehicle															
Driving Range	PC								P	P					
Golf Course	P	P	P	P											
Gyms and Fitness Studios									P	P					P
Indoor Recreation Facility								P	P	P			P		S
Motorsports Tracks and Facilities															
Outdoor Adventure Recreation	SC								PC						
Private Recreation Club	P	P	P	P	P	P		P	P	P			P		
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Shooting Range, Indoor									P					P	P
Shooting Range, Outdoor	SC													SC	SC
Sports Instruction Schools	SC								P	P					S
Sports Parks, Private / Commercial	SC								P	P					

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Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Infrastructure															
Electric Energy Production, Excluding Wind and														S	
Electric Substation	P	P	P	P	P	P		P	P	P	P		P	P	P
Natural Gas Transmission Facility, Above Ground	P								P	P			P	P	P
Small Cell Facilities	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Solar Energy Production Facility, Commercial	SC													PC	PC
Utility Transmission and Distribution Lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Wastewater Treatment Plant														S	
Wastewater Pump Stations	P	P	P	P	P	P		P	P	P			P	P	P
Water Towers	P	P	P	P	P	P		P	P	P			P	P	P
Water Treatment Plant														P	P
Wind Energy Production Facility, Commercial															
Wireless Telecommunications Facilities	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC

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Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Temporary Uses															
Mobile Car Wash								PC	PC	PC	PC		PC	PC	PC
Mobile Food Vendor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Personal Services	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Mobile Retail Vendor									PC	PC	PC	PC	PC	PC	PC
Real Estate Development Sales Office	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Special Events, Outdoor	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC		PC	PC		
Temporary Contractor's Office and Contractor's Yard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Healthcare Structure	P	P	P	P			P								
Temporary Outdoor Entertainment									PC	PC		PC	PC		
Temporary Outdoor Sales and Display									P	P	P			P	P
Temporary Outdoor Storage (Residential)	P	P	P	P											
Yard Sale	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Zoning Districts	R-40	R-15	R-12.5	R-10	GRD	R-AH	DR	OI	HB	B-1	B-2	DT	CP	M-1	M-2
Accessory Uses															
Accessory Solar Energy System	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
Childcare Center, Accessory to Employment												P	P	P	P
Customary and Incidental Commercial Accessory Uses								P	P	P	P	P	P	P	P
Drive-Through Service									P	P			P		
Home Occupation	PC	PC	PC	PC	PC	PC	PC								
Outdoor Entertainment									PC	PC	PC	PC	PC		
Outdoor Sales and Display									P	P	P			P	P
Private Stables	P														
Retail Sales, Incidental to Industrial Production														P	P

ARTICLE 5: SUPPLEMENTAL USE REGULATIONS

5.1 Purpose and Intent

The supplemental regulations established in this article are intended to provide additional use and development standards for certain uses, as identified in the Table of Permitted Uses, for the purpose of promoting compatibility and maintaining the public health, safety and general welfare.

5.2 Supplemental Standards for Certain Uses

Where indicated in the Table of Permitted Uses, the following standards shall apply to the design, development, and operation of sites and uses, as specified below.

5.2.1 Airport / Heliport and Helistop

1. Facilities shall be designed and located in a manner where the operation of aircraft arriving and departing the facility do not require flight at altitudes below 500 feet AGL above property zoned for residential use.
2. An engineering analysis demonstrating that no obstructions exist within 14 CFR Part 77 imaginary surfaces shall be provided with an application for a special use permit.
3. All runway protection and clear zones shall be located on the same property as the aviation facility.
4. Flight operations, other than emergency operations, shall be restricted to the hours between morning and evening nautical twilight.
5. Approach and departure patterns shall be established that prevent offsite noise exposure above 65 dB ADNL.
6. Helistops, including temporary helistops, shall not be used for more than 24 combined takeoffs and landings per operational day when located within 1,000 feet of residentially zoned property.

5.2.2 Amusement Facility, Outdoor

1. The minimum lot size for all development except miniature golf facilities shall be 2 acres.
2. No principal buildings or structures shall be located within 50 feet of any property line.

3. Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary containing amusement activities and facilities.
4. No amusement equipment, machinery, or mechanical device of any kind may be operated within 200 feet of any residentially zoned property.
5. Outdoor Amusement Facilities shall not operate between the hours of 10:00 pm and 8:00 am.

5.2.3 Animal Shelter

1. This section shall apply to Animal Shelters located in the R-40 district.
2. Animal Shelters shall be situated on a parcel of land at least 5 acres in size.
3. No structures or facilities, including outdoor animal exercise or holding areas, shall be located within 200 feet of an external parcel line adjoining a residentially zoned or used property.

5.2.4 Bars and Nightclubs

1. No such establishment shall be located within 500 feet of a church, school, or public park, or 200 feet from residentially zoned property.
2. The main entrance of the building shall face a street designated as a collector or arterial street.
3. A minimum 6-foot-high opaque fence shall be erected adjacent to the property line of abutting residences.
4. Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.
5. No such establishment shall be located within 500 feet of any other bar or nightclub.

5.2.5 Bed and Breakfast Inn

1. No more than 6 bedrooms shall be made available for guest occupancy.
2. Off-street parking shall be provided in the rear yard of the structure at a minimum rate of one space per guest bedroom plus two additional spaces.

3. The dwelling housing the Bed and Breakfast Inn shall have been originally constructed for residential use.
4. Only one kitchen shall be provided in the dwelling.
5. The Inn shall be operated by a resident manager, and no more than one other person may be employed in the operation of the Inn in addition to the resident manager.

5.2.6 Childcare Center

1. The provisions of this section shall apply to Childcare Centers in the R-10, R-12.5, R-15, and R-40 districts.
2. Childcare Centers shall be situated on a parcel of land at least one acre in size.
3. Outdoor recreation areas shall be set back at least 30 feet from the property line of any parcel zoned or used for residential purposes.
4. The parcel housing the facility shall be situated on a street designated as a collector or arterial street.
5. Sufficient on-site parking and circulation shall be provided to ensure that all vehicular traffic can be accommodated on the parcel.

5.2.7 Community Center

1. The provisions of this section shall apply to Community Centers in the R-10, R-12.5, R-15, and R-40 districts.
2. Community Centers shall be situated on a parcel of land at least one acre in size.
3. Community Centers shall be limited in size so that the maximum fire occupancy rating of the facility does not exceed 200 occupants.
4. The parcel housing the facility shall be situated on a street designated as a collector or arterial street, except that in the R-40 district, a Community Center may be located on a street designated as local, provided that the facility does not have a fire occupancy rating of more than 100 occupants.

5.2.8 Crematorium

1. The provisions of this section shall apply to Crematoriums located in the OI, HB, and B-1 districts.
2. Structures housing a crematorium shall not be located any closer than 500 feet to a residentially zoned property.
3. Crematorium facilities shall not emit any visible emissions from the operation of the facility.

5.2.9 Cultural Facility

1. The provisions of this section shall apply to Cultural Facilities in R-40 district.
2. Cultural Facilities shall be situated on a parcel of land at least 20,000 square feet size.
3. Cultural Facilities shall be limited in size so that the maximum fire occupancy rating of the facility does not exceed 200 occupants.
4. The parcel housing the facility shall be situated on a street designated as a collector or arterial street, except that, a Cultural Facility may be located on a street designated as local, provided that the facility does not have a fire occupancy rating of more than 100 occupants.

5.2.10 Dwelling, Single Family Attached and Multi-Family Attached

1. **General Requirements:**
 - a. The bulk, scale, and front yard setback of infill development shall be similar to and consistent with the surrounding neighborhood around all adjoining single-family residential property boundaries.
 - b. The maximum impervious surface coverage area is 50%.
 - c. All streets within the interior of the development shall be public streets as defined in this Section.
 - d. All dwelling units shall front upon a public street.

- e. All utilities within the development shall be located underground. Nothing in this section shall require the placement of off-site electric utilities underground in conformance with the provisions of NCGS 160D-804(h).

2. Dimensional Requirements:

- a. Attached dwelling units may be developed at a density not exceeding 1 unit per 5,000 square feet of lot area, provided that there is no minimum size required for sublots intended for individual ownership upon a parcel containing units designed and constructed as single-family attached units.
- b. The minimum front yard setback for attached dwellings situated on newly constructed interior streets is 10 feet as measured from the public right-of-way. If driveway access to the structure is taken from the front of the lot, the minimum setback shall be 20 feet.
- c. The front yard setback for a single structure containing attached dwelling units developed as an infill project, such as a duplex or triplex, etc., along an existing public right of way shall be the lesser of 35 feet or the prevailing setback of the structures situated on the lots on either side of the lot containing the attached dwelling units
- d. The exterior side and rear yard setbacks are 20 feet as measured from adjoining property lines that are not part of the common plan of development containing the attached dwelling units.
- e. The maximum building height is 35 feet.
- f. No individual structure shall contain more than 5 attached dwelling units or exceed 120 feet in length.
- g. The minimum separation between buildings shall be 20 feet.

3. Streets, Parking, and Walkways:

- a. Interior streets shall conform to the *City of Archdale Construction and Development Standards*. All streets shall be dedicated to the public.
- b. All interior streets must be constructed with curb and gutter.
- c. Sidewalks meeting the design requirements of the *City of Archdale Construction and Development Standards* shall be installed on both sides of the street.
- d. Street stub outs to adjoining property shall be provided wherever feasible.

- e. If the developer provides off-street parking instead of, or in addition to, individual driveways/garages for each dwelling unit, the following standards must be met:
- f. The off-street parking area shall meet all general design standards set forth in this ordinance and must be maintained by a private property owners association.
- g. Walkways must connect the off-street parking area to dwelling units as well as to the sidewalk along the public street.

h. Off-street spaces shall be provided in accordance to the following schedule:

1 Bedroom Units	1.5 spaces per unit
2 Bedroom Units	2.0 spaces per unit
3 Bedroom Units	2.4 spaces per unit
Additional Bedrooms	0.5 spaces per additional unit

- i. Off street parking areas shall be located to the rear of the structures that they serve.
- j. No off-street parking area is permitted to be located within the exterior side and rear yard setback or buffer areas.
- k. Exterior street access shall be provided as follows:
 - l. Developments containing 30 or fewer single family attached dwelling units are permitted to provide one street access to the exterior street network. Developments containing more than 30 single family attached dwelling units shall provide at least two street access points to the exterior street network.
 - m. Developments containing 100 or fewer multi-family attached dwelling units are permitted to provide one street access to the exterior street network. Developments containing more than 100 multi-family attached dwelling units shall provide at least two street access points to the exterior street network.
- n. Walkways shall be constructed to provide links between residential buildings, off-street parking areas, mail kiosks, solid waste disposal, and adjoining sidewalks and greenways.

4. Building Design Standards:

- a. All developments containing multi-family attached dwelling unit shall provide a detailed design elevation for review.

- b.** To provide for variation and distinction of each individual unit, the following standards are required:
- c.** Variation in building designs and/or material colors shall be used to create variety throughout the development.
- d.** Offsets in the building face and roof a minimum of 12 inches shall be provided.
- e.** A minimum of 80% of each building wall shall be clad in high-quality materials, excluding EIFS, stucco, smooth concrete masonry units, corrugated and smooth metal panels, and vinyl siding.
- f.** The type and proportion of materials shall be consistent upon each building wall.
- g.** Garages shall be designed so that they are not the predominant feature on the front of the building. Rear access or detached rear garages is preferred.
- h.** Front porches with a minimum depth of 6 feet and extending a minimum of 40% of the width of the dwelling unit are required on the front of all units.
- i.** All rooftop mechanical equipment shall be screened from view of the street.
- j.** The design of accessory structures shall be similar to the primary structure.

5. Landscaping and Buffering

- a.** All generally applicable landscaping and buffering standards, as set forth in Article X shall apply.

6. Open Space Standards:

Dedicated open space shall be provided based on the following schedule:

- a.** Developments of less than 100 units – minimum 10% of the development excluding required setbacks and buffer areas.
- b.** Developments of more than 100 units – minimum 1 acre for each 100 units excluding required setbacks and buffer areas.
- c.** The open space shall be owned and maintained by a property owners association.

- d. In any case where the City Council agrees to accept open space from the developer, the dedication shall count to serve this open space requirement assuming it meets the minimum requirements from paragraph 1 and 2.

7. Mail Kiosks:

- a. When mail kiosks are used as opposed to a mailbox at each unit, the kiosk shall not be located in any front setback from the thoroughfare, or side or rear setback from adjoining property.

8. Sign Standards:

- a. 1 monument-type ground sign shall be provided for each entranceway from a thoroughfare.
- b. The maximum height shall be 6 feet above ground level (prior to any berm construction).
- c. The maximum copy area shall be 32 square feet.
- d. Signs may be located in the front planting yard.

5.2.11 Dwelling, Multi-Family Stacked

1. General Requirements:

- a. The maximum impervious surface coverage area is 50%.
- b. All structures shall front upon a public street.
- c. All utilities within the development shall be located underground. Nothing in this section shall require the placement of off-site electric utilities underground in conformance with the provisions of NCGS 160D-804(h).

2. Dimensional Requirements:

- a. The minimum lot size shall be 10,000 square feet, upon which a maximum of 4 multi-family stacked dwelling units shall be permitted. Additional dwelling units shall be permitted at an overall density of 12 dwelling units per acre.

- b. The front yard setback for interior streets is 15 feet as measured from the edge of the street or curb.
- c. The side and rear yard setback is 20 feet as measured from adjoining property lines.
- d. The maximum building height is 35 feet.
- e. The maximum building length is 120 feet.
- f. Buildings shall be separated by a minimum of 20 feet.

3. Streets, Parking, and Walkways:

- a. Interior streets shall conform to the *City of Archdale Construction and Development Standards*. All streets shall be dedicated to the public.
- b. All interior streets must be constructed with curb and gutter.
- c. Sidewalks meeting the design requirements of the *City of Archdale Construction and Development Standards* shall be installed on both sides of all streets.
- d. Street stub outs to adjoining property shall be provided wherever feasible.
- e. Off-street parking areas shall meet all general design standards set forth in this ordinance.
- f. Sidewalks shall be constructed to connect off-street parking areas to each building that they serve as well as to the sidewalk along the public street.
- g. Off-street spaces shall be provided in accordance to the following schedule:

1 Bedroom Units	1.5 spaces per unit
2 Bedroom Units	2.0 spaces per unit
3 Bedroom Units	2.4 spaces per unit
Additional Bedrooms	0.5 spaces per additional unit

- h. Off street parking areas shall be located to the rear of the structures that they serve.

- i. No off-street parking area is permitted to be located within the exterior side and rear yard setback or buffer areas.
- j. Developments containing 100 or fewer multi-family dwelling units are permitted to provide one street access to the exterior street network. Developments containing more than 100 multi-family dwelling units shall provide at least two street access points to the exterior street network.
- k. Walkways shall be constructed to provide links between residential buildings, off-street parking areas, mail kiosks, solid waste disposal areas, and sidewalks and greenways external to the development.

4. Building Design Standards:

- a. The primary exterior cladding material applied to front and side building walls shall consist of masonry (brick or stone only, including cast panels or veneers) or fibrous cement horizontal lap siding (or similar) that is installed with a minimum 7" vertical exposure. The primary material shall clad a minimum of 80% of each applicable building wall.
- b. A single primary cladding material shall be utilized, and shall be identical in type and style on front and side building walls.
- c. EIFS, stucco, plain concrete masonry units, and vinyl siding shall be prohibited as secondary materials on front and side building walls.
- d. Windows shall be included on each front and side building wall. The end units of attached dwellings shall have a minimum of 10% glazed area per story on their exposed side building walls.
- e. Windows shall be recessed by a minimum of 1" from the surrounding frame and cladding material.
- f. Where pitched roof forms are utilized, they shall meet the following:
 - g. Minimum 4:12 pitch
 - h. Minimum 12" overhang
- i. Roof drainage shall be provided with gutters and downspouts.

- j. Where flat roof forms are used, they shall be screened by a continuous parapet wall.

5. Open Space Standards:

Dedicated open space shall be provided based on the following schedule:

- a. Developments of less than 100 units – minimum 10% of the development excluding required setbacks and buffers.
- b. Developments of more than 100 units – minimum 1 acre for each 100 units excluding required setbacks and buffers.
- c. The open space should be dedicated to a private association.
- d. In any case where the City Council agrees to accept open space from the developer, the dedication shall count to serve this open space requirement assuming it meets the minimum requirements from paragraphs 1 and 2 above.

6. Landscaping and Buffering Standards:

- 1. All generally applicable landscaping and buffering standards, as set forth in Article X shall apply.

7. Solid Waste Facilities:

- 1. The developer shall install solid waste storage facilities consisting of a minimum 10 foot by 20-foot concrete pad with vehicle apron and a minimum 6-foot-high opaque fence on the sides and rear of the facility with a gated front. 2 bollards are also required to protect the fence. The facility shall not be in any required front setback from the thoroughfare or in any side or rear yard setback or buffer from adjoining property.

8. Mail Kiosks:

- 1. Mail kiosks shall not be located in any front setback from the thoroughfare or any side or rear setback from adjoining property.

9. Sign Standards:

- 1. One monument-type ground sign shall be provided for each entranceway from a thoroughfare. The maximum height shall be 6 feet above ground level (prior to any

berm construction). The maximum copy area shall be 32 square feet. Signs may be located in the front planting yard.

5.2.12 Equestrian Riding Facilities / Schools, Commercial and Equestrian Stables, Commercial

1. The provisions of this section shall apply to Equestrian facilities in the R-40 district.
2. The facility shall be situated on a parcel of at least 10 acres in size, provided that if boarding is provided, at least one acre of pasture shall be provided for each stall that is available for boarding.
3. All barns, stables, riding instruction areas, arenas, parking lots, and similar facilities shall be located no closer than 100 feet to an adjoining property line.
4. Horse shows, competitions, and other events shall be permitted only upon the issuance of a Special Use Permit authorizing the use of the property as an Event Venue.
5. Overnight accommodations, whether permanent or temporary, shall not be permitted with the exception of the owner / operator of the venue or a caretaker residence.

5.2.13 Event Venue

1. The provisions of this section shall apply to Event Venues in the R-40 district.
2. Event Venues shall be situated on a parcel of land at least 10 acres in size,
3. No structures used for events or outdoor event areas shall be located within 100 feet of an external property line.
4. Events shall not exceed 200 guests unless a larger number is approved as part of the Special Use Permit. In authorizing a larger number, the City Council shall consider sanitation, traffic impacts, and impacts to adjoining residential properties.
5. Event Venues shall not operate or permit guests (other than catering or other event personnel) to remain onsite between the hours of 10:00 pm and 8:00 am.
6. When access to the venue is from a street having greater than 2,000 AADT, the venue shall employ the services of one or more off-duty law enforcement officers to direct traffic entering and exiting the venue for any event where more than 200 guests are attending.

7. Event Venues shall not operate on more than 52 days per calendar year unless a larger number of operational days is authorized by the City Council in approving the Special Use Permit. In authorizing a larger number of operating days, the City Council shall consider sanitation, traffic impacts, and impacts to adjoining residential properties.

5.2.14 Family Childcare Home

1. The provisions of this section shall apply to Family Childcare Homes in the R-10, R-12.5, R-15, and R-40 districts.
2. No Family Childcare Home shall be issued a Zoning Permit unless it is located on a parcel separated by at least 500 feet from any other parcel containing an existing Family Childcare Home.

5.2.15 Government Office / Facility

1. The provisions of this section shall apply to Government Offices / Facilities in the R-10, R-12.5, R-15, and R-40 districts.
2. Government Offices / Facilities shall be situated on a parcel of land at least 20,000 square feet in size.
3. The parcel housing the office or facility shall be situated on a street designated as a collector or arterial street.

5.2.16 Home Occupation

1. Customary home occupations such as dressmaking, cooking and baking, hairdressing, music instruction, and the practice of such professions as psychology and accounting are permitted in each residential zoning district.
2. Only 1 person other than those residing in the home shall be engaged in the occupation.
3. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

4. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except 1 non-illuminated sign not exceeding 4 square feet.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.

5.2.17 Kennel / Animal Boarding

1. The minimum parcel size shall be one acre for the boarding of up to 10 animals, provided that one additional acre shall be required for each 10 additional animals boarded at the facility.
2. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics, provided all building setback requirements are in accordance with Subsection 2 below.
3. All structures used in the operation of the kennel shall have minimum front, side, and rear yards of 150 feet. There shall be a separation of at least 500 feet between residences on adjoining tracts and any building used for kennel operation.
4. Sewage disposal system and sanitation control methods as approved by the County Board of Health shall be required for all kennels.

5.2.18 Lodging Establishment

1. Lodging Establishments shall be designed so that all guest rooms are accessible from an enclosed interior corridor.

5.2.19 Mobile Food Vending

- 1.** Mobile Food Vendors shall be permitted to conduct sales on commercial and business property, but shall be prohibited from conducting sales on residential property, public property, public right-of-way, or public roads, unless otherwise authorized by the City of Archdale.
- 2.** All activities related to the Mobile Food Vendor's operation - including but not limited to queuing, ordering, waiting, etc. - shall not block or impede any driveway or lane of travel.
- 3.** Mobile Food Vendors shall be prohibited from utilizing any portion of a designated handicapped parking space.
- 4.** Mobile Food Units must be located at least 100 feet away from the primary entrance of any restaurant unless the Unit is located on the same parcel and is authorized by said restaurant owner.
- 5.** Mobile Food Units must be located at least 15 feet away from all property lines.
- 6.** Mobile Food Units must be located at least 15 feet away from any driveway entrance, public street, utility box or vault, handicapped ramp, and sidewalk.
- 7.** Mobile Food Units must be located at least 15 feet away from any fire hydrant.
- 8.** Mobile Food Units must be located at least 15 feet away from the nearest building.
- 9.** Signage associated with a Mobile Food Unit shall be limited to signs permanently attached to the Mobile Food Unit and/or one portable menu sign, no more than six (6) square feet in display area, located on the ground in the customer waiting area. Under no circumstances shall menu signs associated with a Mobile Food Unit impede traffic/visibility, be located within the public right-of-way, or block sidewalks.
- 10.** Mobile Food Vendors shall be prohibited from conducting sales on the same parcel for more than 12 hours within a 24-hour period.
- 11.** Mobile Food Vendors shall not operate on the same parcel for more than 10 days within a single month. No parcel shall be occupied by a Mobile Food Unit for more than 10 days within a single month. If the parcel on which a Mobile Food Unit is located has a primary building, overnight storage of the Unit shall be permitted so long as the Unit is stored behind the building so as to be concealed or shielded from street view.

- 12.** Mobile Food Vendors conducting sales after-dark shall provide appropriate lighting that is located, screened, or shielded to prevent direct glare onto neighboring lots or the impairment of passing motorists.
- 13.** Mobile Food Vendors shall be responsible for the proper disposal of all trash or waste associated with the operation of a Mobile Food Unit.
- 14.** In no case shall a Mobile Food Vendor dispose of any solid or liquid waste into sanitary sewer lines, public storm drains, or onto sidewalks, streets, or other public space.
- 15.** Mobile Food Vendors shall have a valid permit from the North Carolina Department of Health. The permit shall be placed in a conspicuous manner for public inspection.
- 16.** Mobile Food Vendors shall provide to the City of Archdale proof of an insurance policy issued by an insurance company licensed to do business in the State of North Carolina, protecting the Mobile Food Vendor and the City of Archdale from all claims for damages to property and bodily injury, including death, which may arise from the operation of a Mobile Food Unit. Such insurance shall name the City of Archdale as additional insured and shall always remain in full force and effect during which the Mobile Food Vendor is operating in the City of Archdale. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) per person bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence bodily injury, and of one hundred thousand dollars (\$100,000.00) per occurrence property damage.

5.2.20 Mobile Vendors and Services, Other

- 1.** Mobile Vendors shall be permitted to operate in the districts indicated in the Table of Permitted Uses, provided that within a residential district, a vendor may only provide services upon the property of a client who has requested the service. Services may be offered to the public upon any property where the zoning would allow the use by-right in a nonresidential zoning district.
- 2.** The owner of the property upon which a Mobile Vendor offers their services to the public shall sign the application for the establishment of the temporary use on the property.
- 3.** When offering services to the public, mobile vendors shall not park their unit or offer their goods or services within 15 feet of a property line, a public the right-of-way, or a structure on the property on which the unit is situated.

4. Mobile vendors shall not block any driveway, parking place, fire hydrant, utility equipment, or otherwise impede circulation or access upon the site which they are located.
5. No mobile vendor shall operate within the right-of-way.
6. Mobile vendors may offer their services to the public during daylight hours only.
7. The permit application shall specify the manner that the vendor intends to capture and dispose of any waste, including wastewater from automobile washing.
8. Permits for any individual location shall be issued for a maximum period of 10 consecutive days. In no case may any parcel host a mobile vendor of any type for more than 10 days in a calendar month.
9. Signage associated with a Mobile Vendor shall be limited to signs permanently attached to the Mobile Food Unit and/or one portable sign, no more than six (6) square feet in display area. Under no circumstances shall signs associated with a Mobile Vendor impede traffic/visibility, be located within the public right-of-way, or block sidewalks.

5.2.21 Outdoor Adventure Recreation

1. Outdoor Adventure Recreation uses shall not operate between the hours of 10:00 pm and 8:00 am.
2. No structures or recreation facilities shall be located within 100 feet of the property line of an adjoining residentially zoned property.
3. Lodging, camping, and other overnight accommodations for patrons are prohibited.

5.2.22 Outdoor Entertainment and Temporary Outdoor Entertainment

1. Outdoor Entertainment shall not be permitted between 10:00 pm and 8:00 am.
2. Performance areas shall be located at least 100 feet from any residential dwelling, except within the Downtown District.

5.2.23 Public Safety Facility

1. The provisions of this section shall apply to Public Safety Facilities in the R-10, R-12.5, R-15, and R-40 districts.

2. Public Safety Facilities shall be situated on a parcel of land at least 20,000 square feet in size.
3. The parcel housing the office or facility shall be situated on a street designated as a collector or arterial street, except that in the R-40 district, a Public Safety Facility shall be permitted to be located on a street designated as local.

5.2.24 Real Estate Development Sales Office

1. One Real Estate Development Sales Office shall be permitted to be established within a new single-family residential subdivision containing 100 or more lots.
2. The structure used for the sales office may be either a dwelling built for sale within the subdivision or a temporary structure placed on-site for the purpose of serving as the sales office.
3. Following the closing of the sale of the final lot in the subdivision, the sales office shall cease operation for other than residential use, and if a temporary structure, shall be removed within 30 days of closing.

5.2.25 Residential Care Facility

1. The provisions of this section shall apply to Residential Care Facilities in the R-40, R-15, R-12.5, and R-10 districts.
2. Residential Care Facilities shall be located on a parcel of land having a minimum size of one acre.
3. No portion of the principal structure or any accessory structures shall be located within 50 feet of a property line.
4. The facility shall be located on a road designated as a collector or arterial.

5.2.26 Self-Storage Facility, Outdoor

1. All outdoor storage areas shall be enclosed by an opaque fence or wall with a minimum height of 6 feet.
2. No outdoor storage area shall be located within 50 feet of a public road or within 50 feet of a property zoned for residential use.

5.2.27 Sexually Oriented Business

1. Sexually Oriented Businesses shall not be located within 500 feet of a religious institution, public park, childcare center, school, or residentially zoned or used property.
2. No Sexually Oriented Business shall be established within 1,000 feet from the premises of an existing Sexually Oriented Business.
3. Unless an establishment holds an on-premises alcohol sales license issued by the North Carolina ABC Commission, it shall not operate between the hours of 10:00 pm and 8:00 am. Licensed establishments shall be permitted to operate during the hours within which sales are permitted under the ABC license.

5.2.28 Shooting Range, Outdoor

1. Outdoor shooting ranges shall be situated on a parcel of land at least 10 acres in size, but in no case shall the size or configuration of the parcel upon which the range is situated be smaller than that which is necessary to ensure that munitions fired on the range(s) are unable to leave the parcel upon which the range is situated, as designed.
2. All ranges shall be designed in conformance with the best practices and technical standards for safety and noise reduction as set forth in the most recent edition of the *National Rifle Association Range Source Book*.
3. Range owners / operators shall prohibit the use of firearms or ammunition that exceed the safety tolerances of the design of the range.
4. Outdoor ranges may only operate during the hours between 8:00 am and 8:00 pm.
5. Amplified sound, other than those used to provide warnings and ensure the safe operation of the range are prohibited.
6. Noise levels related to the operation of the range shall not exceed 87dB at an exterior property line adjoining a residentially zoned property, as demonstrated by a noise model of the range prepared using the types of firearms and ammunition that will be permitted on the range.
7. Applications for a special use permit for an outdoor shooting range shall contain sufficient information related to the design and construction specification of the range to demonstrate compliance with all applicable standards.

5.2.29 Solar Energy Production Facility, Commercial

Commercial Solar Energy Production Facilities shall be required to comply with the following standards.

- 1.** Energy: The electricity generated by the facility shall be sold to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers.
- 2.** The construction of the facility shall be in accordance with an approved building permit application. If the solar energy facility is to be inter-connected to the local utility power grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of application for the required building permit.
- 3.** Setback: Ground-mounted systems shall be setback a minimum of 100 feet from any property line.
- 4.** Ground-Mounted Systems:
 - a.** The total height of the solar energy system, including any mounts, shall not exceed 25 feet above the ground when orientated at maximum tilt.
- 5.** Shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
- 6.** Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
- 7.** Shall be fully screened from adjoining properties and adjacent roads by a buffer yard. The location of this buffer yard must take shading into account so it does not affect the system's efficiency.
- 8.** Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
- 9.** It shall be demonstrated that the solar energy facility shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state designated scenic road, or historic resources.

- 10.** Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
- 11.** No ground-mounted solar energy systems shall be affixed to a block wall or fence.
- 12.** Roof-Mounted Systems:
- 13.** Roof-Mounted systems shall include integrated solar shingles, tiles, or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush or frame-mounted solar panels attached to the roof surface.
- 14.** Separate flush or frame-mounted solar energy systems installed on the roof of a building or structure shall not:
 - 15.** project vertically above the peak of the sloped roof to which it is attached; or
 - 16.** project vertically more than 5 feet above a flat roof installation. The combined height of a roof-mounted system and the principal structure to which it is attached may not exceed the maximum height for the relative zone, in which it is located.
- 17.** It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
- 18.** Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
- 19.** Appearance:
 - a.** The system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- 20.** All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner identification on a solar energy system shall be prohibited. Not more than 1 manufacturer label bonded to or painted upon the solar energy system shall be permitted.
- 21.** Code Compliance:
 - a.** A solar energy system shall comply with all applicable building and electrical codes.

22. All obsolete or unused systems shall be removed within 12 months of cessation of operations without cost to the City. Reusable components are to be recycled whenever possible.

5.2.30 Solar Energy System, Accessory

Accessory solar energy systems shall be a permitted as an accessory use by right in all zoning districts, subject to the requirements set forth in this Section. Solar energy systems include ground, pole, and roof mounted systems.

1. Energy: The energy generated by the solar energy system shall be used for direct consumption on the subject property and/or for inter-connection to the electric utility power grid to off-set energy use on the subject property, in accordance with current state net-metering laws.
2. The construction of the solar energy system shall be in accordance with an approved building permit application. If the solar energy system is to be inter-connected to the local utility power grid, a copy of the conditional approval from the local utility must be provided prior to or at the time of application for the required building permit.
3. Setback: Ground- or pole-mounted solar energy systems shall be placed so that no individual component of the solar system may extend into the side or rear setback. Solar energy systems may be placed no closer than 10 feet from the rear lot line (except on double frontage lots) and 10 feet from side lot lines. Ground- or pole-mounted solar energy system shall only be allowed in rear yards.
4. **Ground-Mounted Accessory Solar Energy Systems:**
 - a. The total height of the solar energy system, including any mounts shall not exceed 12 feet above the ground when orientated at maximum tilt. If the solar energy system is intended to provide power for outdoor lighting, the system shall not extend higher than the permitted height of the structure to which it is attached and/or inter-connected to.
 - b. Shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
 - c. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

- d.** Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
- e.** It shall be demonstrated that the solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state designated scenic road, or historic resources.
- f.** Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
- g.** No ground-mounted solar energy systems shall be affixed to a block wall or fence.

5. Roof-Mounted Solar Energy Systems

- a.** Roof-mounted solar energy systems shall include integrated solar shingles, tiles, or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush or frame-mounted solar panels attached to the roof surface.
- b.** Separate flush or frame-mounted solar energy systems installed on the roof of a building or structure shall not:
 - i.** project vertically above the peak of the sloped roof to which it is attached; or
 - ii.** project vertically more than 5 feet above a flat roof installation.
- c.** The combined height of a roof-mounted system and the principal structure to which it is attached may not exceed the maximum height for the zoning district in which it is located.
- d.** It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
- e.** Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.

6. Appearance

- a.** The solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.

b. All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner identification on a solar energy system shall be prohibited. Not more than 1 manufacturer label bonded to or painted upon the solar energy system shall be permitted.

7. Code Compliance:

a. A solar energy system shall comply with all applicable construction and electrical codes.

8. All obsolete or unused systems shall be removed within 12 months of cessation of operations without cost to the City. Reusable components are to be recycled whenever possible.

9. Violations: Subsequent to the effective date of this Ordinance, it is unlawful for any person to construct, install, or operate a solar energy system that is not in compliance with this Article or with any condition contained in a building permit issued pursuant to this Article.

5.2.31 Special Events, Outdoor

1. A permit for an Outdoor Special Event may be issued upon a finding by the Administrator that the proposed use meets the standards set forth below.

2. The nature and hours of operation of the proposed use will not negatively impact nearby or adjoining residential properties.

3. Adequate plans have been prepared for public sanitation and the removal of solid waste.

4. Adequate plans have been prepared to ensure public safety.

5. Sufficient off-street parking will be provided onsite, or accommodations for remote parking and access are in place.

6. The proposed manner of ingress, egress, onsite traffic circulation, and traffic control will not negatively impact traffic safety.

7. Permits for Outdoor Special Events may be issued for a maximum duration of seven days, provided that the issuance of such permits for any individual parcel or group of parcels under common ownership shall be limited to 10 days total per calendar year.

5.2.32 Sports Instruction Schools and Sports Parks, Private / Commercial

1. The regulations in this section are applicable in the R-40 district.
2. The minimum parcel size shall be 5 acres.
3. No structures or recreation areas shall be permitted within 100 feet of a property line when adjoining a parcel zoned for residential use.
4. Outdoor lighting is prohibited for any recreation field or facility within 500 feet of a residential dwelling.
5. The hours of operation are limited to 8:00 am until 8:00 pm Monday – Thursday, 8:00 am until 10:00 pm Friday and Saturday, and 12:00 pm until 8:00 pm on Sunday.

5.2.33 Truck Stop

1. Truck Stops shall be situated on a parcel with direct access to a street classified as an arterial.
2. No more than 50 spaces for the overnight parking of truck / trailers may be provided.

5.2.34 Vehicle Repair Facility, Major

1. A screened storage yard shall be provided for the storage of any vehicle that is to be kept on the lot for more than 24 hours.
2. The storage yard shall be enclosed by a fence or wall with a minimum height of 6 feet.
3. The storage yard shall be situated at the rear of the property, and shall be set back from any adjacent residentially zoned property by a minimum of 50 feet.

5.2.35 Vehicle Sales and Rental, Passenger

1. Vehicle display areas shall be set back a minimum of 20 feet from all property lines and public rights-of-way.
2. The requirement for internal parking lot landscaping shall be waived, provided that all other street landscaping, buffering, and screening requirements shall be applicable. If a vehicle display area is converted to parking for another use, all landscaping requirements shall be met prior to receipt of final zoning clearance.

3. A permanent structure shall be located on the parcel to serve as the sales office.
4. All vehicle display areas, vehicle storage areas, and customer parking areas shall be paved with asphalt or concrete.
5. No outdoor lighting, other than that which is generally permitted for vehicle parking areas may be utilized.

5.2.36 Veterinary Services

1. The following standards shall apply to Veterinary Services establishments in the R-40 district.
2. The minimum lot size shall be 3 acres. If animal boarding services are provided, the minimum lot size shall be increased by the amount of acreage required for an Animal Boarding use, in addition to the minimum 3 acres standard.
3. The parcel on which the use is situated shall take access from a street designated as a collector or arterial.
4. No structure or parking area shall be located within 100 feet of a property line of a parcel zoned for residential use.
5. If Animal Boarding is provided, all requirements for that use shall be met.

5.2.37 Wireless Telecommunications and Small Cell Facilities

1. Purpose and Legislative Intent

- a. The Telecommunications Act of 1996 affirmed the City of Archdale's authority concerning the placement, construction and Modification of Wireless Telecommunications Facilities or Complexes. This ordinance provides for the safe and efficient integration of Wireless Facilities or Complexes Necessary for the provision of advanced wireless telecommunications services throughout the community and to ensure the ready availability of reliable wireless services to the public, government agencies and first responders, with the intention of furthering the public safety and general welfare.
- b. The City of Archdale (City) finds that Wireless Telecommunications Facilities (Facilities) and Complexes may pose significant concerns to the health, safety, public welfare, character and environment of the City and its inhabitants. The City also recognizes that

facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to assure that the placement, construction or Modification of a Facility or Complex is consistent with the City's land use policies, the City is adopting a single, comprehensive, Wireless Telecommunications Facility or Complex application and permitting process. The intent of this Section is to minimize the physical impact of Wireless Telecommunications Facilities on the community, protect the character of the community to the extent reasonably possible, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the City.

2. Severability

- a.** If any word, phrase, sentence, part, section, subsection, or other portion of this Section or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Section, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- b.** Any Special Use Permit issued pursuant to this Section shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the City.

3. Fees

All fees and charges, including but not limited to application fees, Expert Assistance fees, Inspection fees and permit fees, shall be as set forth in the City's Schedule of Fees and Charges.

4. Exclusions

- a.** Any facilities expressly exempt from the City's zoning, land use, siting, building and permitting authority.
- b.** Any reception or transmission devices expressly exempted under the Telecommunications Act of 1996.

- c. A Facility used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications that is less than 100' above ground level.
- d. Facilities used exclusively for providing wireless service(s) or technologies where i) there is no charge for the use of the wireless service; ii) the Facility or Complex does not require a new Tower or increase the height or profile of the structure being attached to; and iii) the service is not intended to be useable more than seventy-five feet (75') from the Antenna.

5. Application Requirements for a New Tower, Support Structure, or a Substantial Modification or Co-location

All Applicants for a Special Use Permit for a new Wireless Facility or Complex, including for a new Tower or other new support structure or that constitutes a Substantial Modification, shall comply with the requirements set forth in this Section. In addition to the required information set forth in this Section, all applications for the construction or installation of new Wireless Facility or Complex or Substantial Modification shall contain the information hereinafter set forth prior to the issuance of a Building Permit. Any technical information must be provided in such a manner, form and with such content that it is able to be verified by a third party using the information used and provided by the applicant.

a. Ownership and Management

- i. The Name, address, phone number and e-mail address of the person preparing the Application;
- ii. The Name, address, phone number and e-mail address of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name, e-mail address and all Necessary contact information shall be provided;
- iii. The Postal address and tax map parcel number of the property;
- iv. A copy of the FCC license(s) applicable for the intended use(s) of the Wireless Telecommunications Facilities, including all FCC licensed frequency bands to be used;
- v. The Applicant shall disclose in writing any agreement in existence that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower or support structure that it constructs or has constructed for it;

b. Zoning and Planning

- i. The Zoning District or designation in which the property is situated;

- ii. The size of the property footprint on which the structure to be built or attached is located, stated both in square feet and lot line dimensions, and a survey showing the location of all property lot lines;
- iii. The location, size of the footprint and height of all existing and proposed structures, enclosures and cabinets on the property on which the structure is located and that are related to the subject of the Application;
- iv. A site plan to scale, not a hand drawn sketch, showing the footprint of the Support Structure and the type, location and dimensions of access drives, proposed landscaping and buffers in compliance with the City's Building or Development Code, including but not limited to fencing and any other requirements of site plans;
- v. Elevation drawings showing the profile or the vertical rendition of the Tower or support structure at the Facility or Complex and identifying all existing and proposed attachments, including the height above the existing grade of each attachment and the owner or operator of each, as well as all lighting;
- vi. The type of Tower or support structure, the number of antenna arrays proposed to be able to be accommodated and the basis for the calculations of the Tower's or support structure's capability to accommodate the required number of antenna arrays for which the structure must be designed;
- vii. Disclosure in writing of any agreement in existence prior to the submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs.
- viii. A certified statement of i) the total cost of construction for the work associated with the Application; and ii) the total cost of all equipment of the Applicant at the Facility. To verify the accuracy of the information, the City reserves the right to require copies of applicable invoices or other clear and convincing corroborating evidence.

c. Safety

- i. the age of the Tower or support structure and Complex stated in years, including the date of the grant of the original permit;
- ii. a description of the type of Tower, e.g., guyed, self-supporting lattice or monopole, or other type of support structure;
- iii. for a tower, the make, model, type and manufacturer of the Tower and the structural design analysis and report, including the calculations, certified by a Professional Engineer licensed in the State, proving the Tower or support Structure's capability to safely accommodate the Facilities of the Applicant without change or Modification.

- iv. if a Substantial Co-location, change or Modification of a Facility or Complex is needed, a detailed narrative explaining what changes are needed and why they are needed;
- v. a Complete, unredacted copy of the foundation design and report for the Tower or other structure, including a geotechnical sub-surface soils investigation report and foundation design for the Facility;
- vi. if Substantially Modifying or Co-locating on an existing Tower or other support structure, a Complete, unredacted and certified TIA ANSI 222 Report regarding the physical condition of the Complex and all of its components done within the previous six (6) months. If such report has not been done within the previous six (6) months, one shall be done and submitted as part of the Application. No Building Permit shall be issued for any Wireless Facility or related equipment where the structure being attached to is in need of remediation to comply with the requirements of this subsection and other adopted standards of the City regarding the physical condition and/or safety of the Facility, unless and until all remediation work that is deemed needed has been completed, or a schedule for the remediation work has been approved by the City Planning Department ;
- vii. In an instance involving a Tower with only a single array of antennas, or for the first antenna array to be attached to a Tower where the array will be thirty-three feet (33') or more above ground level, and not within 100 feet of areas to which the public has or could reasonably have or gain access to, in lieu of a full RF emissions study, if deemed appropriate by the City, signed documentation in the form of the FCC's "Checklist to Determine whether a Facility may be Categorized Excluded" may in certain cases be allowed to be used and shall be provided to verify that the Facility and Complex with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations;
- viii. In certain instances, the City may deem it appropriate to have a post-construction on-site RF survey of the Facility or Complex done after the construction or Modification and activation of the Facility or Complex, such to be done under the direction of the City or its designee, and an un-redacted copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance. Such study shall reflect the cumulative effects, readings or levels of all active RF equipment at the Site;
- ix. In the event the City deems it necessary to determine compliance with the FCC's Maximum Permitted Exposure (MPE) rules, and in lieu of the procedure contained in the preceding §A,(21) of this Section, the City expressly reserves the right to request the involvement of the FCC and/or OSHA (Occupational Safety and Health Administration) to determine or verify compliance with federal standards and guidelines that the City, itself, may be prohibited from determining.

- x. If not submitted in a previous application, a signed statement that the Applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.
- d. A written copy of an analysis completed by a qualified individual or organization to determine if the proposed Wireless Telecommunications Facility or Complex is in compliance with Federal Aviation Administration Regulation Part 77, and if it requires lighting, including any Facility or Complex where the application proposes to increase the height of the existing Tower or support structure.
- e. New Towers shall be prohibited on private property in Residential Districts, Historic Districts and areas officially deemed to be visual or sensitive scenic areas within the City's Corporate Limits.
- f. All Applications for a proposed Facility or Complex applicable to this Section shall contain clear and convincing evidence that the Facility or Complex is sited and designed so as to create the least visual intrusiveness reasonably possible given the facts and circumstances involved. To achieve this goal the City expressly reserves the right to require the use of Stealth or Camouflage siting techniques such as, but not limited to, DAS (Distributive Antenna System), a Small Cell Facility or a functional equivalent as regards size, and such shall be subject to approval by the Council.
- g. If proposing a new Tower or support structure, or a Substantial Co-location or Modification of an existing structure, the Applicant shall be required to submit clear and convincing evidence that there is no alternative solution within the search ring of the proposed site that would be less visually intrusive and that not to permit the proposed new Tower or support structure, or a Substantial Co-location or Modification would result in the prohibition of service or the perpetuation of a significant gap in service.
- h. The Applicant shall provide certified documentation in the form of a structural analysis and report, including all calculations, showing that the Facility or Complex will be constructed to meet all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI (American National Standards Institute) TIA 222 guidelines. In the event of a conflict the more stringent shall apply.
- i. The Applicant shall furnish a Visual Impact Assessment, which may be required to include:

- i. a computer generated “Zone of Visibility Map” at a minimum of one mile radius from the proposed structure shall be provided to illustrate locations from which the proposed installation may be seen, with and without foliage; and
 - ii. To-scale pictorial representations (photo simulations) of “before and after” views from key viewpoints inside of the City as may be appropriate and required, including but not limited to state highways and other major roads, state and local parks, other public lands, historic districts, preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key viewpoints at the pre-application meeting. In addition to photographic simulations to scale showing the visual impact, the applicant shall provide a map showing the locations of where the pictures were taken and the distance(s) of each location from the proposed structure;
- j. The Applicant shall provide a written description and a visual rendering demonstrating how it shall effectively screen from view the bottom fifteen feet (15’) of the Facility or Complex and all related equipment and structures associated with the Facility or Complex.
- k. A Building Permit shall not be issued for the construction of a new Tower or other support structure until i) there is an Application for or by a specific carrier that documents with verifiable technical evidence that the Facility or Complex is Necessary for that carrier to serve the community and that co-location on an existing Structure is not feasible, or ii) that no owner of an existing structure within the Applicant’s search ring will allow attachment to the owner’s building or other type of structure.
- l. Co-location on an existing structure is not reasonably feasible if such is technically or Commercially Impracticable or the owner of the Structure is unwilling to enter into a contract for such use at a fair and reasonable price. If an Applicant feels the price is unreasonable, sufficient documentation in the form of clear and convincing evidence to support such a claim shall be submitted to determine whether co-location on a given existing structure is Commercially Impracticable or otherwise unreasonable.

6. Requirements for Eligible Facility Co-locations or Modifications

For the co-location, modification or upgrade of a wireless facility that qualifies as an Eligible Facilities request under applicable law, the following information shall be required to be contained in an application. Any technical information must be provided in such a manner, form and with such content that it is able to be verified by a third party using the information used and provided by the applicant.

a. Safety

- i. the age of the Tower or other support structure in years, including the date of the grant of the original permit;
- ii. a description of the type of Tower, e.g., guyed, self-supporting lattice or monopole, or a description of another other type of support structure;
- iii. certified documentation in the form of a structural analysis and report done by a Professional Engineer licensed in the State of North Carolina. Said analysis and report shall include all supporting calculations, showing that the Facility, as it exists, will meet all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to, the North Carolina Building Code and all applicable ANSI (American National Standards Institute) TIA 222 guidelines. In the event of a conflict, the more stringent shall apply.
- iv. a copy of i) the installed foundation design, including a geotechnical sub-surface soils investigation report; and if necessary ii) a foundation remediation design and recommendation for the Tower or other structure;
- v. a certified, unredacted report and supporting documentation, including photographs, regarding the physical situation and physical condition of all equipment and facilities at the site in the form of a report based on an on-site inspection done pursuant to and in compliance with the latest version of TIA/ANSI 222. The inspection shall be done by a qualified individual experienced in performing such inspections and the report shall be signed by an individual with authority to order any needed remediation or resolution of issues.
- vi. a copy of the FCC licenses for each frequency band applicable for the intended use of the Wireless Telecommunications transmission and/or receive equipment;
- vii. a list of all frequencies, to be used at the Facility;
- viii. the number, type and model of the Antenna(s) proposed, along with a copy of the manufacturer's specification sheet(s), i.e., cut sheet(s), for the antennas;
- ix. certification from the owner of the Facility certifying that the Facility and all attachments thereto are currently in compliance with the conditions of the approved Special Use Permit or Administrative Approval or identifying any non-compliant situation.

b. Ownership and Management

- i. the Name, address and phone number of the person preparing the Application;
- ii. the Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different

than the applicant, the name and all Necessary contact information shall be provided;

- iii. the Postal address and tax map parcel number of the property;
- iv. a copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

c. Construction

- i. The total cost of construction showing the cost of labor all new and/or replacement components and equipment.

d. In certain instances, the City may deem it appropriate to have an on-site RF survey of the facility performed after the construction or Modification and activation of the Facility, such to be done under the direction of the City or its designee, and an un-redacted copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance. Such study shall reflect the cumulative effects, readings or levels of all active RF equipment at the Site;

e. In the event the City deems it necessary to determine compliance with the FCC's Maximum Permitted Exposure (MPE) rules, and in lieu of the procedure contained in the previous §B of this Section, the City expressly reserves the right to seek the involvement of the FCC and/or OSHA (Occupational Safety and Health Administration) to determine or verify compliance with federal standards and guidelines that the City, itself, may be prohibited from determining.

f. Attachments to Existing Structures Other Than Towers

- i. Attachments to Buildings: To preserve and protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a facade, the antennas shall be mounted on the facade without increasing the height of the building or other structure, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure.
- ii. Utility poles and light standards: If attaching to a utility pole or light standard, no equipment may extend more than ten percent (10%) of the existing height beyond the top of the structure and no equipment other than cabling shall be lower than fifteen feet (15') above the ground.

- iii. Attachments to Water Tanks: If attaching to a water tank, in order to maintain the current profile and height, mounting on the top of the tank or the use of a corral shall only be permitted if the Applicant can prove that to locate elsewhere less visually on the tank will prohibit or have the effect of prohibiting the provision of service or that to do so would be technologically impracticable.

- iv. Profile: So as to be the least visually intrusive and create the smallest profile reasonably possible under the facts and circumstances involved, and thereby have the least adverse visual effect, all antennas attached shall be flush mounted or as near to flush mounted as is possible, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable.

7. Location of Wireless Telecommunications Facilities

- a. No tower or other new support structure taller than 50' shall be permitted in any existing or planned (i.e., platted) residential neighborhood, nor within one-half mile of any existing or planned (i.e., platted) residential neighborhood.

- b. If a new telecommunications support structure is proposed to be located within one-half mile of an existing or planned residential neighborhood and is proven by clear and convincing technical information to be a Technical Necessity for the Applicant's service to be provided in the intended service area of the proposed facility, irrespective of the type of zoning, the support structure shall not be taller than ten feet (10') above the tallest obstruction between the proposed support structure and a residential neighborhood.

- c. Applicants shall locate, site and erect all Facilities and associated equipment in accordance with the following priorities, in the following order:
 - i. On existing structures without increasing the dimensions or size of the structure;
 - ii. On existing structures more than one thousand feet from the nearest boundary of the public right-of-way without increasing the height or size of the profile of the Tower or structure by more than is allowed for an Eligible Facility.
 - iii. On existing structures without increasing the height of the structure by more than is Needed, as such Need can be proven by clear and convincing verifiable technical evidence.
 - iv. On properties in areas zoned for Commercial use.

- v. In designated Renaissance or Historic Districts in the public right-of-way, but without increasing the height or size of the profile of the support structure, and only if Camouflaged or Stealth to the satisfaction of the Planning Director.
 - vi. In areas zoned for Residential use, in the public right-of-way, but without increasing the height of the size or dimensions of the support structure, and only if Camouflaged or Stealth to the satisfaction of the Planning Director.
- d.** If the applicant proposes and commits to locate on City-owned property or structures, the City reserves to right to waive the City's Application Fee that would otherwise be paid to the City.
- e.** If the proposed site is not proposed for the highest priority listed above, then a detailed narrative and technical explanation shall be provided as regards why a site from all higher priority designations was not selected. The person seeking such an exception must demonstrate to the satisfaction of the Planning Director and the City Council the reason or reasons why a Special Use Permit or Administrative Approval should be granted for the proposed Facility.
- f.** Notwithstanding anything else to the contrary, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood. The City may also direct that the proposed location be changed to another location that is more in keeping with the goals of this Section and the public interest as determined by the Council and that serves the intent of the Applicant.
- g.** Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons:
- i. Conflict with safety and safety-related codes and requirements, including but not limited to setback and Fall Zone requirements;
 - ii. Non-Compliance with zoning or land use regulations;
 - iii. The placement and location of a Facility or Complex would create an unacceptable risk, or the reasonable possibility of such, to any person or entity for physical or financial damage, or of trespass on private property;

- iv. The placement and location of a Facility or Complex would result in a conflict with, compromise in or change in the nature or character of the adjacent and surrounding area, and expressly including but not limited to loss in value as measured over the twelve (12) months preceding the Application having been filed;
 - v. Conflicts with the provisions of zoning or land use regulations;
 - vi. Failure to submit a Complete Application within sixty (60) days after proper notice and opportunity to make the Application Complete.
- h.** Notwithstanding anything to the contrary in this Section, for good cause shown such as the ability to utilize one or more shorter, smaller or less intrusive Facilities elsewhere and still accomplish the primary service objective, the City may require the relocation of a proposed site if relocation could result in a less intrusive Facility or Complex singly or in combination with other locations, , including allowing for the fact that relocating the site chosen by the Applicant may require the use of more than one (1) Facility to provide substantially the same service.

8. Type and Height of Towers

- a.** No new Towers of a lattice or guyed type shall be permitted, unless relief is otherwise expressly granted.
- b.** Except in the public rights-of-way and in Residentially zoned areas, the maximum permitted total height of a new tower or other proposed support structure, shall be one hundred feet (120') above pre-construction ground level, unless it can be shown by clear and convincing verifiable technical evidence from a carrier who has committed to use the tower that such height would prohibit or have the effect of prohibiting the provision of service in the intended service area within the City. The maximum permitted height is permissive and is expressly not as-of-right.
- c.** As the policy decision has been made that more Facilities of a shorter and less intrusive height is in the public interest, as opposed to fewer but taller support structures, spacing or the distance between Facilities shall be such that the service may be provided without exceeding the maximum permitted height.
- d.** If proposed to be taller than the maximum permitted height, the Applicant for a new Tower or support structure shall submit clear and convincing technical evidence by a carrier or wireless service provider that has committed to use the Tower or other support structure justifying the total height requested. If the Applicant chooses to

provide evidence in the form of propagation studies, to enable verification of the Need for the requested height such must include all modeling information and support data used to produce the studies at the requested height and at a minimum of ten feet (10') lower. The City or its designee will provide the form that shall be used for providing the modeling information.

- e. The City reserves the right to require a drive test to be conducted under the supervision of the City or its designee to verify the technical Need for what is requested.
- f. At no time shall a Tower or other support structure be of a height that requires lighting by the FAA.
- g. Towers shall be structurally designed to support a minimum of four (4) carriers using functionally equivalent equipment to that used by the first carrier attaching to a Tower or other support structure, so that the height can be increased if needed.
- h. New structures within Rights-of-Ways – Required Design Characteristics.
 - i. Wireless installations shall be consistent throughout the city limits and the extraterritorial jurisdiction (ETJ);
 - ii. Wireless installations shall be on non-conductive poles;
 - iii. All antennas shall be undiscernible by an average person from 250 feet away;
 - iv. Wireless installations shall utilize a “concealed” design, including all cabling being inside a hollow pole;
 - v. All radios, network equipment and batteries will be enclosed in a pedestal cabinet near the pole, or in a pole-mounted cabinet or under a pole-mounted shroud;
 - vi. Cabinets should be consistent in size and no larger than standard DOT streetlight signal cabinets;
 - vii. Unless proven unfeasible by *clear and convincing evidence*, in lieu of installing new poles, any wireless installation in the PROW shall replace a pre-existing distribution pole, secondary pole or streetlight;
 - viii. Wireless installations shall be on poles that meet or exceed current NESC standards and wind and ice loading requirements of ANSI 222 Version G;
 - ix. Any new poles installed shall be “green” and not leach any volatile organic compounds or toxic materials into the ground; and
 - x. To avoid unsightly rust and corrosion, any new pole installed shall not be metal or reinforced concrete.

9. Visibility and Aesthetics

- a. No Tower or support structure that is not a building and is constructed after the effective date of this Section shall be tall enough to require lighting by the FAA.
- b. Stealth: All new Facilities, including but not limited to Towers, shall utilize Stealth or Camouflage siting techniques that are acceptable to the City, unless such can be shown to be either commercially or technologically Impracticable.
- c. Finish/Color: Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Section.
- d. Lighting: Notwithstanding the prohibition of lighting, in the event lighting is subsequently required by the FAA, the Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations. For any Facility or Complex for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it is not able to be seen from the ground to a height of at least 20 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device shall be compliant with or not expressly in conflict with FAA regulations. A physical shield may be used, as long as the light is able to be seen from the air, as intended by the FAA.
- e. Retrofitting: In the event a Tower or other support structure that is lighted as of the effective date of this Section is modified, at the time of the first Modification of the Facility the City reserves the right to require that the Tower be retrofitted so as to comply with the lighting requirements of the preceding §(D) of this Section or be reduced to a height that does not require lighting.
- f. Flush Mounting: Except for omni-directional antennas, all new or replacement antennas, shall be flush-mounted or as close to flush-mounted on the support structure as is functionally possible, unless it can be demonstrated by clear and convincing technical evidence that such has the effect of prohibiting the provision of service to the intended service area, alone or in combination with another site(s), or unless the Applicant can prove that it is technologically impracticable.
- g. Placement on Building: If attached to a building, all antennas shall be mounted on the fascia of the building and camouflaged so as to match the color and, if possible, the

texture of the building, or in a manner so as to make the antennas as visually innocuous and undetectable as is reasonably possible given the facts and circumstances involved.

10. Security

All Facilities shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- a.** All Facilities, including Antennas, Towers and other supporting structures, such as guy anchor points and guy wires, shall be made inaccessible to unauthorized individuals and shall be constructed or shielded in such a manner that they cannot be easily climbed or collided with and shall expressly include removing the climbing steps for the first ten feet (10') from the ground on a monopole; and
- b.** Transmitters and Telecommunications control points shall be installed so that they are readily accessible only to persons authorized to operate or service them.

11. Signage

Facilities shall contain a sign no larger than four (4) square feet and no smaller than two (2) square feet in order to provide adequate warning to persons in the immediate area of the presence of RF radiation. A sign of the same size is also to be installed bearing the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and must be visible from the access point of the Facility or Complex and must identify the equipment owner of the shelter or cabinet. On Tower sites, an FCC registration sign, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted

12. Setback and Fall Zone

- a.** All proposed Towers and any other proposed Wireless support structures shall be set back from abutting parcels, recorded rights-of-way and roads and streets by the greater of the following distances: i) a distance equal to the height of the proposed Tower or support structure plus ten percent (110%) of the height of the Tower or other structure, otherwise known as the Fall Zone; or ii) the existing setback requirement of the underlying zoning district, whichever is greater.
- b.** For any Facility located within a fenced compound, any Accessory structure shall be located within the fenced compound as approved in the Special Use Permit and so as to comply with the applicable minimum setback requirements for the property on

which it is situated. The Fall Zone or setback shall be measured from the nearest portion of the tower to the nearest portion of the right-of-way of any public road or thoroughfare and any occupied building or domicile, as well as any property boundary lines.

- c. The nearest portion of any private access road leading to a Facility shall be no less than ten (10) feet from the nearest property line.
- d. There shall be no development of habitable buildings within the Setback area or Fall Zone.

13. Removal and Performance Security

- a. Removal and Performance: The Applicant and the owner of record of any proposed new Tower or other support structure or Complex shall, at its sole cost and expense, be required to execute and file with the City a bond or other form of security that is acceptable to the City as to the type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a Tower or other support structure and with such sureties as are deemed adequate by the City to assure the faithful performance of the terms and conditions of this Section and the conditions of any Special Use Permit issued pursuant to this Section. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or, if abandoned, until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit. The amount of the Bond is, in part, determined by the current cost of demolition, removal and site restoration multiplied by the compounding or cumulative effect of a three percent (3%) annual cost escalator over a thirty (30) year projected useful life of the structure.
- b. Performance: The owner of any equipment attached to a support structure or located in a Complex shall be required to execute and file with the City a performance bond or other form of performance security that is acceptable to the City as to the type of security and the form and manner of execution, in the amount of \$25,000.

14. Liability Insurance

- a. A holder of a Special Use Permit for a Wireless Telecommunications Support Structure shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below:

- i. Commercial General Liability covering personal injuries, death and property damage: \$2,000,000 per occurrence/\$5,000,000 aggregate; and
 - ii. Automobile Coverage: \$1,000,000.00 per occurrence/ \$3,000,000 aggregate; and
 - iii. A \$5,000,000 Umbrella coverage; and
 - iv. Workers Compensation and Disability: Statutory amounts.
- b.** For a Facility or Complex located on City property, the Commercial General Liability insurance policy shall specifically name the City and its officers, Boards, employees, committee members, attorneys, agents and consultants as additional insureds.
- c.** The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with an AM Best's rating of at least A.
- d.** The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- e.** Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days prior to the expiration of the insurance that such policies are intended to renew or replace.
- f.** Before construction of a permitted Wireless Telecommunications Facility or Complex is initiated, but in no case later than fifteen (15) days prior to the grant of the Building Permit, the holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the required insurance in the required amounts.
- g.** A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the City shall not be deemed to comply with this Section.

15. Indemnification

- a.** Any application for Wireless Telecommunication Facilities that is proposed to be located on City property shall contain a signed statement fully and completely indemnifying the City. Such provision shall require the applicant, to the extent permitted by applicable law, to at all times defend, indemnify, protect, save, hold harmless and exempt the City and its officers, Boards, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or

charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, Modification , location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility or Complex. Notwithstanding the preceding, there shall be no claim of indemnification with respect to any act attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

- b. Notwithstanding the requirements noted in subsection A of this section, an indemnification provision will not be required in those instances where the City itself, or an agency or department of the City, applies for and secures a Special Use Permit for a Wireless Telecommunications Facility or Complex.

16. RF Emissions

- a. As may be deemed appropriate from time to time, to assure the protection of the public health and safety, the City expressly reserves the right under its Police Powers to require that a user of a Facility or Complex or the owner of the Facility or Complex, verify compliance with the FCC's regulations regarding cumulative RF emissions at the Site under the observation of a qualified staff member or the City's consultant, , and that all users of the Facility or Complex cooperate with the party responsible for such testing or verification. Failure to cooperate shall be deemed a violation of this Section and subject the non-cooperating party to all applicable and permissible fines and penalties.
- b. In the event the City deems it necessary to determine compliance with the FCC's Maximum Permitted Exposure (MPE) rules, and in lieu of the procedure contained in the preceding §(A) of this Section, the City expressly reserves the right to request the involvement of the FCC and/or OSHA (Occupational Safety and Health Administration) to determine or verify compliance with federal standards and guidelines that the City, itself, may be prohibited from determining.
- c. With respect to Support Structures other than Towers, if any section or portion of the structure attached to or to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with brightly colored plastic chain or striped warning

tape, as appropriate, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger. As deemed warranted by the City at any time, the right of the City is expressly reserved to do itself, or order done, an on-site RF emissions survey.

17. Adherence to State and/or Federal Rules and Regulations

- a. To the extent that the holder of a Special Use Permit or Administrative Approval for a Wireless Telecommunications Facility or Complex has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- b. To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit or Administrative Approval for Wireless Telecommunications Facilities, then the holder of such a Special Use Permit or Administrative Approval shall conform the permitted Facility or Complex to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

18. Conflict with Other Laws

Where this Section differs or conflicts with other Local Laws, rules and regulations, unless the right to do so is preempted or prohibited by the City, State or federal government, the more stringent shall apply.

19. Authority

This Section is enacted pursuant to applicable authority granted by the State and federal government.

5.2.38 Yard Sale

- 1.** A yard sale is allowed no more than twice per dwelling unit (street address) in a calendar year (January through December).
 - a.** Yard sales are allowed during daylight hours only.
 - b.** Yard sales are allowed only Thursday through Sunday and on public holidays.
- 2.** Signs
 - a.** Signs may only be placed on the premises of the dwelling unit that is conducting the sale.
 - b.** Signs may not be attached to utility poles, public signs, or other public utility structures.
 - c.** No signs may be placed in the public right-of-way or in any location that may impede the vision of passing motorists.
 - d.** All signs shall be removed at the conclusion of the yard sale event.
- 3.** Exceptions
 - a.** Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
 - b.** Persons acting in accordance with their powers and duties as public officials.
 - c.** Any person conducting an incidental sale or one or two separate items which such sale is not part of a general sale or a number of items of personal property.

ARTICLE 6. GENERAL DEVELOPMENT STANDARD

6.1 Applicability

The general development standards established in this Article shall be applicable within each zoning district unless otherwise specifically modified by another standard of this Ordinance.

6.2 Relationship of Buildings to Lot

Every building hereafter erected, moved, or placed shall be located on a lot and in no case shall there be more than one principal dwelling unit on a residentially zoned lot except as otherwise provided within this Ordinance.

6.2.1 Exception:

One (1) Temporary Health Care Structure, as defined and regulated by North Carolina General Statute 160D-915, may be permitted as a second dwelling on properties zoned for and occupied by a single-family detached home. An initial Zoning Permit will be issued by the Planning Department for said structure. After that, an annual Zoning Permit will be required for renewal. Once the Temporary Health Care Structure is no longer necessary, the property owner will have 60 days to have it removed from the property.

6.3 Lot Frontage and Street Access

No building, structure, or use of land shall be established on a lot, nor shall any lot be created that does not comply with the Lot Frontage and Street Access requirements of the City of Archdale Subdivision Ordinance. Nonconforming lots of record shall be exempt from this requirement subject to the provisions of Article XIII.

6.4 Yard and Open Space Requirements

1. No part of a yard, court, or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except as provided for in this Section. However, certain accessory structures are permitted to be placed in the required yard areas as provided for herein.
2. All open areas of required yards not occupied by a permitted accessory shall be planted in grass or otherwise landscaped with trees, shrubs and other common landscaping

materials, excluding those areas containing driveways, pedestrian walkways, or communal gathering spaces.

6.5 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth in this Ordinance, except as otherwise specifically modified by a provision of this Ordinance or the Subdivision Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance for the district in which they are located.

6.6 Height Limitation Exceptions

The height limitations of this Ordinance shall not apply to public buildings, religious institutions, schools, hospitals, belfries, cupolas, and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, flag poles, and similar structures, provided such structures meet the required North Carolina Building Code. Height limitations shall apply to wireless communication towers as regulated herein.

6.7 Building Setback Exceptions

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building or structure excluding:

1. Unenclosed porches, attached carports, balconies, fire places, and decks which do not project into any required yard more than 3 feet; and
2. Chimneys, flues, coves, roof overhangs, window sills, and bay windows which do not project into any required yard more than 3 feet; and
3. Patios, drives, and walkways, if no portion of the same extends more than 12 inches off the ground; and
4. Any structure that is a mere appendage to a building such as a flagpole or fountain.

6.8 Projections into Front Yards in Commercial and Industrial Districts

In commercial and industrial districts, open, unenclosed canopies covering automobile fueling / charging devices and related equipment and facilities may project into one-half ($\frac{1}{2}$) the front yard setback requirement for the district.

6.9 Double Frontage (Through) Lots

In all Zoning Districts, Double Frontage (Through) Lots shall provide the minimum yard requirements for front yards along both street fronts. The minimum yard requirements for this type of lot shall pertain to both primary and accessory structures.

6.10 Visibility at Intersections

On a corner lot in any district no, planting, structure, sign, fence, wall, or obstruction to vision more than 3 feet in height measured from the centerline of the street shall be placed or maintained within the triangular area formed by the intersecting street centerlines and a straight-line connecting point on said street centerlines, each of which is 20 feet distance from the point of intersection.

6.11 Water and Sewer Requirements

1. The lot sizes required for the various districts in this Ordinance are based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities may require larger lot areas or, in some instances, because of Health Department Standards, may not permit development as intended.
2. All newly constructed occupiable buildings within the corporate limits of the City of Archdale shall be connected to public water and sewer systems, with the exception of detached single-family dwellings situated on lots larger than 3 acres in size.

6.12 Pedestrian Facilities

Sidewalks, Shared Use Paths, and Greenways connecting residences, schools, and recreational areas are required to be installed in accordance with the pedestrian circulation system established in the Pedestrian and Trails Master Plan. Sidewalks, Shared Use Paths, and Greenways shall be built according to construction standards established in the *City of Archdale Construction and Development Standards*.

6.13 Entrances/Exits to Public Streets

Entrances and exits to public streets shall be placed and constructed in accordance with the "Policy on Street and Driveway Access to North Carolina Highways" adopted by the North Carolina Department of Transportation (NCDOT), as amended. No portion of any entrance driveway leading from a public street shall be closer than 20 feet to the corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public

street shall not exceed 30 feet at its intersection with curb or street line. No two driveways on a single lot leading from a public street shall be within 20 feet of each other measured along the right-of-way.

6.14 Fences and Walls

1. No fence or wall located within a front yard shall exceed 4 feet in height.
2. In residentially zoned areas, fences and walls shall not exceed 8 feet in height.
3. Fences and walls located along side property lines adjoining a street right-of-way shall be set back a minimum of 10 feet from the edge of the right-of-way.

6.15 Solid Waste Storage

1. All uses other than detached single family dwellings shall provide a screened enclosure for the storage of solid waste collection containers where the storage of such containers within the interior of a structure is not feasible.
2. Enclosures are permitted in side or rear yards only.
3. Detached enclosures shall be constructed of brick. Enclosures attached to a building shall utilize the same cladding material as the structure to which it is attached.
4. Enclosures shall have doors that can be closed to fully screen the solid waste collection containers. If visible from a public street, the doors shall remain closed other than during periods when solid waste is being deposited or collected.

6.16 Underground Utilities Required

All wire line utilities upon a development site shall be installed below ground. Nothing in this section shall require the placement of off-site electric utilities underground in conformance with the provisions of NCGS 160D-804(h).

6.17 Lighting

Plans for street and outdoor lighting shall be required for all new development proposals. It shall specifically show the location of all proposed street and outdoor lighting fixtures to be constructed on any development.

6.17.1 Street Lighting

The following restrictions apply to street lighting in all zoning districts:

1. All new developments with public streets require decorative fixtures. An outdoor lighting plan shall be included as part of a TRC submittal. If a TRC review is not required, the outdoor lighting plan shall be reviewed by Planning staff.
2. Street lights shall be installed in accordance with the standards set forth in the *City of Archdale Construction and Development Standards*.

6.17.2 Outdoor Lighting:

The following restrictions apply to outdoor lighting in all zoning districts:

1. For non-residential uses, outdoor lighting shall be located, screened, and shielded so that the abutting lots located in any residential district are not directly illuminated.
2. Building mounted floodlights are prohibited for nonresidential uses, within the exception of the M-1 and M-2 districts, and all lights mounted to freestanding poles shall use full cutoff fixtures.
3. Pole mounted light fixtures intended for the illumination of off-street parking areas shall not exceed 30 feet in height, and fixtures intended to light pedestrian walkways shall not exceed 18 feet in height. All outdoor lighting intended for one of the preceding uses shall utilize full cutoff fixtures.
4. For residential uses, lighting fixtures must be located, screened, or shielded in order to prevent direct glare onto neighboring lots.
5. All outdoor lighting shall be located, screened, or shielded in a manner as not to cause glare or impair the vision of motorists or to illuminate a neighboring residential lot.

6.18 Temporary Construction Site Buildings

Temporary buildings, including mobile structures, incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) construction. Temporary buildings shall be located at least 25 feet from any property used for residential purposes.

6.19 Residential Accessory Structures

Residential detached accessory structures and buildings shall comply with the following standards:

1. shall be constructed with the understanding that easements (water, sewer, gas, utility, access, etc.) may exist on private property. It is important for property owners to determine whether such easements are present on their property and what limitations said easements may pose for accessory structures or buildings,
2. are limited to a maximum of 2 accessory buildings per parcel of land. Permanently installed swimming pools shall not count toward the maximum number of accessory structures.
3. shall only be allowed in rear yards (no accessory buildings in front or side yards),
4. shall be placed no closer than 5 feet from the rear lot line (except on double frontage lots) and 5 feet from side lot lines,
5. may not be placed closer than 10 feet to the primary structure,
6. may not exceed the height of the parcel's primary structure,
7. the combined square footage of all accessory buildings is limited to the square footage of 30% of the 'buildable rear yard' (rear yard minus applicable setbacks described in Subsections 4 and 5 above; see Figure 6.1 below).

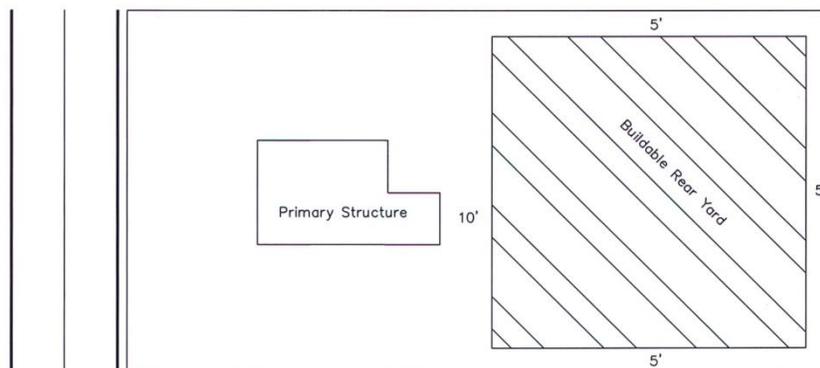


Figure 6.1: Buildable Rear Yard

6.20 Outdoor Storage and Display

Outdoor storage and/or display of items for sale or advertising purposes is permitted in the HB, B-1, B-2, M-1, and M-2 Districts. Where permitted, outdoor storage / display shall be limited to items which are designed and intended for permanent outdoor usage. Such outdoor storage and display areas shall conform to a minimum of one-half (½) the minimum required front building setback and not block or obstruct required parking spaces or pedestrian walkways.

6.21 Certain Manufactured Homes Prohibited

After the effective date of this Ordinance, no Manufactured Home constructed prior to June 15, 1976 shall be placed in the jurisdiction of this Ordinance, nor shall any such Manufactured Home that is existing within the jurisdiction of this Ordinance be moved and placed at any other location within the jurisdiction of this Ordinance.

6.22 Use of Manufactured Homes and Other Vehicles for Storage Prohibited

The use of manufactured homes, truck trailers, travel trailers, or other vehicles for storage purposes shall be expressly prohibited in all zoning districts. This shall not apply to the temporary storage of supplies or materials awaiting use, or finished goods awaiting shipment, associated with an industrial or warehousing use.

6.23 Temporary Residential Storage

Upon each residential lot, no more than one temporary portable storage container may be utilized. Such container shall be permitted on the premises for up to 45 consecutive days within a 90-day period. No temporary portable storage container permitted under this provision shall exceed 20 feet in length.

6.24 Nonresidential Building Design Standards

All buildings constructed for nonresidential or mixed residential and nonresidential occupancy, excluding buildings constructed for use as industrial, manufacturing and warehousing establishments, shall adhere to the following design standards unless a different standard is specified in Article VII for the district in which the building is located.

6.24.1 Exterior Cladding Materials.

Each building wall that is visible from a public street, internal drive, or off-street parking area shall be clad in high-quality building materials. For the purposes of this Section, the term high

quality materials shall exclude EIFS, stucco, smooth concrete masonry units, corrugated and smooth metal panels, and vinyl siding.

6.24.2 Proportion and Uniformity of Cladding Materials

1. A single cladding material shall be utilized to cover a minimum of 70% of each building wall, excluding glazed areas (windows and doors) to which the exterior cladding standard applies. Materials of the same type and style shall be applied in a generally proportionate amount on each regulated building wall.
2. Developments with more than one building on the same parcel, or on separate parcels when developed as a single site, shall utilize common exterior cladding materials throughout the development.

6.24.3 Articulation

1. Building walls facing a public street shall contain articulating features along a minimum of 60% of the length of the building wall.
2. Qualifying articulating features include:
 - a. Covered porches and arcades.
 - b. Customer entrances
 - c. Awnings shading windows and customer entrances.
 - d. Trellises and similar building wall attachments.
 - e. Windows (excluding mirrored or opaque spandrel glass).
 - f. Columns and pilasters.
 - g. Inlays into the primary cladding material.
3. Any feature used to meet this requirement shall have a minimum width of 36" between a height of 3 and 8 feet above the building's finished floor elevation.

6.24.4 Roof Form

1. All flat or low pitch roofs (2:12 or less) shall be screened with a parapet wall.

2. All pitched roofs shall provide minimum 8-inch overhangs.

6.24.5 Building Appurtenances

All mechanical, plumbing, and electric equipment and other exterior building systems shall be located on the rear of the building or on the roof, and screened from any adjacent public street or off-street parking area intended for customer use.

ARTICLE 7. SUPPLEMENTAL STANDARDS FOR SPECIFIC DISTRICTS

7.1 Purpose and Applicability

The purpose of this Article is to establish supplemental standards for certain base and overlay zoning districts. The standards stated for a particular district shall apply only within that district. Where the supplemental standards contained in this Article conflict with another standard or requirement of this ordinance, including any generally applicable development standards, the standards of this Article shall apply.

7.2 Downtown District Supplemental Standards

The following additional standards shall apply in the Downtown District.

7.2.1 Site Design

- 1.** Buildings shall be oriented on a lot so that the primary public entrance is located along the front lot line.
- 2.** On lots less than 50 feet in width or less, 100% of the width of the front lot line shall be occupied by a building wall. On lots greater than 50 feet in width, a minimum of 80% of the width of the front lot line shall be occupied by a building wall.
- 3.** Buildings shall be sited and constructed so that each ground floor building wall along a public street frontage is within 6 feet of the edge of the right-of-way along a minimum of 80% of the length of the wall plane.
- 4.** Off-street surface parking areas are prohibited within 20 feet of the edge of the right-of-way.
- 5.** Driveway are prohibited along primary street frontages, with the exception of those driveways providing access to a parking structure. Vehicular access to off-street parking and service areas shall be taken from alleys and side streets.
- 6.** All exterior mechanical, electric, and plumbing equipment (excluding FDCs) shall be located on the roof or rear of the building, and, when visible from a public street, shall be screened.
- 7.** All solid waste collection areas shall be located on the interior or at the rear of the building.

8. The Street Landscaping and Buffering requirements of this Ordinance do not apply within the Downtown District.

7.2.2 Building Massing and Scale

1. The ground floor of each building shall be constructed with a minimum height of 14 feet from the grade of the sidewalk along the front lot line.
2. Stories above the ground floor shall be a minimum of 10 feet in height. Each story above the ground floor shall have a smaller vertical height than the ground floor story.
3. Buildings located on corner lots shall be constructed to a minimum height of two stories.
4. Individual buildings shall not exceed 100 feet in width along the front lot line.
5. Single story buildings shall not exceed 40 feet in width along the front lot line.

7.2.3 Exterior Building Materials

1. Building walls facing a public street shall be clad over a minimum of 80% of their surface area, excluding glazed surface area, with masonry. Qualifying materials include brick, stone, and cast concrete panels or veneers having the appearance of brick or stone. Split-faced block and smooth concrete masonry units shall not be permitted as a primary masonry material.
2. The remaining 20% of the public street facing building wall area may be clad in a secondary material, such as architectural grade exterior wood panels, tile, or similar high-quality materials. Smooth or corrugated metal panels, EIFS, vinyl, horizontal lap siding of any kind, and stucco shall be prohibited as cladding materials to meet this requirement.
3. Exterior cladding materials shall be applied in a manner that provides a visually distinct base to the building along the primary street frontage.
4. A single material type (inclusive of color and style) shall be used for a minimum of 80% of the area required to be clad in masonry.
5. No more than three styles of masonry may be used to clad a building wall facing a public street, and no more than five total materials may be used. Materials shall be consistent between building walls that face a public street.

6. Top and mid-level cornices may be composed of a permitted material, metal, finished architectural concrete, or a material having the appearance of a permitted material.
7. Building walls not facing a public street are exempt from regulation

7.2.4 Glazing

1. Ground floor building walls facing a public street shall contain glazed area over a minimum of 60% of the width of the building wall between a height of 3 and 10 feet as measured from the finished floor elevation of the ground floor. This provision shall not apply to those portions of building walls facing a side street beyond a point 20 feet from the intersection of the front and side building wall.
2. Customer entrance doors shall have a minimum glazed area of 70%. Solid security door styles shall be permitted on non-public entrances, provided that such shall not be permitted along any building wall along the front property line.
3. Each upper story building wall shall contain glazing over a minimum of 25% of its surface area.
4. Upper story windows shall have a vertical orientation.
5. Glazed surface area shall be limited to no more 75% of the ground floor building wall surface area and 50% of an upper story wall surface area.
6. All window glass shall be recessed at least one inch from the surface area of the surrounding frame and cladding material.
7. All window frames shall be composed of wood or metal.
8. Ground floor windows / glazed areas shall be distributed proportionally along the building wall, and no portion of a ground floor building wall may exceed 10 feet without containing glazed area.
9. Glass block is prohibited as a means of meeting the minimum requirements of this Section.
10. Mirrored or tinted glass with a visible light transmission ratio of less than 70% is prohibited.

11. The use of security gates / doors is permitted, provided that such gates or doors are installed on the interior of the building, are opened fully during business hours, and remain open if a space is vacated.

7.2.5 Roofs

1. Simple flat or barrel shaped roof forms with a minimum pitch /curvature for drainage are the only permitted roof types.
2. All roofs shall be screened by a parapet wall not exceeding five (5) feet in height.
3. Minor pitched roof forms are permitted on corner buildings, provided that pitched roofs shall not cover more than 10% of the surface area of the building.
4. All roof drainage shall be to the rear of the building unless downspouts are located behind building cladding.

7.2.6 Awnings

1. Awnings shall extend no further than the distance between building columns / piers.
2. Awnings may only shade glazed areas and customer / service entrances.
3. Awnings shall have a shape that is compatible with the shape of the glazed areas that they shade.

7.2.7 Signs

1. Only wall, window, and projecting signs are permitted
2. Wall signage shall be limited to one square foot of signage per linear foot of building wall along the primary street frontage. Corner buildings may have the same wall sign area on the secondary street frontage as the primary frontage.
3. The maximum size of each projecting sign shall be 25% of the permitted wall sign area.
4. Window signs shall be permitted to cover a maximum of 25% of the surface area of the glazed area on the ground floor. Each frontage shall be subject to the maximum 25% coverage ratio.
5. No more than one wall sign and one projecting sign is permitted per street frontage.

6. Projecting signs shall only be permitted above customer entrances, and shall be centered on the entrance.
7. Wall signs shall be centered over the customer entrance on the primary street frontage.
8. Cabinet style signs are prohibited.
9. Only external and halo style illumination are permitted.

7.3 North Main Overlay District Standards

The following additional standards and modifications shall apply in the North Main Overlay District.

7.3.1 Site Design

1. Buildings shall be oriented on a lot so that the primary public entrance faces North Main Street. Additional public entrances shall be permitted on the side or rear of the building, but the North Main Street frontage entrance(s) shall remain open and accessible at all times that the business is open.
2. A pedestrian walkway with a minimum width of eight (8) feet shall connect all customer entrances facing a public street to the external pedestrian network.
3. Each site shall be developed so that a minimum of 50% of the North Main Street frontage is occupied by a building wall.
4. There is no minimum front setback. All buildings shall be constructed so that a minimum of 50% of the width of the front building wall is within 10 feet of the edge of the right-of-way and the remainder of the front building wall is within 30 feet of the edge of the right-of-way.
5. Off-street vehicular parking and loading (excluding bicycle parking) areas shall be located to the side or rear of the building.
6. Any portion of the North Main Street frontage occupied by a nonresidential building where the distance between the right-of-way and the front building wall is greater than 10 feet shall be occupied by active outdoor space, such as a seating area or outdoor dining area.

7. Driveways shall not enter into a site at any point directly in front of a building situated on the North Main Street frontage, and no internal driveway shall be located between building and the right-of-way of North Main Street.
8. Sites with buildings occupying at least 70% of the width of the North Main Street frontage may be developed with a second tier of buildings in the rear of the site without regard to the build-to line requirements. All buildings along the North Main Street frontage necessary to meet this requirement shall receive a certificate of occupancy prior to any building on the site in the second tier of buildings receiving a certificate of occupancy.
9. Drive-through service areas are prohibited, however any existing drive through service area shall be permitted to continue in operation, provided that no alteration is permitted to accommodate an expansion of the service provided in that manner.
10. All exterior mechanical, electric, and plumbing equipment (excluding FDCs) shall be located on the roof or rear of the building, and, when visible from a public street or off-street parking area, shall be screened.
11. The Street Landscaping requirements of this Ordinance shall not apply to any portion of the width of the lot adjacent to North Main Street that contains a building wall within 10 feet of the right-of-way.
12. The Buffering requirements of this Ordinance, as applied to side property lines, shall be reduced by 50% within the North Main Overlay, and shall only be applicable with regard to preexisting adjacent residential uses.

7.3.2 Building Massing and Scale

1. The ground floor of each nonresidential building shall be constructed with a minimum height of 14 feet from the grade of the sidewalk along the front lot line.
2. Stories above the ground floor shall have a minimum 10-foot height.
3. Individual buildings shall not exceed 100 feet in width along the North Main Street frontage.
4. No single occupiable tenant space shall exceed 10,000 square feet.
5. Residential buildings shall have the finished floor elevation of the ground floor elevated at least three (3) feet above the grade of the adjacent public sidewalk along any portion

of a street-facing building wall that contains a ground floor residential use (other than common area).

7.3.3 Exterior Building Materials

1. Building walls that are visible from a public street, internal driveway, or off-street parking area shall be clad over a minimum of 80% of their surface area, excluding glazed surface area, with masonry, including brick, stone, and cast concrete panels or veneers having the appearance of brick or stone. Split-faced block and smooth concrete masonry units shall not be permitted as a primary masonry material.
2. Single-story buildings may, alternatively, utilize horizontal lap siding composed of exterior architectural grade wood or fibrous cement boards having the appearance of wood to meet the primary exterior material requirement. Siding boards shall be installed in a manner to create a minimum 7" exposed vertical height. Where utilized, a masonry-clad foundation wall with a height of at least 18" shall be provided along each building wall.
3. The remaining 20% of each building wall to which the primary material standards apply may be clad in a secondary material, such as architectural grade wood, split faced block, tile, or similar high-quality materials. Corrugated metal panels and smooth concrete masonry units shall not qualify as permitted secondary materials.
4. No more than five (5) different materials (including style or color of the same material) may be used on a building wall, and all building walls to which these requirements apply.

7.3.4 Glazing

1. Ground floor building walls facing North Main Street shall be glazed over a minimum of 30% of their surface area between 3 and 8 feet above the finished floor elevation.
2. All window glass shall be recessed at least one inch from the surface area of the surrounding frame and cladding material.
3. Glass block is prohibited as a means of meeting the minimum requirements of this Section.
4. Mirrored or tinted glass with a visible light transmission ratio of less than 70% is prohibited.

5. Window frames for all ground floor windows and all windows in nonresidential buildings shall be composed of wood or metal. Upper-story residential windows may be composed of vinyl, provided that a color other than white is utilized for the frame.

7.3.5 Roofs

1. All flat / low pitch roofs (2:12 or lower) shall be surrounded by a parapet wall with a height no greater than 5 feet.
2. All roofs having a pitch of 3:12 or greater shall utilize architectural asphalt shingles, tile, slate, or standing seam metal as the roofing material. Where standing seam metal is used for roofing, the roof shall have a matte finish.
3. All roofs having a pitch of 3:12 or greater shall overhang the building wall by a minimum of 12 inches.
4. Visible downspouts for roof drainage systems shall have smooth exterior surfaces.

7.3.6 Building Articulation

1. Building walls exceeding 40 feet in width that face North Main Street shall include articulation to break up the massing of the building.
2. Articulating features shall be included on the building wall in a manner so that there is no gap in articulating features exceeding 10 linear feet.
3. Qualifying articulating features include:
 - a. Covered porches and arcades.
 - b. Covered customer entrances.
 - c. Awnings shading windows and customer entrances.
 - d. Trellises and similar building wall attachments.
 - e. Windows
 - f. Columns and pilasters.
 - g. Inlays into the primary material.

4. Any feature used to meet this requirement shall have a minimum width of 36" between a height of 3 and 8 feet above the building's finished floor elevation.

7.3.7 Additional Permitted Uses

In the area covered by the North Main Overlay District, the following uses shall be permitted by-right without regard to the underlying base zoning district, subject to any additional requirements set forth herein:

1. Dwellings, Multi-family Attached, subject to the following:
 - a. Structures containing such dwellings shall be located on a parcel containing a nonresidential building or buildings meeting the minimum building frontage occupancy requirements of this Section to qualify for a second tier of buildings.
 - b. No more than 6 attached units are permitted per building.
 - c. Interior / garage parking is provided to meet the minimum parking requirement, and parking access is taken from the rear of the building.
2. Dwellings, Multi-family Stacked, subject to the following:
 - a. No building shall contain more than 8 dwelling units.
 - b. Each building shall be situated on an individual parcel having direct access to North Main Street.
 - c. The requirements of this section do not apply to the use Dwelling, Multi-Family Upper Story

7.3.8 Additional Requirements for Certain Uses

In the area covered by the North Main Overlay District, the following additional requirements shall apply to the specified uses without regard to the underlying base zoning district:

1. Electric Substation
 - a. Shall be screened by a masonry wall meeting the exterior cladding standards of this Section.
2. Gas Stations

a. All canopies and pumps shall be located behind and screened by a building meeting the frontage requirements of this Section.

3. Public Safety Facility

a. Facilities shall be located on a corner lot and take access from a side street only.

4. Vehicle Repair Facility, Minor

a. All service bays shall be oriented to the rear of the building or perpendicular to North Main Street.

7.3.9 Prohibited Uses

In the area covered by the North Main Overlay District, the following uses shall be prohibited without regard to the underlying base zoning district.

1. Amusement Facility, Indoor
2. Amusement Facility, Outdoor
3. Crematorium
4. Drive-Through Service
5. Driving Range
6. Funeral Home
7. Hospital / Medical Campus
8. Industrial, Craft
9. Light Assembly
10. Parking Lot, Principal Use
11. Self-Storage Facility, Indoor
12. Sports Park, Private / Commercial
13. Vehicle Sales and Rental, Passenger
14. Vehicle Repair Facility, Major

7.3.10 Signage

1. The only manner of illumination permitted for any type of sign shall be external or halo style illumination.
2. Cabinet style wall and freestanding signs are prohibited.
3. Freestanding signs shall not exceed six (6) feet in height, regardless of the underlying base zoning district.
4. Freestanding signs shall not exceed 48 square feet in area.

7.4 Urban Residential Overlay District Standards

The following additional standards and modifications shall apply in the Urban Residential Overlay.

7.4.1 Additional Principal Uses Permitted By-Right

In the area covered by the Urban Residential Overlay District, the following uses shall be permitted by-right without regard to the underlying base zoning district, subject to any additional requirements set forth in this Section:

1. Dwelling, Multi-Family Attached
2. Dwelling, Multi-Family Stacked
3. Dwelling, Single Family Attached

7.4.2 Dimensional and Density Standards

The following dimensional and density standards shall apply specifically to the uses set forth below. The density and dimensional standards for other uses / circumstances within the underlying base zoning district(s) shall apply for any use not discussed in this Section.

1. Single Family Detached Dwellings shall be permitted to utilize the following standards within the Urban Residential Overlay District:
 - a. Minimum Lot Width: 50 Feet
 - b. Minimum Lot Area: 5,000 SF
 - c. Minimum Front Yard Setback: 20 Feet*
 - d. Maximum Front Yard Setback: 30 Feet

e. Minimum Side Setback: 7.5 Feet / Corner 15 Feet

f. Minimum Rear Setback: 25 Feet

g. Maximum Height: 35 Feet

**Prevailing setback requirements do not apply. The minimum front setback shall be increased to 30 feet whenever an existing single-family dwelling is situated on an immediately adjacent lot and such dwelling was both constructed with a front setback greater than 30 feet and the existing adjacent dwelling is within 50 feet of the side property line*

2. Single Family Attached Dwellings shall be permitted to utilize the following standards within the Urban Residential Overlay District:

a. Structures containing up to 5 attached single family dwellings constructed to the North Carolina Residential Building Code for One- and Two-Family Dwellings may be built on individually deeded sublots.

b. Minimum Lot Area: 2,000 SF

c. Minimum Front Yard Setback: 20 Feet*

d. Maximum Front Yard Setback: 30 Feet

e. Minimum Exterior Building Side Setback: 10 Feet / Corner 15 Feet

f. Minimum Rear Setback: 25 Feet

g. Maximum Height: 35 Feet

**Prevailing setback requirements do not apply. The minimum front setback shall be increased to 30 feet whenever an existing single-family dwelling is situated on an immediately adjacent lot and such dwelling was both constructed with a front setback greater than 30 feet and the existing adjacent dwelling is within 50 feet of the side property line.*

3. Multi-Family Attached Dwellings shall be permitted to utilize the following standards within the Urban Residential Overlay District:

a. Minimum Lot Width: 60 feet (2 dwelling units) + 20' per additional unit

b. Minimum Lot Size: 7,500 SF (2 dwelling units) + 2,000 SF per additional unit

c. Maximum Attached Dwelling Units Per Parcel: 4

d. Permitted Principal Structures per Parcel: 1

e. Minimum Front Yard Setback: 20 Feet*

f. Maximum Front Yard Setback: 30 Feet

g. Minimum Side Setback: 10 Feet / Corner 15 Feet

h. Minimum Rear Setback: 25 Feet

i. Maximum Height: 35 Feet

j. Maximum Occupiable Stories Above Primary Street Frontage Grade: 2

**Prevailing setback requirements do not apply. The minimum front setback shall be increased to 30 feet whenever an existing single-family dwelling is situated on an immediately adjacent lot and such dwelling was both constructed with a front setback greater than 30 feet and the existing adjacent dwelling is within 50 feet of the side property line.*

4. Multi-Family Stacked Dwellings shall be permitted to utilize the following standards within the Urban Residential Overlay District:

a. Minimum Lot Width: 75 feet

b. Minimum Lot Size: 10,000

c. Maximum Dwelling Units Per Parcel: 8 (4 per occupiable story)

d. Permitted Principal Structures per Parcel: 1

e. Minimum Front Yard Setback: 20 Feet*

f. Maximum Front Yard Setback: 30 Feet

g. Minimum Side Setback: 10 Feet / Corner 15 Feet

h. Minimum Rear Setback: 25 Feet

i. Maximum Height: 35 Feet

j. Maximum Occupiable Stories Above Primary Street Frontage Grade: 2

**Prevailing setback requirements do not apply. The minimum front setback shall be increased to 30 feet whenever an existing single-family dwelling is situated on an immediately adjacent lot and such dwelling was both constructed with a front setback greater than 30 feet and the existing adjacent dwelling is within 50 feet of the side property line.*

7.4.3 Parking and Driveway Standards

1. Only one curb cut / driveway is permitted per group of single family attached dwellings.
2. Only one curb cut / driveway is permitted per parcel containing multi-family dwellings.
3. Driveways shall extend past the rear building wall plane of the principal structure(s) for all attached single-family dwellings and multi-family dwellings.
4. Driveways shall extend past the rear building wall plane of the principal structure when providing street access to a single family detached dwelling constructed with a setback of less than 30 feet.
5. When located on a corner lot, driveways shall take access from the street with the longest frontage.
6. All surface parking associated with attached single-family dwellings and multi-family dwelling shall be located at the rear of the principal structure(s).
7. No garage or carport, whether attached or detached, serving a single-family attached dwelling or multi-family dwelling, shall be accessed from a location that is visible from the center point of the front of the structure it serves when viewed from the edge of the right-of-way.

7.4.4 Site Development Standards

1. The Buffering standards of this Ordinance shall be reduced by 50% for single-family attached and multi-family dwellings.
2. The maximum height for any freestanding outdoor lighting associated with a single-family attached or multi-family dwelling shall be 18 feet above grade. All outdoor lighting shall utilize full cutoff fixtures.
3. Solid waste collection areas serving single-family attached and multi-family dwellings shall be located in a rear yard only, and shall be fully enclosed and screened as provided

for in the general development standards of this Ordinance. No solid waste collection enclosure shall be permitted within 50 feet of a residentially used structure on an adjacent property.

4. Each attached dwelling unit shall have its front door facing the adjacent primary public street.
5. Each attached dwelling unit and stacked multi-family dwelling shall be connected to the adjacent public sidewalk by a minimum four-foot-wide sidewalk. Attached dwellings may connect to a single pedestrian path to reach the public sidewalk.

7.4.5 Architectural Standards

All residential structures, other than those constructed to the North Carolina Residential Code for One- and Two-Family Dwellings, shall adhere to the following standards:

1. The primary exterior cladding material applied to front and side building walls shall consist of masonry (brick or stone only, including cast panels or veneers) or fibrous cement horizontal lap siding (or similar) that is installed with a minimum 7" vertical exposure. The primary material shall clad a minimum of 80% of each applicable building wall.
2. A single primary cladding material shall be utilized, and shall be identical in type and style on front and side building walls.
3. EIFS, stucco, plain concrete masonry units, and vinyl siding shall be prohibited as secondary materials on front and side building walls.
4. Windows shall be included on each front and side building wall. The end units of attached dwellings shall have a minimum of 10% glazed area per story on their exposed side building walls.
5. Windows shall be recessed by a minimum of 1" from the surrounding frame and cladding material.
6. Each attached dwelling with individual exterior access shall have a front porch containing a minimum of 60 square feet of floor area and shall have a minimum depth of 6 feet from the front building wall.
7. Pitched roof forms are required, and shall meet the following:
 - a. Minimum 4:12 pitch

b. Minimum 12" overhang

c. Roof drainage shall be provided with gutters and downspouts.

7.4.6 Accessory Dwelling Units

One detached accessory dwelling unit shall be permitted upon each lot containing a detached single-family residential dwelling within the Urban Residential Overlay District subject to the following standards:

1. The gross floor area of an accessory dwelling unit shall be limited to 600 square feet. Garage space for vehicular storage and other storage areas within a structure housing an accessory dwelling shall not count toward the maximum square footage.
2. Accessory dwellings shall be permitted in the rear yard only.
3. Accessory dwellings may not exceed the height of the principal dwelling unless situated on the upper story of a detached garage.
4. Accessory dwellings shall be set back a minimum of 10 feet from side and rear property lines.
5. One dedicated off-street parking space shall be provided for an accessory dwelling unit.

7.4.7 Signs

Freestanding signage that is otherwise permitted to be displayed on a property containing attached single-family or multi-family properties shall be prohibited in the Urban Residential Overlay District.

7.5 Downtown Residential District Supplemental Standards

The following standards and modifications shall apply in the Downtown Residential District.

7.5.1 Dimensional and Density Standards

The following dimensional and density standards shall apply specifically to the uses set forth below. The density and dimensional standards for other uses / circumstances within the underlying base zoning district(s) shall apply for any use not discussed in this Section.

1. Single Family Attached Dwellings shall be permitted to utilize the following standards within the Downtown Residential District:

- a.** Structures containing up to 5 attached single family dwellings constructed to the North Carolina Residential Building Code for One- and Two-Family Dwellings may be built on individually deeded sublots.
- b.** Minimum Lot Area: 2,000 SF
- c.** Minimum Front Yard Setback: 10 Feet*
- d.** Maximum Front Yard Setback: 20 Feet
- e.** Minimum Exterior Building Side Setback: 10 Feet / Corner 15 Feet
- f.** Minimum Rear Setback: 25 Feet
- g.** Maximum Height: 35 Feet

**Prevailing setback requirements do not apply. The minimum front setback shall be increased to 20 feet whenever an existing single-family dwelling is situated on an immediately adjacent lot and such dwelling was both constructed with a front setback greater than 20 feet and the existing adjacent dwelling is within 50 feet of the side property line.*

- 2.** Multi-Family Attached Dwellings shall be permitted to utilize the following standards within the Downtown Residential District:
 - a.** Minimum Lot Width: 60 feet (2 dwelling units) + 20' per additional unit
 - b.** Minimum Lot Size: 7,500 SF (2 dwelling units) + 2,000 SF per additional unit
 - c.** Maximum Attached Dwelling Units Per Parcel: 4
 - d.** Permitted Principal Structures per Parcel: 1
 - e.** Minimum Front Yard Setback: 10 Feet*
 - f.** Maximum Front Yard Setback: 20 Feet
 - g.** Minimum Side Setback: 10 Feet / Corner 15 Feet
 - h.** Minimum Rear Setback: 25 Feet
 - i.** Maximum Height: 35 Feet
 - j.** Maximum Occupiable Stories Above Primary Street Frontage Grade: 2

**Prevailing setback requirements do not apply. The minimum front setback shall be increased to 20 feet whenever an existing single-family dwelling is situated on an immediately adjacent lot and such dwelling was both constructed with a front setback greater than 20 feet and the existing adjacent dwelling is within 50 feet of the side property line.*

3. Multi-Family Stacked Dwellings shall be permitted to utilize the following standards within the Urban Residential Overlay District:

- a. Minimum Lot Width: 75 feet**
- b. Minimum Lot Size: 10,000**
- c. Maximum Dwelling Units Per Parcel: 8 (4 per occupiable story)**
- d. Permitted Principal Structures per Parcel: 1**
- e. Minimum Front Yard Setback: 20 Feet***
- f. Maximum Front Yard Setback: 30 Feet**
- g. Minimum Side Setback: 10 Feet / Corner 15 Feet**
- h. Minimum Rear Setback: 25 Feet**
- i. Maximum Height: 35 Feet**
- j. Maximum Occupiable Stories Above Primary Street Frontage Grade: 2**

**Prevailing setback requirements do not apply. The minimum front setback shall be increased to 30 feet whenever an existing single-family dwelling is situated on an immediately adjacent lot and such dwelling was both constructed with a front setback greater than 30 feet and the existing adjacent dwelling is within 50 feet of the side property line.*

7.5.2 Parking and Driveway Standards

- 1. Only one curb cut / driveway is permitted per group of single family attached dwellings.**
- 2. Only one curb cut / driveway is permitted per parcel containing multi-family dwellings.**
- 3. Driveways shall extend past the rear building wall plane of the principal structure(s) for all attached single-family dwellings and multi-family dwellings.**

4. Driveways shall extend past the rear building wall plane of the principal structure when providing street access to a single family detached dwelling constructed with a setback of less than 30 feet.
5. When located on a corner lot, driveways shall take access from the street with the longest frontage.
6. All surface parking associated with attached single-family dwellings and multi-family dwelling shall be located at the rear of the principal structure(s).
7. No garage or carport, whether attached or detached, serving a single-family attached dwelling or multi-family dwelling, shall be accessed from a location that is visible from the center point of the front of the structure it serves when viewed from the edge of the right-of-way.

7.5.3 Site Development Standards

1. The Buffering standards of this Ordinance shall not apply to residential development within the Downtown Residential district.
2. The maximum height for any freestanding outdoor lighting associated with a single-family attached or multi-family dwelling shall be 18 feet above grade. All outdoor lighting shall utilize full cutoff fixtures.
3. Solid waste collection areas serving single-family attached and multi-family dwellings shall be located in a rear yard only, and shall be fully enclosed and screened as provided for in the general development standards of this Ordinance. No solid waste collection enclosure shall be permitted within 50 feet of a residentially used structure on an adjacent property.
4. Each attached dwelling unit shall have its front door facing the adjacent primary public street.
5. Each attached dwelling unit and stacked multi-family dwelling shall be connected to the adjacent public sidewalk by a minimum four-foot-wide sidewalk. Attached dwellings may connect to a single pedestrian path to reach the public sidewalk.

7.5.4 Architectural Standards

All residential structures, other than those constructed to the North Carolina Residential Code for One- and Two-Family Dwellings, shall adhere to the following standards:

1. The primary exterior cladding material applied to front and side building walls shall consist of masonry (brick or stone only, including cast panels or veneers) or fibrous cement horizontal lap siding (or similar) that is installed with a minimum 7" vertical exposure. The primary material shall clad a minimum of 80% of each applicable building wall.
2. A single primary cladding material shall be utilized, and shall be identical in type and style on front and side building walls.
3. EIFS, stucco, plain concrete masonry units, and vinyl siding shall be prohibited as secondary materials on front and side building walls.
4. Windows shall be included on each front and side building wall. The end units of attached dwellings shall have a minimum of 10% glazed area per story on their exposed side building walls.
5. Windows shall be recessed by a minimum of 1" from the surrounding frame and cladding material.
6. Each attached dwelling with individual exterior access shall have a front porch containing a minimum of 60 square feet of floor area and shall have a minimum depth of 6 feet from the front building wall.
7. Pitched roof forms are required, and shall meet the following:
 - a. Minimum 4:12 pitch
 - b. Minimum 12" overhang
 - c. Roof drainage shall be provided with gutters and downspouts.

7.5.5 Accessory Dwelling Units

One detached accessory dwelling unit shall be permitted upon each lot containing a detached single-family residential dwelling within the Downtown Residential District subject to the following standards:

1. The gross floor area of an accessory dwelling unit shall be limited to 600 square feet. Garage space for vehicular storage and other storage areas within a structure housing an accessory dwelling shall not count toward the maximum square footage.
2. Accessory dwellings shall be permitted in the rear yard only.

3. Accessory dwellings may not exceed the height of the principal dwelling unless situated on the upper story of a detached garage.
4. Accessory dwellings shall be set back a minimum of 10 feet from side and rear property lines.
5. One dedicated off-street parking space shall be provided for an accessory dwelling unit.

7.5.6 Signs

Signage otherwise permitted to be displayed on a property containing attached single-family or multi-family properties shall be prohibited in the Downtown Residential District.

ARTICLE 8: OFF-STREET PARKING AND LOADING

8.1 Purpose

The intent is to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent lands, and to ensure the proper and uniform development of parking areas throughout the City. Additionally, it is the objective of this Section to manage parking to reduce its potential adverse water quality impacts within the City and watershed, and ensure that land is not covered excessively with impervious surfaces.

8.2 Applicability

The off-street parking and loading requirements of this Section shall apply to all new development within the City's jurisdiction. It shall also apply when an existing structure or use is expanded, enlarged, or otherwise increased in capacity, or where there is a change in use, and such expansion or change in use will result in increased vehicle trips to the existing structure or use.

8.3 General Standards

General parking standards include:

1. All off-street parking areas and loading spaces required by this Section shall only be used for those purposes.
2. Off-street parking areas shall be arranged for convenient access and safety of pedestrians and vehicles.
3. Off-street parking and loading areas shall be properly drained so as not to cause any nuisance on adjacent land.
4. No more than 10 parking spaces may be in a continuous row without being separated by a landscaping island.
5. If parking areas are lighted, the lighting fixtures shall be installed as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.
6. Off-street parking and loading areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to neighboring land.

7. The parking of commercial vehicles with three or more axles shall be prohibited in a residential district except for loading and unloading purposes, for emergency home service, or for use in the conduct of a legal non-conforming use.

8.4 Minimum Off-Street Parking Standards

Off-street parking shall be provided at the rate established for the particular use in the most recent edition of the Institute for Transportation Engineers Parking Generation Manual (the "Parking Manual"). Any deviation below the minimum number of off-street parking spaces required by the manual shall be reviewed and approved in the manner set forth in the provisions for Alternative Parking Standards.

8.5 Maximum Parking Standards

Nonresidential uses shall not exceed the minimum number of off-street parking spaces established in the Parking Generation Manual by more than 120%. Residential uses, other than detached single family dwellings, shall not exceed the minimum number of off-street parking spaces established in the Parking Generation Manual by more than 150%. The maximum parking ratio is only applicable to off-street surface parking spaces.

8.6 Alternative Parking Standards

The Planning and Zoning Board and City Council shall be authorized to approve an alternative parking plan that proposes alternatives to providing the number of required/allowed off-street spaces as established in Sections 8.4 and 8.5. In order to receive an approval for an alternative parking plan, the following standards must be met:

1. All off-street parking spaces provided in excess of the maximum provided in Section 8.5 shall be surfaced with alternative paving materials that are pervious or semi-pervious in nature. These parking areas shall be located further from the primary pedestrian entrance to the primary structure than those parking spaces required in Section 8.4. Additionally, pervious and semi-pervious materials should be used in areas proximate to and in combination with on-site stormwater control devices when possible.

8.7 Shared Parking

Requests for shared parking shall comply with the following standards:

1. Shared parking spaces shall be located within 500 linear feet of the primary entrance to all uses served.
2. No shared parking spaces are to be separated by an arterial or collector road.

3. Adequate and safe pedestrian access must be provided from and to the shared parking areas.
4. The maximum reduction in the number of parking spaces required for all uses sharing the area is 50%.
5. A shared parking agreement involving all owners of record must be recorded prior to the issuance of a Certificate of Occupancy.
6. The Zoning Administrator shall determine whether shared parking is possible for any proposed development. The applicant may submit a professional study that justifies the feasibility of shared parking for a specific location.

8.8 Compact Spaces

Up to 25% of the minimum number of required off-street parking spaces may be provided as compact car spaces. Compact car spaces shall be designated by signage and/or pavement marking. The minimum dimensional standards are found in Section 8.11.

8.9 Cross-Access Required

All parking areas in non-residential developments and large-scale multi-family developments shall be designed to allow for cross-access to adjacent compatible sites in accordance to the following standards:

1. In no case shall a development be required to provide cross-access to more than 2 adjacent parcels.
2. A minimum distance of 100 feet is preferred between a cross-access way or driveway entrance.
3. A stub for future cross-access shall be provided to all adjacent land zoned for non-residential or multi-family purposes and/or designated for non-residential or multi-family purposes in the Future Land Use Plan.
4. Cross-access ways should allow for two-way traffic between parcels. The minimum width of the cross-access way should be 22 feet.
5. Where provided, a cross-access easement shall be recorded by the owner/developer prior to issuance of a Certificate of Occupancy.

The Zoning Administrator shall have the authority to waive the cross-access requirement if the applicant demonstrates it is impractical to provide cross-access due to topography, the size and configuration of the site, automobile safety factors, adjacent incompatible uses, or existing development on adjacent land that makes cross-access impossible.

8.10 Pedestrian Pathways

For parking lots with 200 or more spaces, pedestrian pathways are required to provide access through the parking lot to each building. Standards for pedestrian pathways in parking lots are as follows :

1. Pedestrian pathways shall be located within landscaped medians separating rows of parking. Such medians shall have a minimum width of 12 feet.
2. One median containing a pedestrian pathway shall be provided per two drive aisles in the parking lot.
3. Pedestrian pathways shall have a minimum width of 5 feet, and be paved with asphalt, concrete, or other comparable material.
4. When crossing drive aisles, the pathway shall be a minimum of 10 feet in width and shall be of contrasting color or material.
5. Unpaved portions of the median shall be mulched or seeded with live ground cover. Supplemental plantings are permitted.

8.11 Minimum Dimensional Standards for Parking Spaces

Table 8.1: Parking Space Dimensions

Parking Angle	Stall Width (ft)	Stall Depth (ft)	Aisle Width (ft)*
90 degrees	9	19	24
60 degrees	8.5	18	22
45 degrees	8.5	18	22
Parallel	8	22	22
Compact	8	16	22

** Aisle widths are provided for two-way traffic. In cases where traffic is proposed for one-way travel, then the width of the aisle may be reduced by ½ the requirement.*

8.12 Stacking Spaces for Drive-thru and Related Uses

In addition to meeting the minimum off-street parking space standards in Section 8.4, uses with drive-thru facilities shall comply with the minimum stacking spaces required in the following table:

Table 8.2: Drive Thru- Staking Space Minimums

Type of Use	Minimum Stacking Spaces	Measured From
ATM	3	teller machine
Auto repair and service	3 per bay	bay entrance
Auto service station (w/ gas)	30 ft	each end of outermost island
Car wash, automatic	4	bay entrance
Car wash, full service	10	bay entrance
Car wash, self service	4 per bay	bay entrance
Convenience store (w/ gas)	30 ft	each end of outermost island
Day care (adult and child)	6	building entrance
Financial institution (teller lane)	5 per lane	teller window
Nursing home	3	building entrance
Restaurant*	6	order box
Other (including dry cleaning, laundry, pharmacy, etc.)	5 per lane	agent window

**Restaurants with a drive-thru shall provide for a minimum 4 vehicle queue between the order box and pickup window.*

Standards for uses not specifically listed may be determined by the Zoning Administrator based on the standards for comparable uses and upon the particular characteristics of the use.

8.13 Off-Street Loading Standards

Every structure or building used for trade, business, or industry hereafter erected, shall provide space as indicated herein for the loading, unloading, and maneuvering space of delivery vehicles off the street or public alley. Such space shall have access to a public alley, private driveway, or if such cannot reasonably be provided, to a public street. For the purpose of this Section an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have a minimum dimension of 12 feet by 40 feet and an overhead clearance of 15 feet in height above the alley or street grade.

Table 8.3: Off- Street Loading

Type of use	Required Off-Street Loading Spaces
Retail Business	1 space for each 20,000 square feet of gross floor area or fraction thereof
Wholesale and Industries	1 space for each 20,000 square feet of gross floor area or fraction thereof
Office and Institutions	1 space for each 50,000 square feet of gross floor area or fraction thereof (space not required for office development with less than 5,000 square feet in floor area)

8.14 On-Street Parking

On-street parking may be used to meet a portion of the minimum off-street requirements found in Section 8.4, subject to the following standards:

1. No more than 25% of the minimum off-street parking space requirement is met through the use of on-street parking.
2. Adequate on-street parking must be within 500 linear feet from the primary entrance to the proposed use.
3. The proposed development includes mixed uses or is located in an area where residential and non-residential uses are within 500 feet from one another.
4. There is no negative impact to existing or planned traffic circulation patterns.

8.15 Deferred Parking

An applicant may submit a request to defer the construction of up to 25% of the required number of minimum parking spaces specified in Section 8.4 if one of the following standards is met:

1. It is demonstrated that because of the location, nature, mix of uses, or by a Parking Demand Study that there is reasonable probability that the number of required parking spaces is not warranted.
2. The request is accompanied by a Reserve Parking Plan, which identifies an area reserved for future parking if needed with the appropriate number of spaces being deferred.
3. If ultimately developed, all deferred parking areas shall comply with all standards of this Ordinance that apply.

8.16 Minimum Driveway Throat Length

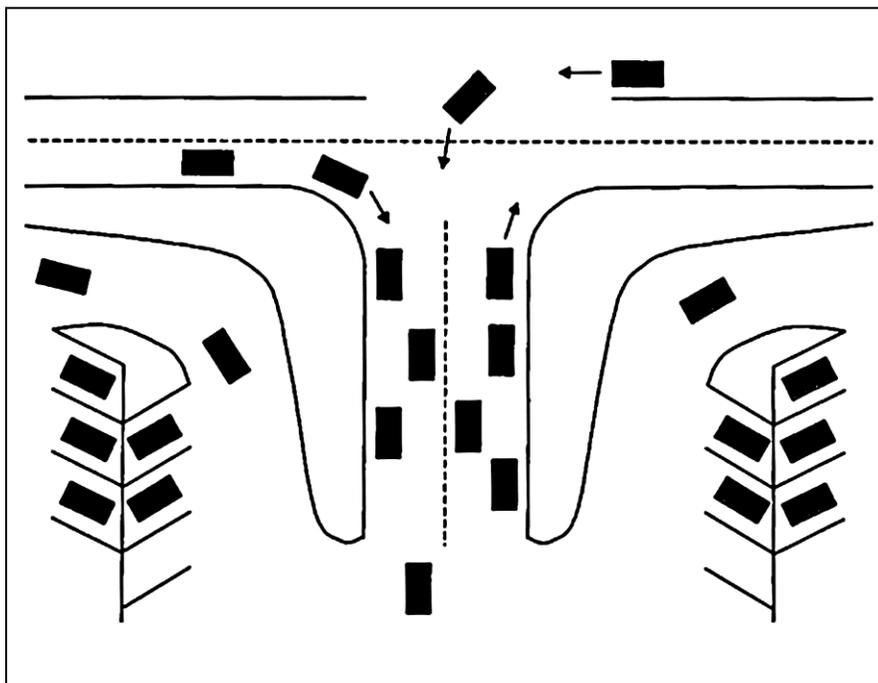
Driveway Throat Length: The driveway throat length is the distance from the street to the first point of conflict along the driveway. The entrance throat shall be of sufficient length to accommodate the length of queued vehicles outbound, free from any conflict points. There shall be at least a distance of 30 feet from the entrance right-of-way line to the beginning of the first aisle way or the first parking stall. The following table provides minimum driveway throat lengths for various sized retail establishments.

Table 8.4: Driveway Throat Lengths

Commercial Development Type	Minimum Driveway Throat Length (ft)
Stand Alone Sites and Shopping Centers < 25,000 sq ft	30 ft (about two car lengths)
Stand Alone Sites and Shopping Centers > 25,000 sq ft	80 ft (about five car lengths)
Shopping Centers > 200,000 sq ft	200 ft (about thirteen car lengths)

Figure 8.1: Driveway Maneuver

Vehicles entering the parking lot have room to maneuver without conflict.



ARTICLE 9. SIGNS

9.1 General Provisions/Purpose

The following general provisions shall apply to signs within the jurisdiction of this Ordinance.

The purpose of these sign regulations are:

1. To encourage the effective use of signs as a means of communication in the City.
2. To preserve Archdale as a community that is attractive to business.
3. To improve pedestrian and traffic safety.
4. To minimize the possible adverse effects of signs on nearby public and private property.

9.2 In General

The regulations in this Article specify the number, types, sizes, heights, and locations of signs which are permitted within the jurisdiction of this Ordinance. It shall be unlawful for any person to erect, place, alter, or maintain a sign in the jurisdiction of this Ordinance except in accordance with the provisions of this Article.

9.3 Determination of Sign Copy Area

In measuring the copy area of a sign permitted under this Article, the entire face of the sign shall be included. Where both sides of a double-faced sign contain lettering or other allowable display, one side only shall be used to compute the allowable copy area of the sign.

Where the sign consists of individual letters, numbers, characters, figures, or displays attached in some manner to a building or a sign face of irregular shape, the sign copy area shall include the area of the smallest circle, square, or rectangle that can encompass the total sign area composed of letters, numbers, characters, figures, or displays of the irregular shaped sign face.

Where signs have appendages or additions, such as "pop-ups" or "cutouts" that extend beyond the main sign copy area, the area of such appendages or additions shall be measured separately, but included in the total sign copy area.

Also, to be included in the total sign copy area shall be any area designed for changeable copy. Where allowed, portable signs shall be counted toward permitted maximum total aggregate sign copy area and maximum number of freestanding signs on each public street.

9.4 Determination of Sign Height

The height of a sign erected within 30 feet of a street right-of-way line shall be the distance from the grade level of the nearest edge of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than 30 feet from a street right-of-way line shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

9.5 Determination of Sign Setback; Freestanding Sign Setback

In determining the setback, measurement shall be made from the nearest street right-of-way line. All freestanding signs shall setback a minimum of 5 feet from any street right-of-way.

9.6 Protection Under First Amendment Rights

Any sign, display, or device allowed under this Article may contain, in lieu of any other copy, any otherwise lawful non-commercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale; provided that such sign complies with the size, lighting, spacing, setback, and other requirements of this Article. This includes signs requiring and not requiring a Zoning Permit.

9.7 Changeable Copy

Unless otherwise specified by this Article, any sign herein allowed may use manual, or electrically or mechanically activated changeable copy.

9.8 Illuminated Signs

Signs, which are illuminated from within or from an external source, must be illuminated in a manner that avoids glare or reflection which in any way or manner interferes with traffic safety. Any external source of illumination, such as spotlights or floodlights, shall be placed so that the source is not directly visible from any adjacent residential zoning districts.

9.9 Master or Common Signage Plan

After the effective date of this Ordinance, no Zoning Permit for new development and/or change of use shall be issued by the Zoning Administrator for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the lot on which the sign will be erected has been approved. A Master Signage Plan shall be prepared for developments containing a single principal building on a single zone lot, while a Common Signage Plan shall be

prepared for developments and/or multi-unit developments containing one or more principal buildings and/or more than one lot.

Signs presented on a Master Signage Plan and/or Common Signage Plan must be uniform in design and features. The same type of materials must be used for all wall signage on any single or multi-unit structure. All types and colors of signs, as long as they produce a unifying theme and meet all area and height requirements, will be considered by staff except for those expressly prohibited by this Ordinance.

9.9.1 Information required for a Master Signage Plan:

1. Specifications for each sign in sufficient detail to determine that the height and area requirements of the Ordinance have been met.
2. Accurate location(s) on a site layout plan for each existing and proposed sign.

9.9.2 Information required for a Common Signage Plan

A Common Signage Plan shall contain all of the information required of the Master Signage Plan, plus the following additional material:

1. Lighting Scheme.
2. Provisions for shared usage of freestanding sign(s).

9.9.3 Other Provisions:

1. A Master or Common Signage Plan shall be a part of any development plan, site plan, unified development plan, or other plan required for development and may be processed simultaneously with such plan(s). A Master or Common Signage Plan shall be approved prior to the issuance of any sign permit(s).
2. A Master or Common Signage Plan may be amended by filing a new plan, which complies with all the requirements of this Ordinance. The Enforcement Officer may approve minor changes to a Master or Common Signage Plan provided such changes comply with all requirements of this Ordinance.
3. After approval of a Master or Common Signage Plan, no sign shall be erected, affixed, placed, painted, or otherwise established except in conformance with such plan and such plan may be enforced in the same way as any other provision of this Ordinance. In case

of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.

9.9.4 Types of signs prohibited.

1. Plywood signs
2. Sheet metal signs*

**Pan-aluminum signs having a minimum depth of 1½ inches are permitted.*

9.10 Zoning Permit Required

With the exception of those signs specifically exempt from requiring a permit, it shall be unlawful for any person to print, paint, stand, stain, engrave, construct, place, erect, illuminate, attach, suspend, enlarge, move, relocate, replace, or otherwise put into use or materially alter any sign or cause the same to be done, without first obtaining a Zoning Permit for such sign from the Zoning Administrator.

Notwithstanding the above, changing or replacing the permanent copy of an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

9.11 Construction Standards

All signs shall be constructed according to the requirements of the North Carolina State Building Code, as amended.

9.12 Maintenance Required

Every sign and its support, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept in a state of good repair and aesthetic condition, free from defective, rusting, or missing parts (i.e., broken sign facing, broken supports, loose appendages or struts, disfigured, cracked, ripped, or peeling paint or poster paper) or missing letters or numbers and shall be able to withstand the wind pressure as prescribed in the North Carolina Building Code. Illuminated signs shall not be allowed to operate with only partial illumination. The area within 10 feet in all directions of the base of a freestanding sign shall be kept clear of debris and undergrowth.

9.13 Dangerous or Unsafe Signs

If the Zoning Administrator shall find that any sign is a dangerous or is a menace to the public, he/she shall give written notice of such violations to the owner of the sign, or by leaving said notice with the manager or other person who is apparently in charge of the premises or by affixing a copy of the notice to the sign, sign structure, or building for a period of 5 days. The notice shall set forth the nature of the violation and order the violator to repair the sign in such a manner to be approved by the Zoning Administrator in conformance with the provisions of this Article or remove the sign forthwith in the case of imminent instability or immediate danger of falling, and in any case within 10 days of receipt.

If within 10 days the notice is not complied with, the Zoning Administrator shall have the authority to remove the sign at the recipient's expense and to destroy or otherwise dispose of same.

In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or unsafe sign without notice.

9.14 Removal and Disposal of Signs in Right-of-Way

The Administrator shall possess the authority to remove and otherwise dispose of any sign unlawfully placed within the right-of-way of any street with the exception of signs protected by state law.

9.15 Signs Expressly Prohibited

The following signs, components, and characteristics are expressly prohibited within all zoning districts

9.15.1 Simulated Public Safety, Warning, or Traffic Signs

Signs by their location, color, illumination, size, shape, nature, message, or appearance tend to obstruct the view of or be confused with official traffic, safety, or warning signs or lights or other devices erected by governmental agencies. This prohibition includes signs having no bona fide safety necessity, involving the terms "CAUTION", "DANGER", "SLOW", "STOP", OR "YIELD", or which utilize geometric figures, symbols, lights, location, or message not unlike official traffic, safety or warning signs, signals, or lights. Provided, however, this provision is not intended to prevent the placement on private property of signs with "stop", "yield", or other such wording or design where such is necessary for traffic control or other such legitimate notice to the public.

9.15.2 Snipe Signs

Signs placed upon or attached to any curb, sidewalk, utility pole, post, fence, hydrant, bridge, another sign or other surface, public bench, streetlight, or any tree, rock, or other natural object located on, over, or across any public street or public property. Provided, however, this provision shall not apply to the posting of public interest, security, and warning signs nor to street signs placed upon poles by governmental units for designating the names of streets.

9.15.3 Flashing Signs

Signs or devices with flashing, intermittent, animated, or changing intensity of illumination. Provided, however, traffic signals, railroad crossing signals, and other official warning or regulatory signs shall not be considered flashing signs.

9.15.4 Motion Signs

Signs or devices designed to attract attention, all or any part of which of their physical structure use movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation, or moving in some other manner and are set in motion by movement of water or the atmosphere or by mechanical, electrical, or any other means. This shall not apply to authorized temporary signs.

9.15.5 Signs Below Minimum Vertical Clearance

Signs, marquees, canopies, and awnings with vertical clearance of less than 8 feet above sidewalks and pedestrian areas and less than 14 feet above parking or vehicular passage areas.

9.15.6 Vehicle Signs

Signs placed upon, painted on, attached to, or displayed on parked vehicles or trailers, where the primary purpose of the vehicle or trailer is to advertise a product or business or to direct people to a business or activity.

9.15.7 Signs Obstructing Motorist Visibility

Signs that substantially interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads or driveways or that obstruct the motorists view of approaching, merging, or intersecting traffic including, but not limited to, signs in excess of 3 feet in sight visibility triangles.

9.15.8 Signs in Rights-of Way

Any sign erected in or over any public right-of-way except for major special event signs by special permit, governmental signs, and signs permitted by NCGS 136-32.

9.15.9 Signs Emitting Glare

Signs with light sources or reflectivity of such brightness that result in glare, blinding, or any other such adverse effect on motorist vision or into or upon any residential building not related to the signs; or which interfere with the effectiveness of, or obscures an official traffic sign, device, or signal.

9.15.10 Pennants or Streamers

Pennants, streamers, or flags consecutively strung together.

9.15.11 Obscene Signs

Signs containing words or graphics that are obscene, as defined in North Carolina General Statute 14-190.1.

9.15.12 Roof Signs (Above Roof Line)

Signs erected, in whole or in part on, upon or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

9.15.13 All Other Signs not Specifically Permitted

Other signs not expressly allowed by this Article.

9.16 Signs Permitted Without A Zoning Permit

The following signs and devices shall be permitted without the issuance of a Zoning Permit.

9.16.1 Public (Governmental, Utility) Signs

Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic warning, directional, or regulatory signs.

9.16.2 Warning (Health, Safety, Hazard) Signs

Temporary or permanent signs erected by government agencies, public utility companies, or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices or signs providing directions around such conditions.

9.16.3 Signs not legible off-premises

Signs that are not legible from the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.

9.16.4 Flags

Flags bearing a non-commercial message flown on any premises, or flags bearing a commercial message when situated on the same premises as the commercial entity with which it is associated, when the pole(s) upon which flags are flown do not exceed 40 feet in height. Flags not meeting these standards shall be considered freestanding signs and subject to regulation as such.

9.16.5 Incidental Object or Product Signs

Small decals consolidated and affixed to window or door panes, such as indicating membership in a business group or credit cards accepted at the establishment, provided that such signs do not exceed 1 square foot in area.

9.16.6 Signs Required by Law

Legal notices and signs required by law, statute, or ordinance.

9.16.7 Transportation Facilities Signs

Informational signs indicating bus stops, taxi stands, train stations, and similar transportation facilities.

9.16.8 Political Signs

1. Political signs may be displayed at polling places provided they are displayed in compliance with general law only on the day of the election is held and must be removed within 72 hours of the close of voting.

2. Political signs located in rights-of-way, including both City and NCDOT maintained roads, shall adhere to standards set in North Carolina General Statute 136-32, including limitations on size, number, location, and period of display

9.16.9 Street Numbers

Display of street numbers on residential and non-residential buildings, structures, and mailboxes.

9.16.10 Handicapped Signs

Handicapped signs as required by the Americans With Disabilities Act.

9.16.11 Window Signs

Signs placed on or attached to the interior side of a window or door glass of a building by means of adhesive, paint, or manufacturing process intended for viewing from the exterior of such buildings; or a sign within a building, placed no more than 12 inches behind the window, which is visible through the window, provided that such signs shall not cover more than 50% of the glazed area on any frontage.

9.16.12 Temporary Signs

Temporary signs are subject to the following limitations:

Table 9.1: Temporary Sign Regulations

Type	Max. No.	Max. Copy Area (sq. ft.)	Max. Height Freestanding (vert. ft.)	Max. Display Time
Non-Residential	2	32	10	45 days in any consecutive 90-day period
Residential	2	8	6	No Limit

Temporary signs which do not meet the provisions of this Subsection shall be considered in violation of the Ordinance. No temporary sign shall be illuminated.

9.16.13 Miscellaneous Signs

Miscellaneous signs are subject to the following limitations:

Table 9.2: Miscellaneous Sign Regulations

Type	Max. No.	Max. Copy Area (sq. ft.)	Max. Height Freestanding (vert. ft.)
Public Interest, Security Warning (No trespassing, soliciting, hunting, or fishing/posted/private parking/danger/warning)	-	1	4
Home Occupation; Rural Home Occupation	1	3	4
Open/Closed/Hours	2	2	6
Permanent Professional or Business Announcement (Wall)	1	2	-
Building Memorial (Wall)	1	2	-
Philosophical, Religious, Educational, or other Non-Commercial	2	2	4
Occupant/Address (Ground or Wall)	2	2	6
Private Drive	1	2	6
Informational/Instructional (Traffic directions, restrictions or arrows, entrance, exit, location of restrooms, public telephones, parcel pick-up, freight or service entrances, parking/loading areas, and the like)	-	10	4
Sidewalk Sign	2	12	6

Miscellaneous signs which do not meet the provisions of this Section shall be considered in violation of the Ordinance. Only Private Drive signs shall be permitted off-premises. No miscellaneous signs shall be illuminated.

9.17 Signs Permitted with a Zoning Permit in All Zoning Districts

The following signs are permitted in all zoning districts upon issuance of a Zoning Permit provided that stated specific requirements, conditions, and stipulations are met:

1. All signs permitted without a Zoning Permit and signs permitted by special permit.
2. On-premises signs identifying a single-family residential subdivision, apartment, townhouse, condominium, or other multi-family residential complex; recreational facility

or manufactured home park not exceeding 32 square feet in area. There shall be a limit of 1 double-faced sign or 2 single-faced signs for each road or driveway entrance to the development named on the sign.

3. One on-premises sign for each road or driveway entrance for an institutional use, such as a school, hospital, religious institution, and similar non-commercial uses. An on-premises sign for such use may exceed 32 square feet through the approval of a Special Use Permit.
4. Signs not exceeding 32 square feet in an area advertising the sale of residential subdivision lots, with not more than 1 sign to be located on private property at each major approach to the subdivision; provided that the display of such signs shall be limited to a 6-month period or until 75% of the lots are sold, whichever comes first, and may not be illuminated.
5. One on-premises ground or wall sign not exceeding 32 square feet in area for a legal non-conforming non-residential use in a residential zoning district in which it is located. Illumination of such signs shall be permitted only between sunrise and 10:00pm.
6. On-premises signs not exceeding 32 square feet in copy area identifying private recreational uses, equestrian uses, lakes, cemeteries, and similar facilities operated on a profit or non-profit basis. There shall be a limit of 1 double-faced sign or 2 single-faced signs for each road or driveway entrance to the facility. Such signs may be directly or indirectly illuminated.
7. One on-premises sign not exceeding 20 square feet in copy area for a convalescent home, nursing home, home for the care of children, medical or dental office. Such sign may be directly or indirectly illuminated.

9.18 Signs for Permitted Non-Residential Uses in Residential Districts

Signs for permitted non-residential uses in residential districts, other than those permitted with a Zoning Permit in all districts under the provisions of Section 9.18, shall be permitted under the provisions of the most restrictive non-residential district in which the uses are permitted except that sign copy area may not exceed 75% of the maximum size allowed.

9.19 Signs Permitted in Nonresidential Zoning Districts

The following permanent signs are permitted, upon issuance of a Zoning Permit regarding the proposed sign(s), provided that stated requirements, conditions, and stipulations are met.

Where a parcel contains more than 1 principal establishment, the provisions below shall apply to the parcel as a whole, and the owner(s) of the parcel shall be responsible for allocating permitted signs and display areas among the individual's uses or establishments. The permit application submitted for such parcel shall show all signs located and proposed thereon and shall be designed so that all signs are designed and installed in a consistent manner.

Each sign and all its components shall be manufactured, assembled, and erected in compliance with all applicable city regulations, including the North Carolina State Building Code. All signs shall be maintained in a safe, clean, and legible condition at all times.

9.19.1 Freestanding Signs.

On-premises freestanding signs may be erected and displayed in compliance with the maximum dimension limitations stated below, provided:

1. The parcel on which a freestanding sign is located shall be the same as the use with which it is associated;
2. Freestanding signs shall be limited to 1 sign per street frontage for each parcel;
3. No freestanding sign shall be permitted on the same lot frontage along which there is a projecting sign;
4. Freestanding signs shall clear driveway and parking areas by a height of at least 14 feet and shall clear sidewalks and pedestrian paths by a height of at least 9 feet;
5. The maximum height of freestanding signs shall be 20 feet in the HB and B-1 zones;
6. Freestanding signs in the B-2 and OI zones shall be ground mounted

9.19.2 Projecting Signs.

Projecting signs may be erected and displayed in compliance with the maximum area per display surface limitations contained below, provided;

1. The building to which a projecting sign is attached shall be 20 feet or more in width;
2. Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than 50 feet to any other projecting sign;
3. No projecting sign shall be permitted on the same street frontage along which there is a freestanding sign;

4. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least 10 feet and shall project no more than 5 feet from the building to which they are attached, and shall not extend beyond the inner edge of the curb line;
5. No projecting sign shall extend above the soffit, parapet, or eave line, as appropriate, of the building to which it is attached;
6. Projecting signs shall not be located at the intersection of building corners except at right angles to a building façade

9.19.3 Wall Signs.

Wall signs may be erected and displayed in compliance with the requirements below:

1. Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds (2/3) of the distance between the top of a window and the sill of the window above;
2. A wall sign shall not protrude more than 12 inches from the wall to which it is attached nor exceed 10% of the total surface area of the wall on which the sign is located up to a maximum of 150 square feet;
3. No wall sign shall extend above the soffit, parapet, or eave line, as appropriate of the building to which it is attached;
4. Wall signs or portions thereof, placed between window spandrels shall not exceed in height two-thirds (2/3) the height of the spandrel;
5. In industrial zones, wall signs on the side of buildings adjacent to residentially zoned property are permitted only when the building is at least 50 feet from the side lot line of the residential property;

9.19.4 Marquee or Awning Signs

1. Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning. Where there are no such existing signs under a marquee or awning, signs being under them shall be no more than 10 inches high and 3 feet long.
2. Marquee and awning signs shall not be illuminated; and

3. Signs below a marquee or awning shall not be less than 9 feet above the ground or sidewalk.

9.19.5 Sign Area and Number.

The area of a display surface of a sign shall be computed as including the entire area, within a regular geometric form or combination of forms, comprising of all the display area of the surface and including all of the elements of the matter displayed and the sign frame. Structural members not bearing advertising matter shall not be included in the computation of a sign area.

For the purpose of determining number of signs, a sign shall be considered to be a single display device containing elements organized, related, and composed to form a unit.

9.19.6 Sign Area and Limitations.

Table 10.3: Free Standing Sign Regulations

District	Maximum Area Per Surface (sf)	Maximum Height to Top of Sign
HB	100	20
B-1	100	20
B-2	40	6
DT	PROHIBITED	
OI	40	6
CP	100	10
M-1	150	10
M-2	150	10

** Except as noted in 1.e above (when said sign is to be located within 400 feet of an interstate right-of-way or interchange).*

9.19.7 Permanent On-Premises Signs Permitted for Establishments on Adjacent Parcels or Lots Utilizing Shared Parking and Driveway Connections.

Other signs for each individual establishment shall be in accordance with this Subsection

Establishments on adjacent parcels or lots utilizing shared parking and driveway connections may exceed maximum copy area for freestanding signs in this Subsection by 25% for a combined or

common freestanding sign. Such combined or common freestanding sign shall not be considered to be an off-premises sign for any of the establishments advertising on the sign. Establishments participating in combined or common freestanding signs may not also have individual freestanding signs.

9.20 Signs Permitted by Special Permit

The following signs are permitted only by special permit issued by the City Council and shall conform to all stated regulations and to all conditions and requirements imposed by the Council in issuing the special permit.

9.20.1 Festival and Major Special Event Signs

For the purpose of giving directions and information, temporary on-premises and off-premises signs pertaining to festivals and other major special events are permitted with approval by the City Council subject to a special permit specifying size, location, lighting, design, display, and duration. The number of signs shall be set by the Council.

9.21 Outdoor Advertising (Billboard) Signs Prohibited

Upon adoption of this Section, all outdoor advertising (billboard) signs are prohibited within the City limits and extraterritorial zoning jurisdiction (ETJ).

9.22 Digital Signage Permitted

Digital sign displays are permitted in association with a permitted freestanding sign in any nonresidential zoning district, provided that the area of the digital display shall be limited to 75% of the permitted sign copy area allowed for such sign in the district in which it is located.

ARTICLE 10. BUFFERING, SCREENING, & LANDSCAPING

10.1 Purpose of Buffering/Landscaping Requirements

The purpose of this Section is to establish minimum requirements and standards for landscaping and buffering to promote public safety, privacy, and well-being and to protect an abutting property from less desirable characteristics of the property for which buffering is required due to a dissimilar district, use, and/or primary transportation route. It is also intended to protect and preserve the appearance, character, and value of property and surrounding neighborhoods, provide for temperature modification and shading, and to mitigate adverse visual effects, overhead lighting, wind and dust, and increased activity associated with urban development.

All trees and shrubs used for compliance with this Section should be selected from the Recommended Tree Species List, found in Section 10.13, unless otherwise noted. A list of non-recommended trees can be found in Section 10.14.

10.2 Definitions

Canopy (Overstory) Tree. A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.

Understory Tree. Trees that grow beneath the overstory. A species of tree which normally grows to a mature height of 15 to 35 feet.

Shrub. A low, usually several-stemmed woody plant. A shrub must be a minimum of 18 inches at planting and reach a minimum height of 36 inches within 3 years of planting.

10.3 Street Landscaping Requirements

Each street frontage of a parcel containing a use other than a detached single-family dwelling shall have a landscape yard extending 10 feet from the back edge of the right-of-way into the interior of the parcel.

The street landscape yard shall contain at least 1 canopy tree for each 40 linear feet of road frontage, and each tree shall be a minimum of 8 feet in height and 2 inches in caliper when initially planted. Where overhead utilities are located proximate to a street landscape yard, the species of trees and their planting location within the landscape yard shall be coordinated with the utility provider to ensure compatibility.

Street landscape yards shall be planted with grass, other live ground cover, or natural mulch to a minimum depth of 3 inches.

Street landscape yards shall also contain a 36" tall masonry (brick or stone) knee-wall along any portion of the street frontage which is located within 20 feet of a vehicular parking area or internal driveway. Such walls shall be divided into sections by the inclusion of columns or other features separated by a maximum of 10 feet at the edge of the column, and shall be screened on the street facing side with evergreen shrubberies planted at a rate of 1 per 4 feet of wall.

10.4 Landscaping in Parking Areas

The provisions of this Section shall apply to all off-street vehicular parking areas containing 10 or more automobile parking spaces.

1. Each automobile parking space shall be located within 60 feet of a tree.
2. Parking areas required to have 5 or fewer trees shall be permitted to utilize understory trees to meet the full requirement of this regulation.
3. Parking areas required to have more than 5 trees shall be required to utilize canopy trees to meet a minimum of 40% of the requirements of this regulation.
4. In no case may trees with multiple trunk stems (such as crepe myrtle) or Bradford Pear be utilized to meet any of the required tree plantings in this Section.
5. Each planting area located within or adjacent to a vehicular parking area shall have an unobstructed width of not less than 7½ feet and shall not be less than 110 square feet in area. Each planting area shall be protected by curbing, bollards, or other parking barriers.
6. Planting areas shall be located within the parking area and islands, or around the perimeter of the parking areas within 16 feet of the pavement or curb. At least 50% of the planting areas shall be islands within parking areas.
7. Existing or planted trees used to satisfy other requirements of this Ordinances may be used to meet these standards.

10.5 Buffering of Adjoining Incompatible Land Use

10.5.1 Multi-Family & Single-Family Attached Housing Residential Uses

Whenever one or more structures cumulatively containing more than five (5) multi-family or single-family attached dwelling units is proposed to be located directly abutting property which is used for single-family residential purposes, or which is zoned for single-family residential use,

the multi-family or single-family attached use shall provide a vegetated buffer in accordance with the following standards:

1. A minimum 20 foot natural or planted buffer yard shall be provided along all property lines directly abutting a single-family used or zoned lot.
2. The buffer yard shall contain 3 canopy trees and 5 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper when planted. Understory trees shall be a minimum of 6 feet high and 1 inch in caliper when planted.
3. The buffer yard shall also contain 15 evergreen shrubs per 100 linear feet of buffer yard. Such shrubs shall have a minimum height of 2' at the time of planting and a mature height of 4'.
4. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.

10.5.2 Nonresidential Use (other than Industrial)

Whenever a proposed nonresidential use is to be located on a property that adjoins a residential use or residentially zoned lot, the nonresidential use shall provide a vegetated buffer in accordance with the following standards:

1. A minimum 25 foot natural or planted buffer yard shall be provided along all property lines directly abutting a residentially used or zoned lot.
2. The buffer yard shall contain 3 canopy trees and 7 understory trees per 100 linear feet of property line. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper when planted. Understory trees shall be a minimum of 6 feet high and 1 inch in caliper when planted.
3. The buffer yard shall also contain 25 evergreen shrubs per 100 linear feet of buffer yard. Such shrubs shall have a minimum height of 2' at the time of planting and a mature height of 4'.
4. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.

10.5.3 Industrial Uses:

Whenever a proposed industrial use is to be located on a property that adjoins a residential use or residentially zoned lot, the industrial use shall provide screening in accordance with the following standards:

1. For property zoned M-1, a minimum 50 foot natural or planted buffer yard shall be provided along all property lines directly abutting a residentially used or zoned lot.
2. For property zoned M-2, a minimum 30 foot natural or planted buffer yard shall be provided along all property lines directly abutting a residentially used or zoned lot. In addition to this buffer, a 20 foot building setback from the buffer yard must be maintained.
3. The buffer yard shall contain 4 canopy trees and 10 understory trees per 100 linear feet of property line. Canopy trees shall be a minimum of 8 feet in height and 2 inches in caliper when planted. Understory trees shall be a minimum of 6 feet high and 1 inch in caliper when planted.
4. The buffer yard shall also contain 33 evergreen shrubs per 100 linear feet of buffer yard. Such shrubs shall have a minimum height of 2' at the time of planting and a mature height of 4'.
5. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch of a minimum depth of 3 inches.

10.6 Alternative Screening Methods

Under certain circumstances the application of the standards delineated in this Section may be either inappropriate or ineffective in achieving the purposes of this Ordinance. When screening is required by this Section or by other provisions of this Ordinance and the site design, topography, unique relationships to other properties, lot configuration, spatial separation, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific plan for screening to the Zoning Administrator. This plan must demonstrate how the purposes and standards of this Ordinance will be met by measures other than those listed in this Section. If approved by the Zoning Administrator, the alternative screening plan may be utilized to meet the requirements of this Ordinance.

A combination of natural vegetation, fences, walls, and berms may be utilized to achieve the screening requirements of this Section provided that the following standards are met:

1. Walls (a minimum of 6 feet in height and constructed of masonry, stone, or pressure treated lumber) or an opaque fence (a minimum of 6 feet in height) may be used to reduce the widths of the buffer yards required in this Section. A chain link or similar type fence with screening is unacceptable.
2. Understory trees may be substituted for canopy trees if, in the opinion of the Zoning Administrator upon conferring with the electrical utility provider, a conflict exists with overhead utility lines.
3. Any berm utilized for screening purposes shall have a minimum height of 3 feet, a minimum crown width of 3 feet, and a side slope no greater than 3:1. The berm shall have the required amount of understory trees and shrubs as defined in this Section.

10.7 Protection of Existing Trees in Required Buffer Strips

The preservation of existing trees that are proven to be healthy and appropriate for screening is mandatory in required buffer strips and is to be used as credit toward a portion of the buffer required by this Article.

10.8 Maintenance

In order for any screening to fulfill the purpose for which it was established, it must be properly maintained. The owner of the property and any tenant on the property where screening is required will be jointly and severally responsible for the maintenance of all required screening materials. Maintenance includes actions necessary to keep screening materials healthy, neat, and orderly in appearance and free of litter and debris. Any live screening materials such as shrubs and trees which may die must be replaced in compliance with the minimum standards of this Ordinance. All screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

10.9 Obstructions Prohibited

Landscaping and screening materials should not obstruct the view of motorists using any road, driveway, or parking aisle.

10.10 Performance Guarantee for Landscaping Installation

It is recognized that land development occurs continuously and that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Ordinance and reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper

fashion, the developer may provide an adequately secured performance bond or other security to ensure that all of the requirements of this Section will be fulfilled.

10.11 Screening of Dumpsters

All solid waste storage facilities are to be enclosed and screened from the view of adjoining residences, residentially zoned lots, or road rights-of-way. Such screening may consist of natural vegetation, fences, walls, or berms and shall be installed, located, or constructed so as to create an effective screen and keep the dumpster from being viewed off-site. The screening shall be at least 2 feet taller than the highest point of the dumpster. All dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allows for drainage. The enclosure must have a gate to allow for access and security. The gates must be closed at all times except for when on-site users are discarding debris or when the designated trash pickup company is retrieving from the receptacle.

10.12 Screening of Mechanical Equipment

Mechanical equipment, when ground mounted, must be located at the rear of the building or along the side where it cannot be seen from the front of the building. When mechanical equipment is roof mounted sufficient screening is required to screen the unit(s) from the public view.

10.13 List of Recommended Tree Species for Planting

The species below are suggested trees and shrubs based on their historical performance in our region. Other species may be used if approved in advance by planning staff.

10.13.1 Canopy Trees

Table 10.1: Canopy Tree Species

* = may be used as buffer/screen D = Deciduous E = Evergreen PS = Partial Shade

Common Name / Scientific Name 'Cultivar'	D/E	Height (feet)	Sun Exposure	Drought Tolerant	Comments / Features
Beech, American / <i>Fagus grandifolia</i>	D	50-80 ft	Sun / PS	No	Dense shade tree producing little undergrowth; long lived
Birch, River / <i>Betula nigra</i> 'Heritage'	D	40-70 ft	Sun / PS	No	Good in urban areas; helps prevent stream erosion

Common Name / Scientific Name 'Cultivar'	D/E	Height (feet)	Sun Exposure	Drought Tolerant	Comments / Features
*Cedar, Deodar / <i>Cedrus deodara</i>	E	40-60 ft	Sun	Yes	Lower limbs touch ground; can be subject to winter injury
*Cedar, Eastern Red / <i>Juniperus virginiana</i>	E	30-50 ft	Sun	Yes	Good for screening; attracts birds; easy to transplant
Cypress, Bald / <i>Taxodium distichum</i>	D	50-90 ft	Sun	Yes	Good street tree; small leaves that do not require raking
*Cypress, Leyland / X <i>Cupressocyparis leylandii</i>	E	60-70 ft	Sun / PS	Yes	Maintains good shape; excellent screening
Ginkgo / <i>Ginkgo biloba</i> (GRAFTED MALE ONLY)	D	40-70 ft	Sun	Yes	Male avoids female's fruit issues; pest and disease free
Hackberry / <i>Celtis occidentalis</i>	D	40-60 ft	Sun	Yes	Withstands adverse conditions; witches broom can develop
*Magnolia, Southern / <i>Magnolia grandiflora</i>	E	50-80 ft	Sun / PS	Yes	Lower limbs touch ground, but help hide fallen leaves and fruit
Maple, Red / <i>Acer rubrum</i>	D	40-70 ft	Sun / PS	Yes	Valuable shade tree with bright colors; easily transplanted
Maple, Sugar / <i>Acer saccharum</i>	D	50-75 ft	Sun / PS	No	Excellent fall color; hard woods; prefer good soils
Oak, Laurel / <i>Quercus laurifolia</i>	E	50-70 ft	Sun / PS	Yes	Rapid growth; life span shorter than other oaks (50-70 years)
Oak, Live / <i>Quercus virginiana</i>	E	30-60 ft	Sun	Yes	Good street tree; magnificent and long lived
Oak, Sawtooth / <i>Quercus acutissima</i>	D	30-50 ft	Sun	Yes	Holds leaves in winter, but drops nuts; toughest of all oaks
Oak, Scarlet / <i>Quercus coccinea</i>	D	50-80 ft	Sun	Yes	Brilliant autumn color and rapid growth; good street tree
Oak, Shumard / <i>Quercus shumardii</i>	D	40-70 ft	Sun	Yes	Excellent shade tree with dark red fall color
Oak, Southern Red / <i>Quercus falcata</i>	D	70-90 ft	Sun	Yes	Excellent shade tree native to the piedmont
Oak, Willow / <i>Quercus phellos</i>	D	60-80 ft	Sun	Yes	Excellent shade tree with small, easy to clean up leaves

Common Name / Scientific Name 'Cultivar'	D/E	Height (feet)	Sun Exposure	Drought Tolerant	Comments / Features
*Pine, Austrian / <i>Pinus nigra</i>	E	40-60 ft	Sun	Yes	Tolerates urban conditions; dense dark green foliage
*Pine, Loblolly / <i>Pinus taeda</i>	E	30-60 ft	Sun / PS	Yes	Rapid growth; easy to transplant when young
Poplar, Tulip / <i>Liriodendron tulipifera</i>	D	60-90 ft	Sun	No	Stately, large tree valued for flowers and foliage
Sweetgum / <i>Liquidambar styraciflua</i> 'Rotundiloba'	D	60-95 ft	Sun / PS	Yes	Can cause litter problem except in 'Rotundiloba'; aggressive roots
Zelkova, Japanese / <i>Zelkova serrata</i>	D	50-80 ft	Sun / PS	Yes	Excellent shade tree with easy fall clean up; easy transplant

10.13.2 Understory Trees

Table 11.2: Understory Tree Species

* = may be used as buffer/screen D = Deciduous E = Evergreen PS = Partial Shade

Common Name / Scientific Name 'Cultivar'	D/E	Height (feet)	Sun Exposure	Drought Tolerant	Comments / Features
Cherry, Kwanzan / <i>Prunus serrulata</i> 'Kwanzan'	D	20-25 ft	Sun	No	Good color and no fruit; needs good soils; 25 year life span
Cherry, Yoshino / <i>Prunus X yedoensis</i>	D	20-40 ft	Sun	No	Excellent floral display; 15-20 year life span
*Cherry-Laurel, Carolina / <i>Prunus caroliniana</i>	E	20-40 ft	Sun / PS	No	Easy to transplant; good soils preferred
Crabapple / <i>Malus spp.</i>	D	15-25 ft	Sun	Yes	Attractive tree; falling fruit; best varieties - 'Centurion' and 'Zumi'
Dogwood, Flowering / <i>Cornus florida</i>	D	15-25 ft	PS	No	Keep away from heat sources like parking lots; needs good soil
Dogwood, Kousa / <i>Cornus kousa</i>	D	15-30 ft	Sun / PS	No	Blooms after leaves appear; more hardy than flowering dogwood
Hawthorn, Green / <i>Crataegus viridis</i> 'Winter King'	D	15-30 ft	Sun	Yes	Attractive blooms and fruit but, thorny

Common Name / <i>Scientific Name 'Cultivar'</i>	D/E	Height (feet)	Sun Exposure	Drought Tolerant	Comments / Features
Hawthorn, Washington / <i>Crataegus phaenopyrum</i>	D	20-30 ft	Sun	Yes	Attractive blooms and fruit but, thorny
*Holly, Foster / <i>Ilex X attenuata 'Fosteri'</i>	E	15-30 ft	Sun / PS	Yes	Tolerates urban conditions; heavy fruit production
*Holly, Savannah / <i>Ilex X attenuata 'Savannah'</i>	E	20-30 ft	Sun / PS	Yes	Requires heavy fertilization for good leaf color
Hornbeam, American / <i>Carpinus caroliniana</i>	D	20-30 ft	Sun / PS	Yes	Pest free; tolerates urban conditions; slow growth
Hornbeam, European / <i>Carpinus betulus</i>	D	40-60 ft	Sun / PS	Yes	Pest free; provides good shade; tolerates urban conditions
Magnolia, Sweetbay / <i>Magnolia virginiana</i>	E	10-60 ft	Sun / PS	No	Aromatic tree often found near water sources/wet soils
Maple, Hedge / <i>Acer campestre</i>	D	15-35 ft	Sun	Yes	Pest free; provides good shade; good hedge tree
Maple, Japanese / <i>Acer palmatum</i>	D	15-25 ft	Sun / PS	No	May suffer 'leaf scorch' with excess sun
Myrtle, Wax / <i>Myrica cerifera</i>	D	15-25 ft	Sun	Yes	Often grown in hedges for screening; can be cold sensitive
Pear, Aristocrat / <i>Pyrus calleryana 'Aristocrat'</i>	D	20-40 ft	Sun	Yes	Attractive spring bloom; limb structure stronger than 'Bradford'
Pear, Capital / <i>Pyrus calleryana 'Capital'</i>	D	20-40 ft	Sun	Yes	Attractive spring bloom; limb structure stronger than 'Bradford'
Pear, Redspire / <i>Pyrus calleryana 'Redspire'</i>	D	30-40 ft	Sun / PS	Yes	Attractive spring bloom; limb structure stronger than 'Bradford'
*Pine, Virginia / <i>Pinus virginiana</i>	E	15-40 ft	Sun	Yes	Susceptible to pine beetles if not kept healthy
Plum, Purpleleaf / <i>Prunus cerasifera 'Atropurpurea'</i>	D	15-25 ft	Sun	No	Rapid growth; produces fruit; 20-25 year life span
Redbud, Eastern / <i>Cercis canadensis</i>	D	20-30 ft	Sun / PS	Yes	Does well in full sun; purple blossoms in spring

10.13.3 Shrubs**Table 11.3: Shrub Species**

* = may be used as buffer/screen D = Deciduous E = Evergreen PS = Partial Shade

Common Name / Scientific Name 'Cultivar'	D/E	Height (feet)	Sun Exposure	Drought Tolerant	Comments / Features
*Abelia, Glossy / <i>Abelia x grandiflora</i>	D	3-6 ft	Sun / PS	Yes	Less expensive than most evergreens; easy to grow
*Barberry, Mentor / <i>Berberis x mentorensis</i>	D	4-5 ft	Sun / PS	Yes	Little maintenance needed; dependable and adaptable plants
*Barberry, Wintergreen / <i>Berberis julianae</i>	E	6-8 ft	Sun / PS	Yes	Good screen or barrier, few pest problems
Elaeagnus, Thorny / <i>Elaeagnus pungens</i>	E	10-15 ft	Sun / PS	Yes	Flowers appear in fall; fruit ripens in spring
*English Laurel / <i>Prunus laurocerasus</i>	E	10-18 ft	Sun / PS	Yes	Avoid excessive fertilizer; can be severely pruned
*Euonymus, Winged / <i>Euonymus alatus</i>	D	15-20 ft	Sun	Yes	Takes well to pruning and shearing; brilliant red in fall
*Forsythia, Border / <i>Forsythia x intermedia</i>	D	8-10 ft	Sun / PS	Yes	Transplants well; blooms appear before leaves
*Holly, Burford / <i>Ilex cornuta 'Burfordii'</i>	E	8-15 ft	Sun	Yes	Widely used as a small tree or hedge
*Holly, Inkberry / <i>Ilex glabra</i>	E	6-9 ft	Sun / PS	Yes	Leaves may discolor in cold winters; drought tolerant
Holly, Japanese / <i>Ilex crenata</i>	E	8-12 ft	Sun	Yes	Has a black berry largely hidden by leaves
*Holly, Lusterleaf / <i>Ilex latifolia</i>	E	8-20 ft	Sun / PS	Yes	No pest problems; requires male plant to produce berries
*Hydrangea, Oakleaf / <i>Hydrangea quercifolia</i>	D	4-6 ft	Sun / PS	Yes	Excellent flowers and fall foliage; needs mulch to cool root system
*Laurestinus / <i>Viburnum tinus</i>	E	6-12 ft	Sun / PS	Yes	Valuable evergreen barrier shrub; white spring flowers

Common Name / Scientific Name 'Cultivar'	D/E	Height (feet)	Sun Exposure	Drought Tolerant	Comments / Features
Loropetalum / <i>Loropetalum chinensis</i>	E	6-12 ft	Sun / PS	Yes	Can be grown as a small tree; can be pruned after flowering
Mahonia, Leatherleaf / <i>Mahonia bealei</i>	E	5-7 ft	PS	Yes	Too much sun can bleach out spring color; dependable shrub
Nandina / <i>Nandina domestica</i>	E	4-8 ft	Sun / PS	Yes	Oriental feel with creamy white flowers
Photinia, Chinese / <i>Photinia serrulata</i>	E	7-12 ft	Sun / PS	Yes	Disease resistant, but susceptible to mildew
*Podocarpus / <i>Podocarpus macrophyllus</i> 'Maki'	E	8-12 ft	Sun / PS	Yes	Excellent screen; can withstand urban environments
*Privet, Japanese / <i>Ligustrum japonicum</i>	E	6-12 ft	Sun / PS	Yes	In leaf all year; requires moist soils; used as shrub and hedge
Spirea, Bridlewreath / <i>Spiraea prunifolia</i> 'Plena'	D	5-9 ft	Sun	Yes	Large crops of white flowers in spring; red-orange fall colors
Spirea, Reeves / <i>Spiraea cantoniensis</i>	D	4-6 ft	Sun / PS	Yes	White flowers appears in dense, bouquet-like clusters
*Spirea, Vanhoutte / <i>Spiraea x vanhouttei</i>	D	5-8 ft	Sun / PS	Yes	Grows rapidly; good screen; durable and dependable
Wax-Myrtle / <i>Myrica cerifera</i>	E	10-15 ft	Sun / PS	Yes	Thrives in practically any environment; fixes atmospheric nitrogen

Where cultivars or varieties are listed, only that type should be used for Ordinance compliance.

10.14 Prohibited Trees

Table 11.4: Prohibited Tree Species

These trees have undesired characteristics or have performed poorly in our regions.

Common Name / Scientific Name	Poor Characteristic(s)
Ash, Green / <i>Fraxinus pennsylvanica</i> "Marsh. Seedless"	Susceptible to fungal disease
Box Elder / <i>Acer negundo</i>	Aggressive, shallow roots, weak wood
Catalpa / <i>Catalpa bignonioides</i>	Weak wood
Elm, Siberian / <i>Ulmus pumila</i>	Weak wood, slime flux
Honeylocust / <i>Gleditsia spp.</i>	The region is too warm for this species
Maple, Norway / <i>Acer platanoides</i>	The region is too warm for this species
Maple, Silver / <i>Acer saccharinum</i>	Aggressive, shallow roots, weak wood
Mulberry / <i>Morus spp.</i>	Messy fruit, shallow roots
Russian Olive / <i>Elaeagnus angustifolia</i>	Poor form, disease prone
Pear, Bradford / <i>Pyrus calleryana</i> 'Bradford'	Genetic flaw, splits apart
Pine, White / <i>Pinus strobus</i>	Disease and insect problems
Princess Tree / <i>Paulownia tomentosa</i>	Weedy tree, messy, weak wood
Tree-of-Heaven / <i>Ailanthus altissima</i>	Weedy tree, weak wood, undesirable odor

ARTICLE 11. TREE PRESERVATION, PROTECTION, & REFORESTATION

11.1 Purpose of Tree Preservation and Protection Requirements

The purpose of this Section is to promote health, safety, order, aesthetics, and general welfare within the City of Archdale's zoning jurisdiction by providing a more attractive urban environment, assuring adequate open space, reducing noise, night lighting, objectionable views, and other adverse impacts of development through the preservation and protection of existing trees, and the planting of new trees.

11.2 Applicability

The terms and provisions of this Section of the Ordinance shall apply to any development activity that requires a Zoning Permit. These requirements shall also apply to any major subdivision of land as defined in the City of Archdale Subdivision Ordinance.

These requirements **do not** apply to parcels of land containing a single, owner occupied, single-family dwelling within a residentially zoned district.

11.3 Exemptions

The following shall be exempt from the requirements of this Section:

- 1.** The removal of any tree which has become or threatens to become a danger to human life or property.
- 2.** The **necessary** removal of trees by a utility company within dedicated utility easements.
- 3.** The removal of trees causing the blockage or improper operation of stormwater control facilities.
- 4.** Bona fide forestry activities as defined in NCGS 160D-921, provided that development approval shall be denied for a period of three years on any parcel where all, or substantially all, of the trees required to be preserved by this Ordinance are removed, per the authority of NCGS 160D-921(c)(1)(a)

11.4 Criteria for Determining Monumental Trees and Stands

- 1.** A Monumental Tree is any tree in fair or better condition which equals or exceeds the following diameter sizes:

- a. 24" DBH – Large hardwoods such as oaks, sweetgums, etc....
 - b. 30" DBH – Large softwoods such as pines, cedars, etc....
 - c. 4" DBH – Small trees such as dogwoods, redbuds, etc....
2. A tree in fair or better condition must meet the following minimum standards:
- a. A life expectancy of greater than 15 years.
 - b. A structurally sound trunk, not hollow and having no extensive decay, and less than 20% radian trunk dieback.
 - c. No more than 1 major and several minor dead limbs (hardwoods only).
 - d. No major insect or pathological problems.
3. Monumental Tree Stands are a continuous grouping of trees which has been determined to be of high value in the opinion of the Inspector. Determination is based upon the following criteria:
- a. A relatively mature, even-aged stand.
 - b. A stand with purity of species composition or of a rare or unusual nature.
 - c. A stand of historical significance.
 - d. A stand with exceptional quality.

11.5 Minimum Tree Density Requirements

1. A basic condition of this Section of the Ordinance is that all applicable sites maintain an average minimum tree density of 20 units per acre. The term "unit" is an expression of basal area, and is not synonymous with "tree". The density requirement must be met whether or not a site had trees prior to development for the issuance of a Zoning Permit or subdivision approval.
2. The density may be achieved by counting existing trees to be preserved, by planting new trees according to the minimum standards in this Ordinance, or by a combination of the two.

3. Trees required as a condition of development in a zoning or overlay district, as a Supplemental Use Standard, or as part of a Conditional Zoning District may be counted towards the density requirements. However, all required trees must be planted regardless of whether the minimum density requirement is exceeded.
4. Minimum tree density shall be calculated and established pursuant to the formula and analysis set forth in Section 11.14.
5. Notwithstanding the foregoing, it is required that all reasonable efforts be made to save monumental trees. Reasonable efforts shall include, but are not limited to, alteration of building design, alternate location of building, parking area, water retention, or drainage pipes, and/or relocation of utilities.

11.6 Application Requirements

When a person applies for a Zoning Permit or major subdivision, such person shall also file an application for a tree removal permit providing the following information:

1. A complete Tree Protection Plan, as specified in Section 11.8. This plan shall be an integrated site plan showing monumental trees, the tree protection areas, those trees to be saved, and utilities to be installed, grading, the approximate location of all structures, driveways and curb cuts, proposed tree planting, and other landscaping.
2. A complete Tree Replacement Plan as specified in Section 11.9. Replacement trees used in density calculation must be ecologically compatible with the intended growing site. A list of unacceptable replacement trees is provided in Section 11.15.
3. Minor additions to existing developments require that a sketch showing proposed changes be submitted to the Inspector designated by the City, hereafter known as the Inspector in this document for review and approval.

11.7 Tree Survey Inspection

Following the receipt of the completed tree removal application and supporting data, the Inspector shall schedule and conduct an inspection of the proposed development site within 10 working days. The applicant or his/her designee shall be advised as to the date and time of the inspection and given an opportunity to participate. Following inspection, the Inspector, consistent with the purpose of this Ordinance, shall advise the applicant of any recommended changes in the applicant's proposed tree removal, protection or replanting plans.

11.8 Tree Protection Plan – Documents Required

1. A Tree Protection Plan is required:
 - a. Before the commencement of any alteration, defoliation, or land disturbing activity which requires the issuance of a Zoning Permit or major subdivision approval, a Tree Protection Plan is required.
 - b. The Tree Protection Plan shall be a detailed plan designed to protect and preserve trees before, during, and for a period of 2 years after construction.
2. Required specifications for a Tree Protection Plan include, but are not limited to, the following:
 - a. The identity of the tract of land upon which tree(s) sought to be removed are located.
 - b. The name, address, and phone number of the owner of the land and the name, address, and phone number of any tenant of the property.
 - c. The type, location, and size as measured at the diameter breast height (DBH) of the tree(s) constituting those to be protected. Only trees designated on the Tree Protection Plan will be counted toward density requirements.
 - d. Location of all monumental trees to be preserved and their critical root zones (CRZ's).
 - e. Indication of staging areas for parking, including buffer areas, material storage, concrete washout, debris burial holes, and other areas where tree protection may be affected.
 - f. A delineation of tree save areas in which trees have been inventoried for density calculation.
 - g. Location and details for all permanent tree protection measures (tree wells, permeable paving, retaining walls, bollards, etc.).

11.9 Tree Replacement Plan – Standards and Revegetation

1. A separate Tree Replacement Plan indicating the location of all proposed trees for revegetation is required. This plan will be included as a part of the Tree Protection Plan.

2. The Tree Replacement Plan is to include planting schedules with proposed tree names (botanical and common), quantity, size, spacing, and any special planting notes.
3. The use of flowering ornamental trees or plants classified as large shrubs may be included in the Tree Replacement Plan, but shall not be used for the purpose of meeting density calculations for the site unless approved by the Inspector.
4. All replanted overstory trees shall be a minimum of 8 feet tall and have a trunk of not less than 2 caliper inches. All replanted understory trees shall be a minimum of 6 feet tall and have a trunk of not less than 1.5 caliper inches. In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the Inspector. Overstory Trees - 200 square feet of pervious root zone. Understory Trees - 75 square feet of pervious root zone.
5. Planting and staking details are to be provided on the plan.
6. Trees must be relocated or replaced onsite in accordance with the provisions of this Ordinance.
7. Debris removed. All debris from trees cut or substantially damaged shall be removed from the site in a timely fashion including the removal of any portion of the tree stump above the original natural grade or elevation of land unless excepted by the Inspector for a specific reason such as, but not limited to unusually large size or age.

11.10 Permit Procedures

1. Prior to the issuance of a Zoning Permit or major subdivision approval, a Tree Protection Plan must be submitted to the Administrator.
2. All Tree Protection plans and related documentation shall be reviewed by the Administrator for conformance to the provisions of this Ordinance and either approved, returned for revision, or denied. If denied, the reasons for denial shall be annotated on the Tree Protection Plan or otherwise stated in writing.
3. All tree protection measures shall be installed prior to any land disturbance and the Administrator shall be contacted for a pre-construction conference prior to land disturbance. Land disturbance may proceed only after a permit is obtained and tree protection measures have been approved by the Administrator.

4. After completion of construction, the Administrator will conduct an on-site inspection of the site to ensure compliance with the Tree Protection Plan.
5. The Administrator shall make unscheduled inspections before and during development to ensure protection of trees, critical root zones, and buffer zones.

11.11 Removal of Trees – Conditions and Exceptions

1. Tree removal shall be prohibited in the following circumstances:
 - a. Soil erosion or runoff problems will result due to topography, soil type, or proximity to flood plain or watershed protection areas; and the removal will substantially alter the existing soils adversely with regard to runoff and erosion. Information submitted by the City Engineer or other environmental specialist may be used by the Inspector in his/her evaluation.
 - b. Monumental trees are located on site and cannot be adequately protected or replaced. Additionally, removal may be disallowed if reasonable accommodations can be made to alter the proposed project to save monumental trees and have not been made.
 - c. Property degradation. The removal will have a significant adverse effect on property values of any adjoining property.
 - d. Pruning. Any substantial amount of pruning which results in unsightly appearance or predisposing the tree to pathogens, reducing the health and vigor of the tree.
2. Tree removal from a site may be allowed if:
 - a. The tree is located in an area where a structure or improvement will be placed and the tree cannot be relocated on the site because of age, type, or size of tree.
 - b. The tree interferes with existing utility service.
 - c. The tree creates an unsafe vision clearance for vehicular movement.

11.12 Tree Protection During Construction

1. No person in the construction of any structure(s) or improvement(s) or any activity shall encroach or place solvents, material, construction machinery, or temporary soil deposits with 6 feet of the area outside the drip line, as defined herein, of any monumental tree or any tree within a tree protection zone.

2. Before development, land clearing, filling, or any land alteration, the developer shall be required to erect suitable protective barriers as required by the Inspector, including tree fences, tree protection signs, and erosion barriers until completion of site landscaping. Authorization to remove the protective devices shall be in writing by the Inspector or by the issuance of a final Certificate of Occupancy. Inspection of tree protection barriers is required prior to any land disturbance or development. The Inspector shall be contacted to schedule an inspection time.
3. Materials for active tree protection shall consist of chain link, orange laminated plastic, wooden post, and rail fencing or other equivalent restraining material. In addition to fencing, where active tree protection is required, each tree to be saved shall be marked at the base of the trunk with blue colored water-based paint.
4. Materials for passive tree protection shall consist of heavy mil, plastic flagging, a minimum of 4 inches wide with dark letters reading "Tree Protection Area - Do Not Enter" or equivalent signage on a continuous, durable restraint.
5. All tree protection devices must remain in functioning condition until the Certificate of Occupancy is issued.

11.13 Emergencies

In case of emergencies, such as hurricane, windstorm, flood, freeze, or other disaster, the requirements of these regulations may be waived by the Inspector or other designated official, upon a finding that such waiver is necessary so that public or private work to restore order in the City will not be impeded.

11.14 Calculating Tree Density

A basic condition of the Archdale Tree Protection Requirements is that all applicable sites maintain a minimum tree density of 20 units per acre. The term "unit" is an expression of basal area and is not synonymous with "tree".

The density requirement must be met whether or not a site had trees prior to development. The density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the two.

For density factor analysis, the following formula shall apply:

$$\text{SDF} = \text{EDF} + \text{RDF}$$

Where:

- SDF (Site Density Factor) The minimum tree density required to be maintained on a developed site (20 units per acre).
- EDF (Existing Density Factor) The density of existing trees to be preserved on a site.
- RDF (Replacement Density Factor) The density of new trees to be planted on a site.

11.14.1 PROCEDURE FOR CALCULATING THE REQUIRED TREE REPLACEMENT:

1. Calculate the Site Density Factor (SDF):

a. The SDF is calculated by multiplying the number of site acres by 20.

EXAMPLE: A 2.2 acre site has a SDF of $2.2 \times 20 = 44$

2. Calculate the Existing Density Factor (EDF):

a. The Existing Density Factor, EDF, is determined by converting the diameter breast height (DBH) of individual trees to density factor units as shown in the following *Table 1*. These units are totaled to determine the EDF for the site.

b. EXAMPLE: A total of 8 trees will remain on the 2.2 acre site in Step 1. These trees include: 3 - 14" pines, 3 - 18" oaks, 1 20" hickory, and 1 - 30" oak.

When converted to density factory units using *Table 1*, we arrive at the following values:

<u>DBH</u>	<u>UNITS</u>	<u>X</u>	<u>NUMBER OF TREES</u>	
14"	3.1	x	3	= 9.3
18"	3.8	x	3	= 11.4
20"	4.2	x	1	= 4.2
30"	6.9	x	1	= 6.9
				31.8 units total

The total of the units. 31.8. is the EDF (Existing Density Factor).

Tab

DBH	Units	DBH	Units	DBH	Units
2-4	2.0	22	4.6	37	10.5
5-7	2.3	23	4.9	38	10.9
8-9	2.5	24	5.1	39	11.3
10	2.6	25	5.4	40	11.7
11	2.7	26	5.7	41	12.2
12	2.8	27	6.0	42	12.6
13	2.9	28	6.3	43	13.1
14	3.1	29	6.6	44	13.6
15	3.2	30	6.9	45	14.0
16	3.4	31	8.2	46	14.5
17	3.6	32	8.6	47	15.0
18	3.8	33	8.9	48	15.6
19	4.0	34	9.3	49	16.1
20	4.2	35	9.7	50	16.6
21	4.4	36	10.1	51+	20

3. Calculate the Replacement Density Factor (RDF):

Replacement Density Factor (RDF) is determined by subtracting the EDF from the SDF.

EXAMPLE: 44 (SDF) - 31.8 (EDF) = 12.2

This means that 12.2 tree units are required as replacements for the total site to meet the requirement of 20 units per acre.

The Density Factor credit for each caliper size of replacement (new) trees is shown in the following *Table 2*.

Table 11.2: Converting Replacement Trees to Density Units

Caliper	Units	Caliper	Units
1"	0.4	8"	2.3
2"	0.8	9"	2.5
3"	1.6	10"	2.7
4"	1.7	11"	2.9
5"	1.9	12"	3.1
6"	2.0	13"	3.3
7"	2.2	14" +	3.5

11.15 Unacceptable Replacement Trees

The following list specifies trees that are unacceptable for use in meeting any requirements of this Section of the Ordinance.

Table 11.3: Unacceptable Replacement Trees

Common Name	Scientific Name
Box elder	<i>Acer negundo</i>
Bradford Pear 'Bradford'	<i>Pyrus calleryana</i>
Catalpa	<i>Catalpa bignonioides</i>
Green ash 'Marshalls seedless'	<i>Fraxinus pennsylvanica</i>
Honeylocust	<i>Gleditsia spp.</i>
Mulberry	<i>Morus spp.</i>
Norway maple	<i>Acer platanoides</i>
Princess tree	<i>Paulownia tomentosa</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Scarlet oak	<i>Quercus coccinea</i>
Siberian elm	<i>Ulmus pumila</i>
Silver maple	<i>Acer saccharinum</i>
Tree-of-heaven	<i>Ailanthus altissima</i>
White pine	<i>Pinus strobus</i>

11.16 Unauthorized Tree Removal

In the event that 1 or more protected trees, as indicated on the tree protection plan, are removed or damaged following the issuance of a tree removal permit the tree or trees must be replaced in accordance with the table below. In addition to the replacement of trees the responsible party shall also be subject to the general remedies and penalties for the violation of this Ordinance.

Table 11.4: Remedy for Tree Removal

DBH of Tree Removed or Damaged	Reforestation (2 inch DBH minimum)
4 -11.9 inches	1 tree
12 - 20.9 inches	2 trees
21 - 28.9 inches	3 trees
29 - 35.9 inches	4 trees
36 + inches	5 trees

ARTICLE 12. RESERVED

ARTICLE 13. NON-CONFORMING SITUATIONS

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof, even though such use, structure, or property does not conform with the provisions of this Ordinance. However, this Article is also established to require that non-conforming situations be terminated under certain circumstances.

13.1 Continuation of Non-Conforming Situations

Non-conforming situations that were otherwise lawful on the effective date of this Ordinance, or amendments thereto, may be continued, subject to the restrictions and qualifications set forth in this Article.

13.2 Non-Conforming Lots of Record

Where the owner of a lot of record at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him/her to conform to the area or lot width requirements of this Ordinance, such lot may be used as a building site provided all other dimensional requirements are met and provided that the use to be made of the property is not one to which larger than minimum lot area requirements are required by this Ordinance.

Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as one or more lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

13.3 Extension or Enlargement of Non-Conforming Situations

1. Except as specifically provided in this Section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation.
2. Subject to Paragraph 4 of this Section, a non-conforming use may be extended through any portion of a completed building that, when the use was made non-conforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or to land outside the original building.

3. A non-conforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became non-conforming.
4. The volume, intensity, or frequency of use of property where a non-conforming situation exists may be increased and the equipment or processes used at a location where a non-conforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Section occur.
5. Physical alteration of non-conforming structures or structures containing a non-conforming use is unlawful if it results in:
 - a. an increase in the total amount of space devoted to a non-conforming use,
 - b. greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements, or
 - c. the enclosure of previously unenclosed areas, even though those areas are or were used in connection with the non-conforming activity.
6. Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation - i.e., work estimated to cost more than 10% but not more than 50% of the taxed value of the structure to be renovated may be done provided that the work will not result in a violation of any other paragraphs of this Subsection, particularly Paragraph 5. In no case, however, shall work costing more than 50% of the taxed value of the structure be done, singularly or cumulatively, within any 5 year period.
7. Nothing herein, however, shall prevent the maintenance, repair, and extension of a single-family dwelling that is non-conforming as to use, provided done in conformance with the dimensional requirements of the R-10 Residential District.

13.4 Reconstruction Prohibited

Any non-conforming building or structure or any building or structure containing a non-conforming use for which major repair or reconstruction is proposed in any amount equal to more than 50% of the taxed value of the building or structure or which has been damaged by any cause to an extent equal to 50% or more of its taxed value shall only be repaired and/or reconstructed and used as a conforming structure and a conforming use.

Provided, nothing herein shall prevent the reconstruction of a single-family dwelling that is non-conforming as to use provided such reconstruction conforms to the dimensional requirements of the R-10 Residential District.

13.5 Change in Kind of Non-Conforming Use

1. A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
2. A non-conforming use shall not be changed to another non-conforming use except upon a finding by the Board of Adjustment that the use is more in character with the uses permitted in the District than the previous use.
3. If a non-conforming use and a conforming use, or any combinations of non-conforming uses exist on one lot, the use made of the property may be changed only to a conforming use.
4. Conforming uses, except Adult Oriented Businesses, may be established or re-established in non-conforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provision of this Ordinance for the establishment of new uses is violated.

13.6 Discontinuance of Non-Conforming Uses

1. When active operation or occupancy of a non-conforming use is discontinued, regardless of the purpose or reason, for a consecutive period of 180 days, the property involved may thereafter be used only for conforming uses.
2. For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this Subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building or one space in a non-conforming mobile home park for 180 days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But, if a non-conforming use is maintained in conjunction with a conforming use, cessation of operation or occupancy of the non-conforming use for the required period shall terminate the right to maintain it thereafter.

13.7 Discontinuance of Non-Conforming Sexually Oriented Businesses

Notwithstanding the provisions of Section 13.6 above, Sexually Oriented Businesses shall be governed by the following:

1. Any Sexually Oriented Business that fails to comply with the use and locational requirements of this Ordinance, but which was lawfully operating before the effective date of this Ordinance shall not be deemed to be in violation of this Ordinance, but shall be a non-conformity. Any such business, which ceases active operation for a period of 30 days regardless of the purpose or reason, shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
2. Any Sexually Oriented Business lawfully operating as of the effective date of this Ordinance, but which subsequently fails to comply with the use and locational requirements of this Ordinance as the result of changes within the vicinity or amendment to this Ordinance shall not be deemed to be in violation of this Ordinance, but shall be a non-conformity. Any such business that ceases active operation for a period of 30 days regardless of purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
3. Any Sexually Oriented Business that is rendered a non-conforming use as a result of the conditions described in 1 and 2 above shall either cease to operate or meet all of the requirements of this Ordinance for the use no later than 60 months from the date that the Sexually Oriented Business becomes a non-conforming uses.

13.8 Non-Conforming Signs

The following requirements are established to regulate non-conforming signs.

13.8.1 Conformance Required

Any sign legally in use prior to the effective date of this Ordinance or any amendments hereto which does not satisfy the requirements of this Ordinance is declared to be non-conforming and may be continued subject to the regulations of Section 13.8.2 below, provided, however, prohibited signs in Article IX other than roof or projecting signs shall immediately be brought into compliance with the requirements of this Article or removed entirely, including the entire sign and any associated components or equipment. The eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety, and welfare as is the regulation of new signs.

13.8.2 Regulations of Non-Conforming Signs

A non-conforming sign may be continued but it shall not be:

1. changed or replaced with another non-conforming sign, except that copy may be changed,
2. expanded or modified in any way which increases the sign's non-conformity or adds illumination,
3. moved except to bring the sign into complete conformity with this Article,
4. re-established once the sign structure has been removed,
5. re-established after damage or deterioration as defined in Section 13.8.4, or
6. re-established after it has been discontinued regardless of reason or intent for 120 days or more.

13.8.3 Illumination of Signs for Illegal Non-Conforming Uses

Signs for legal non-conforming uses in residential districts shall be illuminated only between sunrise and 10:00pm.

13.8.4 Damaged or Deteriorated Non-Conforming Signs

If a non-conforming sign suffers more than 50% of its value by damage or deterioration it must be brought into conformance with this Ordinance or removed. The value shall be determined by the Zoning Administrator or his/her designee as the depreciated replacement value of the sign.

13.8.5 Maintenance of Non-Conforming Signs

Non-conforming signs shall be subject to all requirements of this Ordinance regarding safety, maintenance, and repair. Non-conforming signs shall be maintained in good condition including necessary non-structural repairs, incidental alterations, or copy alterations, such as repainting and electrical repairs, which do not extend or intensify the non-conforming features of the sign.

13.8.6 Non-Conforming Site Features

Site features, such as vehicular parking areas, landscaping, buffer yards, lighting, and similar features that were lawfully established, but that do not conform to the current provisions of this

Ordinance may remain until such time as their alteration, installation or improvement is required subject to the provisions of this Section.

13.8.7 Circumstances Requiring Alteration of Nonconforming Site Features

Nonconforming site features shall be brought into conformance with the current regulations of this Ordinance upon the following triggering actions:

1. The design of vehicular parking areas, including compliance with all landscaping and screening requirements shall be required whenever an existing nonconforming parking area is expanded or enlarged to the extent that the number of spaces is increased by 10% or more, including cumulative expansions.
2. Sites with unscreened solid waste storage areas shall be brought into compliance with the current provisions of this ordinance if the location of the solid waste storage area is changed from the current location on the site.
3. Nonconforming buffer yards shall be brought into conformance when the use or structure on the site that is providing the required buffer is enlarged in area or occupies a greater portion of the site.
4. Nonconforming landscaping shall be brought into conformance when the use or structure on the site is enlarged in area or occupies a greater portion of the site.

Alterations to bring nonconforming site features into conformance with the current requirements of the Ordinance shall be accomplished to the maximum extent that is physically practical based on the limitations of the site. The Administrator shall have the authority to alter the requirements to allow such improvements to be made. No alteration of a requirement shall be permitted without a Variance when the triggering event is a change in use, redevelopment of a site, or similar generally applicable circumstance that would require the installation or modification of existing improvements.

13.9 Non-Conforming Architectural Features

Where regulated, existing structures shall be brought into conformance with current architectural design requirements whenever significant changes are proposed to an architecturally nonconforming structure. For the purposes of this section the term “significant changes” shall mean alterations to the exterior of a building that materially alter the appearance of one or more regulated architectural aspects of the structure. The maintenance of existing features or repair or replacement of like-kind materials or features shall not be considered a significant change.

Whenever an architecturally non-conforming structure is enlarged in size to the extent that the gross floor area increases by more than 10% (including cumulative expansions), the exterior architectural features of the structure as a whole shall be brought into compliance with current regulations.

ARTICLE 14. BOARD OF ADJUSTMENT

14.1 Establishment of Board of Adjustment

The Board of Adjustment of the City of Archdale is established under Article 4 of Chapter 4 of the City of Archdale Code of Ordinances.

14.2 Proceedings of the Board of Adjustment

The Board shall adopt rules and bylaws in accordance with the provisions of this Ordinance and of Chapter 160D of the General Statutes of North Carolina. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board shall be open to the public.

Members of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter

The Chairman of the Board of Adjustment, or in his absence the Vice-Chairman, may appoint the alternates to sit for any regular members in case of the absence or disqualification of any regular members, including temporary disqualification due to a conflict of interest in one case when multiple cases are being heard during the meeting. In such case the alternate members shall have the same powers and duties of the regular members they are replacing during such time. In no case, however, shall more than 5 regular members or combination of regular members and the alternate members be empowered to make motions or to vote on any matter that comes before the Board involving the Zoning Ordinance.

The concurring vote of 4/5 of the members of the Board shall be required to grant a variance. A simple majority of the Board shall be required to reverse any order, requirement, decision, or determination of any administrative official charged with enforcement of this Ordinance or to decide in favor of the applicant in any matter upon which it is required to pass under the Zoning Ordinance. Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such

members. In other Board business, such as procedural and bylaw matters, a simple majority of those present and voting shall be required to pass on any matter. A quorum of 5 of the total 9 members shall be required to act on general Board business whereas a quorum of 3 of the 5 regular members, or any combination of 3 regular members or alternate members sitting as regular members, shall be required to act on any matter involving the Zoning Ordinance. Although alternate members who are not replacing a regular member on a particular Zoning Ordinance matter are not empowered to make motions and vote on such matters, such alternate members in attendance, and who are not otherwise disqualified, may fully participate in the discussion of such matters to the same extent as any other member sitting as one of the 5 regular voting members.

14.3 Appeals, Hearings, and Notice

An appeal from the decision of the Zoning Administrator may be taken by the aggrieved party to the Board of Adjustment. Such appeal shall be taken within 30 days by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for hearing the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

On all appeals, applications, and other matters brought before the Board of Adjustment, said Board shall inform in writing all the parties involved of its decision and the reasons thereof.

14.4 Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator, on due cause shown.

14.5 Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Ordinance.
2. Vested Rights. To hear and decide approvals of Vested Rights in accordance with Article XVI of this Ordinance.
3. Variances. To authorize upon appeal in specific cases such variances from the terms of the Ordinances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship where the Board of Adjustment makes the following affirmative findings:
 - a. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship
 - d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.
4. Change In Kind or Non-Conforming Use. The Board may permit change in use from one non-conforming use to another as provided for in Section 13.5.

14.6 Appeals from the Board of Adjustment

Any person or persons, jointly or severally, aggrieved by any decision of the Board, any taxpayer, or any officer, department, board, or bureau of the jurisdiction of this Ordinance may, within 30

days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal, in whole or part, specifying the ground of illegality, whereupon such decision of said Board shall be subject to review by certiorari as provided by law.

ARTICLE 15. AMENDMENTS AND SPECIAL USE PERMITS

15.1 General

The City Council may amend, supplement, or change the Zoning Ordinance text and zoning district lines and designations according to the following procedure. It is the intent of this Ordinance that the applicant for rezoning to any district other than a Conditional Zoning District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he/she intends to use or develop the property. If the applicant believes that the development of his/her property in a specific manner will lessen adverse effects upon surrounding properties or otherwise make the rezoning more in accordance with the principles underlying the City's comprehensive zoning plan, he/she shall apply for rezoning to the appropriate Conditional Zoning District specifying the nature of his/her proposed development. No permit shall be issued for any development within a Conditional Zoning District except in accordance with the approved site plan and written conditions.

15.1.1 Written Comments

Zoning ordinances may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the City submits a written statement regarding a proposed amendment, modification, or repeal to the zoning ordinance to the City Clerk at least two business days prior to the proposed vote on such change, the City Clerk shall deliver such written statement to the City Council. If the proposed change is subject of a quasi-judicial proceeding under NCGS 160D-406, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Council shall not disqualify any member of the Council from voting

15.2 Zoning Map and Text Amendments

15.2.1 Amendment Initiation

Zoning text and map amendments initiated by the City Council must be submitted to the Planning and Zoning Board for its review and comment. If no written report is received from the Planning and Zoning Board within 30 days of the initial review of the amendment by that board, the City Council may proceed in its consideration of the amendment without the Planning and Zoning Board report. The governing board is not bound by the recommendations, if any, of the Planning and Zoning Board. Amendments may be initiated to the text of the Ordinance or the Official Zoning map may be initiated as follows:

15.2.2 Text Amendment:

1. the City Council;
2. the Planning and Zoning Board;
3. the City Manager or Planning Director; or
4. anyone who owns property or resides in the area of jurisdiction of this Ordinance, or the agent of such person, except as provided in 3, below.

15.2.3 Map Amendment:

1. the City Council;
2. the Planning and Zoning Board;
3. the City Manager or Planning Director; or
4. anyone who owns property or resides in the area of jurisdiction of this Ordinance or the agent of such person, except as provided in 3 below. Provided, however, map amendments involving Conditional Zoning Districts may only be initiated by the owner or authorized agent of the owner.

15.2.4 Down-Zoning

1. No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the City (inclusive of the City's administrative staff, Planning and Zoning Board, and City Council). For purposes of this section, "down-zoning" means a zoning amendment that affects an area of land in one of the following ways:
 - a. By decreasing the development density of the land to be less dense than is allowed in the current district.
 - b. By reducing the permitted uses of the land that are permitted to fewer uses than are allowed in the current district.

15.2.5 Submittal

All applications for amendments to this Ordinance shall be in writing, signed, and filed with the Zoning Administrator.

The Zoning Administrator, before scheduling any application for amendment for consideration by the Planning and Zoning Board, shall ensure that it contains all the required information as specified in this Ordinance and on the application form. Applications which are not complete or otherwise do not comply with the provisions of this Ordinance shall not be scheduled by the Zoning Administrator, but shall be returned to the applicant with a notation of the deficiencies in the application. Completed applications shall be received a minimum of 45 days prior to the Planning and Zoning Board meeting at which the proposed amendment is scheduled to be considered.

All applications for amendment shall contain, as a minimum, a description of the proposed change, and if it would require a change of the zoning maps, the application shall include a map drawn to scale showing the land covered by the proposed amendment, a legal description of the property, and a list of names and addresses of all owners of property involved in the map change and all adjoining property owners as shown on County tax records.

Any application requesting a change to a Conditional Zoning District shall be accompanied by a site plan showing the use or uses proposed and any written conditions being proposed by the applicant.

15.2.6 Planning and Zoning Board Action

The Zoning Administrator shall present any properly completed application for amendment to the Planning and Zoning Board at its next regularly scheduled meeting occurring at least 45 days after filing of such application with the Zoning Administrator. Public notice shall be given in accordance with Planning and Zoning Board Rules of Procedure.

A Planning Board member shall not vote on any decision required by this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

The Planning and Zoning Board shall either recommend in favor of an amendment or in opposition to an amendment by simple majority vote of those present and voting. The Board may also propose conditions to their recommendation. A tie vote on a proposal shall be considered to be in opposition to such amendment. If the Planning and Zoning Board should fail to act on any proposed amendment within 45 days after it is presented to the Board, such failure to act shall be considered to be a favorable recommendation for the purposes of this procedure.

The Planning and Zoning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning and Zoning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning and Zoning Board, but a comment by the Planning and Zoning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

15.2.7 City Council Action

The Zoning Administrator shall present any proposed amendments to the City Council at its next regular scheduled meeting, following Planning and Zoning Board action, at which it hears rezoning proposals. The Zoning Administrator shall transmit to the City Council the Planning and Zoning Board's record of action on the proposed amendments.

The City Council shall take such lawful action on such proposals as it may deem advisable provided that no zoning amendment shall be adopted until after a public hearing shall have been held. Notice of public hearing shall be given as required by North Carolina General Statute 160D-601 and 160D-602, as applicable.

A City Council member shall not vote on any decision required by this Ordinance where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Prior to adopting or rejecting any Zoning Map or text amendment, the City Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the City Council considers the action taken to be reasonable and in the public interest.

15.2.8 Special Provisions for Conditional Zoning Districts

Proposals for rezoning to any Conditional Zoning District shall be accompanied by a site plan and written conditions proposed by the applicant, except that a site plan shall not be required for any conditional district in which the only alteration of the standards of the parallel base zoning district with which it is associated are related to the uses permitted in the conditional district. Such proposals and requests shall be processed and considered in the same procedure as conventional rezoning proposals, except as otherwise set forth herein, and the voting shall be the same as that required for zoning matters.

If the City Council should determine that the property involved in the proposal should be rezoned, it shall adopt an Ordinance rezoning the. Otherwise the proposal shall be denied.

Specific conditions may be proposed by the petitioner or the City Council, but only those conditions mutually approved by the City and the petitioner (in writing) may be incorporated into the ordinance approving the amendment. Conditions and site-specific standards imposed in a Conditional Zoning District shall be limited to those that address the conformance of the development and use of the site to City ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

The City Council may change or amend a previously approved Conditional Zoning District, after a public hearing upon recommendation by the Planning and Zoning Board and subject to the same consideration as provided for in this Section for the original consideration of the zoning map amendment.

No more than one proposal to amend or change a Conditional Zoning District shall be considered within 12 months of the date of the original approval of the CD rezoning or within 12 months of hearing of any previous proposal to amend or change any such Conditional District.

15.2.9 Maximum Number of Applications

No application for the same zoning district applicable to the same property or any part thereof shall be filed until the expiration of 1 year from:

1. the date of final determination by the City Council; or
2. the date of the public hearing or scheduled public hearing if the application is withdrawn after it has been advertised for public hearing.

Provided, further, in no case shall more than 2 rezoning applications, not counting any filed on behalf of the City, be filed for a given property or part thereof within any 12 month period.

Fees submitted for withdrawn cases shall not be refundable.

15.3 Special Uses

Permitting Special Uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses are allowed in several districts where these uses would not otherwise be acceptable. By means of controls exercised through the Special Use Permit procedures, property uses that would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

The uses for which Special Use Permits are required are listed in Section 4.6, Table of Permitted and Special Uses and are shown with the letter “S” in the zoning district column opposite the use. Special Uses may be considered for approval by the City Council as provided for herein.

15.3.1 Special Use Permits Granted by the City Council

Special Use Permits may be granted by the City Council for uses listed in Section 4.6 in the district in which the use is proposed. Special Use Permit applications shall first be submitted to the Planning and Zoning Board for an informal review and recommendation prior to the City Council holding a quasi-judicial public hearing on the application.

1. Procedure.

- a.** The owner or owners of all property included in the petition for a Special Use Permit shall submit an application to the Zoning Administrator. Once the application is deemed to be complete, as evidenced by the submission of all required documentation and approval by the Technical Review Committee, the application shall be placed on the agenda of the next Planning and Zoning Board agenda with sufficient time to advertise the meeting, as required herein.
- b.** The Special Use Permit application will be reviewed by the Planning and Zoning Board, which shall give notice of a public hearing on the application. Notice of the hearing shall be given by posted, mailed, and published notice in the same manner as required by statute for zoning map and text amendments. At the public hearing, all interested persons shall be permitted to speak on the application.
- c.** The Planning and Zoning Board shall review the application and forward an informal recommendation to the City Council within 45 days after the meeting at which the public hearing is held on the application. In making its recommendation, the Planning and Zoning Board shall consider the findings and conclusions as set forth in 2 below.
- d.** The City Council shall hold a quasi-judicial public hearing after providing notice as required by statute, and shall grant or deny the Special Use Permit following the conclusion of the quasi-judicial public hearing. No application for a Special Use Permit shall be considered at the same City Council meeting at which the Council is considering a zoning map amendment petition for the same property.
- e.** When holding a quasi-judicial hearing for a Special Use Permit, members of the City Council shall not participate in or vote on any matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible

violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

2. Findings and Conclusions.

The Special Use Permit, if granted, shall include preliminary approval of such plans as may be required. In granting the permit, the City Council shall affirmatively find:

- a.** that the use will not materially endanger public health or safety if located where proposed and developed according to the plan submitted;
- b.** that the use meets all required conditions and specifications of the Zoning Ordinance and all other applicable local, state, and federal rules and regulations;
- c.** that the character of the use, if developed according to the plan as submitted and/or further conditioned will be in harmony with the area in which it is to be located, and will be in general conformity with the City's Comprehensive Plan.

If such findings cannot be affirmed, then the City Council shall deny approval of the application.

3. Conditions.

- a.** In granting a Special Use Permit, the City Council may impose such additional restrictions and requirements as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. If the applicant does not accept, in writing, one or more conditions imposed as part of the Council's proposal to condition its approval of the Special Use Permit, the Council may alter its conditions, provided that the previously stated findings can be affirmed, or it may deny the application if such condition or conditions are necessary to affirm the required findings.

4. Limitation on Amendments.

- a.** Except where the City Council is considering revocation, no more than 1 proposal to amend or change any Special Use Permit shall be considered within 12 months of the date of the original authorization of such Permit or within 12 months of hearing of any previous proposal to amend or change any such Permit.

5. Subsequent Permits.

If an application for a Special Use Permit is granted, the applicant shall be required to apply for and receive any additional permits, such as zoning, stormwater, driveway, etc. that may be required by this Ordinance or other federal, state or local laws or regulations prior to commencing the use or development of the site for which the Special Use Permit was granted.

15.3.2 Termination and Abandonment of Special Use Permits

- 1.** A Special Use Permit shall remain vested for a period of two years. A right, which has been vested, shall be terminated at the end of the two-year vesting period with respect to buildings and uses for which no valid Building Permit applications have been filed.
- 2.** Abandonment of a Special Use: If any Special Use is discontinued for a period exceeding 18 months, it shall be deemed abandoned and the Special Use Permit shall be null and void and of no effect.
- 3.** Replacement of a Special Use by a Permitted Use by Right: If any Special Use is replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Special Use Permit shall be null and void and of no effect.

ARTICLE 16. ADMINISTRATION AND ENFORCEMENT

16.1 Zoning Administrator

This Ordinance shall be administered and enforced by the Zoning Administrator who shall be appointed by the City Manager. The Zoning Administrator may appoint agents to act on his/her behalf. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions. The Zoning Administrator and the staff appointed to act on his/her behalf shall be held to the statutory Conflict of Interest provisions set forth below:

1. No administrative staff of the City shall make a final decision on any matter required by this Ordinance where the outcome of the decision would have a direct, substantial, and readily identifiable financial impact on the staff member.
2. No administrative staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the City, as determined by the City Council.

16.2 Zoning Permit

No land shall be used or occupied and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed, until a Zoning Permit shall have been issued by the Zoning Administrator stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance. No Building Permit shall be issued and no building shall be occupied until that Permit is approved. A record of all Permits shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building erected. The Zoning Administrator shall collect such fees for the issuance of Zoning Permits as are authorized by the fee schedule as adopted by the City Council. The issuance of a valid Zoning Permit shall confer with it the right to undertake and complete the development and/or use of property under the terms and conditions of such

Permit provided that such action as authorized by the Permit is commenced within one year of issuance and provided that all other permits are obtained. Otherwise, the Permit shall be void.

Exception: Residential accessory buildings which do not require a Building Permit (i.e. buildings measuring 12' or less in all dimensions) are not required to get a Zoning Permit. See Article VII for applicable regulations (size, location, etc.) for such buildings.

16.2.1 Application Procedures

Each application for a Zoning Permit shall be made in the form specified by the Zoning Administrator and shall be accompanied by such supplemental information, including site plans and associated permits, as specified in the application materials. Following the submission of a complete application, the Administrator shall review it for compliance with the applicable regulations, and, if it is found to be in compliance, shall approve the Zoning Permit. If the Administrator finds that the application is not in compliance with one or more applicable regulations, he shall deny the application in writing and specify the reasons for the denial.

16.2.2 Right of Appeal

If the Zoning Permit is denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment as provided for herein. Such appeal shall be made within 30 days of the applicant receiving constructive notice of such permit denial.

16.3 Technical Review Committee (TRC)

A Technical Review Committee (TRC) shall be established to assist the Planning Director, Planning and Zoning Board, and City Council in review of certain site development plans. The purpose of the TRC shall be to determine whether or not proposed developments meet the standards established in the Ordinance and all other applicable regulations within the City of Archdale and to provide guidance as how to provide for the betterment of public safety and welfare. The TRC review of development plans shall be of a technical nature only, and shall not involve negotiation with developers. All development requests that require review from the Planning and Zoning Board and City Council shall first be reviewed by the TRC.

16.3.1 TRC Membership

A member shall represent the TRC from City Administration, the Planning Department, Public Works, the Police Department, Guil-Rand Fire Protective Agency, or any other department and/or professional that would be beneficial for technical review.

16.3.2 TRC Chair

The Planning Director shall serve as Chair of the TRC. The Chair shall be responsible for all proceedings and decisions made by the TRC.

16.3.3 TRC Meetings

The TRC shall meet as needed. After receipt from the Planning Director of a development proposal, the TRC shall review the proposal within 30 days.

16.3.4 Powers and Duties

1. To review and consider certain plans for development within the City and its zoning jurisdiction.
2. To review and consider site plans for uses that are permitted by-right.
3. To review and consider site plans that require a Special Use Permit.
4. To advise the Zoning Administrator on the approval or denial of approval of development plans.

16.4 Vested Rights

In any case where the applicant for a development approval desires to obtain a vested right, as authorized by North Carolina General Statute 160D-108.1, the applicant shall observe the following procedures:

1. The applicant shall submit to the Zoning Administrator a requested number of copies of a Site-Specific Vesting Plan drawn to scale describing with reasonable certainty the type and intensity of use for the specific parcel or parcels of land. Such plan shall include:
 - a. the boundaries of the site;
 - b. significant topographical and other natural features affecting development of the site;
 - c. the location on the site of the proposed buildings, structures, and other improvements;
 - d. the dimensions, including height, of the proposed buildings and other structures;
 - e. the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and walkways; and

- f.** such other information as the Zoning Administrator may determine to be necessary in order to determine the specifics of the plan.
- 2.** Public Hearing; Notice Thereof Upon receipt of a properly prepared site-specific vesting plan the Zoning Administrator shall arrange to bring such plan before the Board of Adjustment in the manner of a public hearing. Completed plans shall be received a minimum of 30 days prior to the public hearing at which the proposed vested rights plan is scheduled to be considered by the Board. Notice of the public hearing shall be given in the same manner as that required for a rezoning request.
- 3.** In considering an application for Vested Rights, the Board of Adjustment shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured, and substantial justice done. If the Board should find, after public hearing, that the approval should not be granted, such vested right application shall be denied.
- 4.** In granting such approval of Vested Rights, the Board of Adjustment shall make the following affirmative findings:
 - a.** The use requested is among those listed as a Permitted or Special Use in the district in which the subject property is located or is to be located and complies with all the requirements of this Ordinance and other applicable Ordinances.
 - b.** The requested approval is either essential or desirable for the public convenience or welfare.
 - c.** The requested approval will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.
 - d.** Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided.

In granting approval of Vested Rights, the Board of Adjustment may impose such additional restrictions and requirements upon such approval as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done. Approval of a site-specific vesting plan with the condition that a variance, Special Use Permit, or modification be obtained shall not confer a vested right unless and until the necessary variance, Special Use Permit, or modification is obtained. If all requirements and conditions are accepted by the applicant, the Board shall authorize the approval of the vested right. Otherwise

the vested rights application shall be denied. Any approval shall remain vested for a period of 2 years from the date of the action granting the approval.

16.4.1 Violations

Any violations of a term or condition involved in the granting of Vested Rights shall be treated the same as a violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. In addition, the Board of Adjustment may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

16.4.2 Other Ordinances Apply

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements, but does not affect the allowable type of intensity or use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation, including, but not limited to building, fire, mechanical, electrical, and plumbing codes.

16.4.3 Changes or Amendments

No change or amendment to any Site-Specific Vesting Plan associated with a Vested Rights approval shall be made except after public hearing and except as provided for in this Ordinance for the original approval. If, at the time of consideration of proposed change or amendment to an approved vested right, such proposed change or amendment could not be lawfully made under Ordinance conditions existing at that time, such proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the 2 year time period for which such development right is vested. Nothing herein shall exempt plans related to such permit from subsequent review and approvals to ensure compliance with the terms and conditions of the original approval, provided that such review and approvals are not inconsistent with the original approvals.

16.4.4 Status at Expiration of Terms

A right, which has been vested, shall terminate at the end of the 2 year vesting period with respect to buildings and uses for which no valid Building Permit applications have been filed. Upon issuance of a Building Permit, the provisions of North Carolina General Statute 160D-403(c) and North Carolina General Statute 160D-403(f) shall apply except that a Building Permit shall not expire or be revoked because of the running of time while a vested right under this Section is outstanding. Any development constructed pursuant to a Site-Specific Vesting Plan for which the vested term has expired and which is not in conformance with all the terms of this Ordinance

because of changes made in the provisions of this Ordinance, including Zoning Map, after the issuance of such permit shall be subject to the provisions of this Ordinance relating to non-conformities the same as any other non-conformity.

16.4.5 Annexation Declaration

Any landowner who signs an annexation petition to the City pursuant to North Carolina General Statute 160A-31 or North Carolina General Statute 160A-58 shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under North Carolina General Statute 160D-108.1. If the statement declares that such rights have been established, the City may require petitioners to provide proof of such rights. A statement, which declares that no vested rights have been established by law, shall be binding on the landowner and any such vested right shall be terminated.

16.5 Appeals, Intent and Duties

It is the intention of this Ordinance that all questions arising in connection with the enforcement of this Ordinance shall be presented first the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator; and that from the decision of the Board of Adjustment recourse shall be to courts as provided by law. It is further the intention of this Ordinance that the duties of the City Council in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but the procedure for determining such questions shall be as herein set out in the Ordinance, and that the duties of the City Council in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law.

16.6 Violations; Remedies

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and State law.

16.6.1 Development Without Permit.

1. To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.

16.6.2 Development Inconsistent With Permit.

1. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form or authorization granted for such activity.

16.6.3 Violation by Act of Omission.

1. To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the City Council or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

16.6.4 Use in Violation.

1. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance or any other regulation made under the authority conferred thereby.

16.7 Inspection and Investigation

In order to determine violations of this Ordinance the Zoning Administrator shall have the following rights and powers.

16.7.1 Inspections.

1. The Zoning Administrator shall have the right upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement action.

16.7.2 Investigations.

1. The Zoning Administrator shall have the power to conduct such investigations as he/she may reasonably deem necessary to carry out his/her duties as prescribed in this Ordinance and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this Ordinance.

16.7.3 Supporting Documentation.

1. The Zoning Administrator shall have the power to require written statements, certificates, certifications, or the filing of reports with respect to pertinent questions relating to complaints or alleged violations of this Ordinance.

16.8 Enforcement Procedure

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall notify the person responsible for such violation in writing, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions.

16.8.1 Notice of Violation.

1. If the owner or occupant of the land, building, structure, sign, or use in violation fails to take prompt corrective action, the Zoning Administrator shall give the owner or occupant written notice (by certified or registered mail to his/her last known address, by personal service, or by posting notice conspicuously on the property) of the following:
 - a. that the land, building, structure, sign, or use is in violation of this Ordinance;
 - b. the nature of the violation, and citation of the Section(s) of this Ordinance violated;
and
 - c. the measures necessary to remedy the violation.

16.8.2 Appeal.

1. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Zoning Administrator to the Board of Adjustment within 30 days following the date of the Notice of Violation. The Board of Adjustment shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the decision of the Zoning Administrator shall be final.

16.8.3 Notice of Decision.

1. The decision of the Board of Adjustment may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

16.9 Penalties for Violation

Violations of this Ordinance shall subject the violator to the civil penalties and remedies as set forth in this Ordinance.

16.9.1 Civil Penalties.

In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this Ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not pay the citation (except as otherwise provided in a warning citation) after it has been issued unless the offender has sought an appeal to the actions of the Zoning Administrator through the Board of Adjustment. Once the 10-day warning period has expired, each day that the violation continues shall subject the violator to additional citations to be issued by the Zoning Administrator. Each civil penalty issued for a violation of this Ordinance following the expiration of the warning period shall be in the amount of \$500.00, and shall be payable upon receipt of the citation. A penalty in the above stated amount shall be issued for each day that the violation continues.

These civil penalties are in addition to any other penalties, which may be imposed by a court of law for violation of the provisions of this Ordinance.

16.9.2 Additional Remedies.

In addition to the foregoing enforcement provisions, this Ordinance may be enforced by any remedy provided in North Carolina General Statute 160A-175, including, but not limited to all appropriate equitable remedies issued from a court of competent jurisdiction as provided in North Carolina General Statute 160A-175 and particularly the remedy of injunction and order of abatement as allowed by North Carolina General Statute 160A-175.

This Ordinance specifically provides that each day's continuing violation is a separate and distinct offense.

ARTICLE 17. DEFINITIONS

17.1 Definitions

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The words "used for" shall include the meaning "designed for".

17.1.1 General Definitions

Accessory Solar Energy System: Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating or for electricity.

Accessory Use or Accessory Building: Non-Residential (as regulated in Article VII, Section 'n'): A subordinate non-residential use or building customarily incidental to and located on the same lot with the main use or building such as a storage building, or, garage.

Accessory Use or Accessory Building: Residential (as regulated in Article VII, Section 'e'): A non-commercial use or building customarily incidental and subordinate to but located on the same lot with the main residential use or building such as a private garage or carport, swimming pool, personal storage building, or workshop, all of which are totally for personal use.

Addiction Treatment Facility, Residential: A licensed care facility that provides 24 hour medical and/or non- medical/therapeutic care of persons seeking rehabilitation and treatment of addiction. Such facilities may include medical detoxification.

Adult Care Center: A facility where an individual, agency, or organization provides supervision or care for more than six adults in a place other than their usual place of abode.

Adult Electronic Gaming Establishments: An establishment where patrons utilize electronic machines, including, but not limited to, computers, gaming tables, and gaming terminals to play games dependent on skill or dexterity in exchange, through redemption and/or other distribution, for cash, merchandise, or other items of value. This definition includes, but is not limited to, arcade, fish arcade, fish game(s), fish table(s), skill arcade, and skilled arcade. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or any electronic machines that test a patron's skill or dexterity but do not provide the patron an award of cash, merchandise, or other items of value based on their skill or dexterity.

Airport / Heliport: Facilities for the takeoff and landing of aircraft, including but not limited to runways, aircraft storage buildings, cargo storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, on airport parking products, and airport auxiliary facilities, including fueling, fences, lighting, and antennae systems, on-premise signs, driveways, and access roads. Airport includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility. Airport also includes facilities for the aid and comfort of the traveling public.

Amusement Facility – Indoor: A facility for spectator and participatory uses conducted within an enclosed building including, but not limited to, movie theaters, arcades, bowling alleys, skating centers, escape room/physical adventure game facilities, and pool halls. An indoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Indoor amusement facility does not include stadiums.

Amusement Facility – Outdoor: A facility for spectator and participatory uses conducted outdoors or within partially enclosed structures, such as amusement parks, fairgrounds, batting cages, and miniature golf courses. An outdoor amusement facility may include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales. Outdoor amusement facility does not include stadiums.

Animal Shelter: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals. Animal shelters do not include public facilities that shelter and train canine and/or equine units of public safety agencies.

Apartment: Any dwelling which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of 2 or more families living independently of each other in dwelling units.

Bar/Nightclub: An establishment primarily engaged in the retail sale or dispensing of alcoholic beverages for consumption on the premises. Such establishment must obtain an ABC license for on-premises alcoholic consumption only.

Barrier: A fence, wall, building wall, or combination thereof which completely surrounds a structure or object such as a swimming pool so as to obstruct access to said structure or object.

Bed and Breakfast Inn: A single-family detached dwelling where a resident/owner provides lodging for a daily fee in guest rooms with no in-room cooking facilities (excluding microwaves and mini-refrigerators) and prepares meals for guests.

Bona Fide Farm: Bona Fide farm purposes include the production of and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Building: Any structure used or intended for sheltering any use or occupancy.

Building Height: The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building, Main: The principal structure in which the primary use of the property is undertaken.

Building Occupancy: See "Use".

Building Setback Line: See "Setback".

Campground: Land used for transient occupancy by camping in tents and recreational vehicles, such as camp trailers, travel trailers, motor homes, or similar movable temporary sleeping quarters.

Car Wash: An establishment for the washing, cleaning, and detailing of motor vehicles or other light duty equipment, whether automatic, by hand, or self-service. The car wash facility may be within an enclosed structure, an open bay structure, or other configurations

Cemetery: Land and structures, such as columbaria, reserved for the interring of human remains or the interring of animal remains. Cemeteries may include structures for performing religious ceremonies related to the entombment of the deceased, mortuaries, including the sales of items related to the internment of remains, and related accessory structures, such as sheds for the storage of maintenance equipment. Cemeteries may also include crematoriums and embalming facilities.

Childcare Center: An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to between 13 and 79 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult

Childcare Center, Accessory to Employment: An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult. A childcare center, accessory to employment is a facility operated solely for the use of employees of a business or businesses, such as offices, industrial uses, or other employment uses, within the development.

Childcare Center, Large: An individual, agency, or organization, licensed by the North Carolina Department of Health and Human Services, providing supervision or care on a regular basis to 80 or more children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Civic, Social, and Fraternal Organizations: A facility operated by an organization or association for a common purpose, such as, but not limited to, a meeting hall for a fraternal or social organization or a union hall, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business

Common Open Space: The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration of restrictive covenants and normally in common use.

Community Center: A facility used as a place of meeting, recreation, or social activity, that is open to the public and is not operated for profit, and offers a variety of educational and community service activities.

Community Garden: Land used to grow and harvest food and non-food crops for personal or group use, consumption, or donation, that is managed and maintained by a group of individuals or a nonprofit.

Condominium: A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all surrounding land on the property is generally owned by all the inhabitants of the building or property in common ownership.

Contractor Office with Outdoor Storage: Offices for businesses in the conduct of any landscape or building trade or craft, together with land and/or structures used for the storage of equipment, vehicles, machinery, and/or materials related to and used by the trade or craft. A contractor office with no outdoor storage is considered an Office.

Correctional Facility: A facility established for the temporary detention of persons while being processed for arrest or detention by law enforcement.

Crematorium: A facility for the cremation of the deceased.

Cultural Facility: A facility open to the public that provides access to cultural exhibits and activities including, but not limited to, museums, cultural or historical centers, noncommercial galleries, historical societies, and libraries. A cultural facility may include additional uses as part of the principal use such as, but not limited to, retail sales of related items and restaurants.

Detached Accessory Structure: An accessory building built separate from the primary structure and not connected to the primary structure by any fully enclosed room or hallway.

Domestic Violence Shelter: A facility that provides temporary shelter, protection, and support for those escaping domestic violence and intimate partner violence, including victims of human trafficking. A domestic violence shelter also accommodates the minor children of such individuals. The facility may also offer a variety services to help individuals and their children including counseling and legal guidance. Domestic violence shelters may distinguish populations served by age and/or gender.

Drive-Through Service: That portion of a business where transactions occur directly with customers via a service window, kiosk, or other configuration that allows customers to remain in their vehicle

Driving Range: A tract of land equipped with distance markers, clubs, balls, and tees for practicing the hitting of golf balls

Dwelling, Single-Family (Conventional or Modular): A detached building containing a single dwelling unit constructed on-site or in industrialized modules in compliance with the North Carolina State Building Code and designed for or occupied exclusively by one family.

Drug Treatment Clinic: A licensed facility authorized by the state to administer drugs including, but not limited to, methadone and suboxone, in the treatment, maintenance, or detoxification of persons. Drug treatment clinic also includes needle exchange facilities where injecting drug users (IDUs) may obtain hypodermic needles and associated paraphernalia at little or no cost.

Dwelling- Live Work: A principal structure that combines a dwelling unit with a commercial use permitted in the zoning district that is used by one or more of the residents. A live/work dwelling may also include the combination of a dwelling unit with arts-related activities, such as painting, photography, sculpture, music, and film, used by one or more of the residents. Live/work dwellings are subject to the standards for the individual uses contained within this Ordinance. Any area used for commercial space in a live/work dwelling cannot be converted to residential living space if the commercial component is no longer operating.

Dwelling- Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured home includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

1. For manufactured homes built before June 15, 1976, manufactured home means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. Manufactured home also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

Dwelling- Multi-Family, Attached: A structure containing three or more dwelling units. Attached unit design refers to multi-family residential structure designed with primarily side-by-side dwelling units, each with an individual entry

Dwelling- Multi-Family, Stacked: Stacked unit design refers to multi-family residential structure designed with multiple dwelling units accessed by one or more common entryways. Units may have individual entrances for ground floor units.

Dwelling- Single Family, Attached: A structure consisting of multiple dwelling units, the interior of which is configured in a manner such that the dwelling units are attached horizontally, separated by a party wall, and each is located on a separate subplot.

Dwelling- Single Family, Detached: A structure containing only one dwelling unit.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, and sanitation.

Educational Facility - Pre-School: An educational establishment that offers early childhood education prior to the start of required education at the primary school level.

Educational Facility - Primary or Secondary: A facility that offers instruction at the elementary, middle, junior, and/or high school levels, including associated indoor or outdoor recreational facilities.

Educational Facility - University or College: A facility for post-secondary higher learning that grants associate, bachelor, master, and/or doctoral degrees. Such facilities may include additional uses as part of the principal use such as research facilities, dormitories, cafeterias, restaurants, retail sales, childcare facilities, indoor or outdoor recreational facilities, stadiums, and similar uses.

Educational Facility – Vocational: A facility that offers instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Educational facility - vocational also applies to privately operated schools that do not offer a full educational curriculum.

Employment/Labor Service Agency: A business that provides employment services for temporary or transient employment of semi-skilled and unskilled workers, and operates as a labor pool where workers gather on-site for job placement.

Event Venue: An establishment, with or without permanent structures, for the purpose of housing private social events not open to the general public, including, but not limited to, weddings, parties, and similar events, with or without live entertainment, where food and drink may be consumed on site, but which provides no overnight accommodations.

Family: Any number of persons related by blood, adoption, or marriage or no more than 4 persons not related by blood, adoption, or marriage, living together as a single housekeeping unit

sharing the same domestic facilities. It does not include congregate residential care facilities; family care and group care facilities; foster homes for children; homes for the aged and infirmed; family-care homes for the aged and infirmed; day care facilities; day care centers; and family day care homes; shelter homes for children and/or families including foster shelter homes and group shelter homes; adult day care centers; day nurseries; preschool centers; hospitals; nursing homes; sanitariums; and dormitories, fraternal organizations, or other organized social or institutional residential situations.

Family Care Home: A facility run by an individual that resides in single-family dwelling that provides supervision or care on a regular basis in the individual's home for six or fewer adults who are not related by blood or marriage to the supervising adult but require assistance due to age or disability. Family care homes shall be licensed by the North Carolina Department of Health and Human Services.

Family Childcare Home: A facility run by an individual that resides in single-family dwelling that provides supervision or care on a regular basis in the individual's home for eight or fewer children who are not related by blood or marriage to, and are not the legal wards or foster children of, the supervising adult. Family childcare homes shall be licensed by the North Carolina Department of Health and Human Services.

Family Members, Direct: Direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother); and brothers, sisters, nieces, and nephews.

Financial Institution: A bank, savings and loan, credit union, or mortgage office. Financial Institutions also include alternative financial service (AFS) that are provided outside a traditional banking institution, including check cashing establishments and currency exchanges.

Frontage: The property abutting on one side of a street measured along the street right-of-way line.

Funeral Home: An establishment where the dead are prepared for burial display and for rituals before burial or cremation, including chapels for the display of the deceased and the conducting of rituals before burial or cremation, and crematoriums.

Gas Station: An establishment where fuel for vehicles is stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. A gas station may also include retail uses and an accessory car wash bay

Golf Course: A tract of land design with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, snack-bar, and pro-shop as additional uses as part of the golf course. A driving range may be included as part of a golf course. A private recreation club may include a golf course as part of the principal use of a private recreation club.

Government Office/Facility: Offices owned, operated, or occupied by a governmental agency to provide a governmental service to the public, such as city offices and post offices. Government offices/facilities do not include public safety or public works facilities.

Greenhouses and Nurseries – Retail: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are propagated and sold, and may include gardening and landscape supplies and products, such as hardware, garden tools and utensils, paving stones and bricks, and other related items for sale. If all such activities are indoors with no outdoor component (growing, displays, storage, sales), then such use is considered a retail goods establishment.

Greenhouses and Nurseries, Excluding Retail Sales: An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are for personal use or propagated and sold in bulk to retailers, other professional business users, and/or other wholesalers.

Greenway: A shared use off-street path for pedestrians and bicyclists.

Gross Floor Area: The total area of any buildings in the project, including the basements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the store such as boiler rooms and maintenance shops.

Group Home: A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment.

Gyms and Fitness Studios: An establishment where an activity is taught, studied, or practiced such as boxing, dance, martial arts, gymnastics, Pilates, or yoga. A fitness studio also includes private exercise studios for private sessions with trainers and/or private classes

Halfway House: A residential facility for persons who have been institutionalized for criminal conduct and require a group setting to facilitate the transition to society.

Handicapped Person: A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but does not include mentally ill persons who are dangerous to others as defined in Section 122-58.2(1)b of the General Statutes of North Carolina, or any amendment thereto.

Helistop: Land or part of a structure used for the landing of helicopters.

Home Occupation: An occupation conducted incidental to the use of property as a dwelling unit, which does not adversely impact or change the residential character of the neighborhood. The incidental use of any dwelling by the occupant(s) for the purpose of receiving or transmitting messages by mail, record or bookkeeping, filing, address listing for applicable privilege license or

tax identification, and other similar activities which do not involve the on-site sale, delivery, distribution, reception, storage, or manufacture of goods, products, or services shall not constitute a home occupation for the purpose of regulation under this Ordinance.

Hospital / Medical Campus: The grounds and buildings of a healthcare institution, providing primary health services and medical or surgical care to people, including in-patient overnight care, as well as research and development facilities, medical/dental educational facilities, and medical/dental offices. A medical campus may include dormitories and other housing through the medical institution, dining rooms, cafeterias, gift shops, and pharmacies for the use of staff, patients, and visitors. Supportive commercial uses for the primary use of medical campus staff and visitors, such as retail goods establishments, personal service establishments, financial institutions, childcare centers, and restaurants, are permitted.

Industrial, Craft: Artisan-related crafts and industrial processes that are more intensive uses, such as metalworking, glassblowing, woodworking, furniture making, and food production that includes preparation, processing, canning, or packaging of food products. Micro-production of alcohol is regulated separately from craft industrial.

Industrial, General: The manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof, in such a manner as to change the form, character, and/or appearance. General industrial may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users.

Industrial, Light: Within a wholly enclosed building, the manufacture, fabrication, processing, reduction, and/or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, and/or appearance. A light industrial use may also include a showroom, sales of products related to the items manufactured or stored on-site, and/or outdoor storage.

Kennel / Animal Boarding: An establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than 3 domesticated animals at any one time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one litter of domesticated animals at any one time, or the selling of any 3 individual domesticated animals (not defined as litter herein) at any one time. Domesticated animals, for the purpose of this Ordinance, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of this Ordinance, shall be defined as the progeny resulting from the breeding of 2 domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

1. The ownership of domesticated animals as household pets,
2. The ownership of domesticated animals for hunting or tracking purposes,

3. The ownership of domesticated animals for the purpose of exhibiting at shows, obedience, or field trials, and
4. The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

Landfill, Land Clearing & Inert Debris (LCID): A facility for the land disposal of inert debris, land clearing debris, yard waste, and untreated and unpainted wood.

Landfill, Municipal Solid Waste: Facilities for the recovery, disposal, depositing, processing, or storage of solid waste, including waste that requires special handling, such as hazardous waste and medical waste. Waste management facilities include sanitary landfills, construction and demolition landfills, solid waste collection sites, and solid waste transfer stations.

Landowner: The holder of the title in fee simple. Absent evidence to the contrary, a local government may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals

Light Assembly: The assembly of previously manufactured parts within a fully enclosed structure that does not create noise, smoke, fumes, odors, glare, or health or safety hazards outside the building.

Live Performance Venue – Indoor: An indoor facility for the presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue may include classroom and/or rehearsal space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance. This does not include any adult use or stadium.

Live Performance Venue – Outdoor: An outdoor facility for the presentation of live entertainment, including musical acts and disc jockeys, theatrical plays, stand-up comedy, and similar performances. Performances are scheduled in advance and tickets are required for admission and available for purchase in advance, though tickets may be purchased at the venue's box office on the day of the performance. A live performance venue may include parks and common space utilized during hours it is not open to the public for a performance. A live performance venue may include concession stands, including sale of alcohol, but only when it is open to the public for a performance.

Lodging Establishment: A commercial facility that provides sleeping accommodations for a fee and customary lodging services. Related accessory uses may include, but are not be limited to, meeting facilities, restaurants, bars, and recreational facilities for the use of guests. A lodging

establishment has common facilities for reservations, cleaning services, combined utilities, and on-site management and reception.

Lot: A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax maps) and which is recognized as a separate tract for purposes of transfer of title or lease of greater than 3 years.

Lot, Corner: A lot adjacent to or abutting on 2 streets at their intersection.

Lot, Double Frontage: An interior lot having frontage on 2 streets where the minimum yard requirements pertain to both primary and accessory structures. Also called a through lot.

Lot Front: On a corner lot, the front is the frontage with the least dimension at the street. Where the dimensions are equal the front shall be designated by the owner.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The line forming the perimeter or boundary of the lot.

Lot of Record: A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds, or a lot which is described by metes and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

Lot Width: The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line. For lots with a radial side line(s), lot width may be measured at a front yard setback greater than the minimum required front yard setback. In such case the point where the minimum lot width is measured shall become the front yard setback for that lot.

Manufactured Home Park: A parcel of land with single control or unified ownership that has been planned and improved for the placement of manufactured homes for residential use.

Manufacturing: The processing of raw products and materials into items for sale.

Medical/Dental Office: A facility operated by one or more physicians, dentists, chiropractors, psychiatrists, physical therapists, acupuncturists, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Micro-Production of Alcohol (less than 10,000 sf): A facility for the production and packaging of alcoholic beverages, such as beer, wine, spirits, cider, and mead, for distribution and consumption on-premises. A tasting room is an area within the premises of the brewery's production facilities where guests may sample the brewery's products. When the production facilities exceed the maximum square footage allowed by any prescribed conditions, the facility is not considered micro-production of alcohol, but rather an industrial use.

Mobile Car Wash: A temporary service, and its associated equipment, for the washing, cleaning, and detailing of motor vehicles by hand. A mobile car wash operates from a fixed location to offer services to multiple cars on that site for a limited period of time.

Mobile Food Vendor: A motor vehicle or food trailer towed by another vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

Net Residential Area (net land): That portion of a development or project site designated for residential lots and related common open space areas excluding dedicated public rights-of-way.

Mobile Retail Vendor: A motor vehicle, or trailer towed by another vehicle, designed and equipped to sell goods directly to consumers. It does not include wholesale distributors. The vendor physically reports to and operates from an off-site facility for servicing, restocking, and maintenance.

Motorsports Tracks and Facilities: A facility built for racing of vehicles that may include grandstands and/or concourses for viewing. A motorsport facility may also include additional uses as part of the principal use such as, but not limited to, concession stands, restaurants, and retail sales

Non-Conforming Use: Any use which legally existed on the effective date of this Ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any non-conforming use legally recognized under a prior zoning ordinance.

Open Space: Any land area not occupied by buildings, structures, storage areas, open or enclosed balconies, patios, porches, or decks, excluding, however, any land encroaching or located within a right-of-way or easement. Open area in any required setback or land used for sidewalks, landscaping, and grassing shall be considered open space.

Outdoor Adventure Recreation: A range of leisure, recreation, or sport activities undertaken in natural, rural, and/or urban open space. These types of outdoor recreation activities require large parcels of land and/or open space, but for safety and sustainability purposes, may require built facilities such as buildings, camping areas, or other infrastructure needed for a specific type of outdoor recreation activity.

Outdoor Entertainment: A predominately spectator use conducted in an outdoor setting such as an amphitheater, drive-in-theater, stadium, or similar structure. Outdoor Entertainment facilities host performances such as outdoor concerts, outdoor parties, outdoor celebrations, special events, carnivals, dances, theatrical presentations, and movies. These types of uses generate noise and music that can be produced by any person, group, instrument or instrumental recording, or audio-visual device used for the performance of entertainment for an audience.

Outdoor Sales and Display: Part of a lot used for outdoor sales and/or display of goods accessory to the principal use.

Outdoor Storage Yard, Principal Use: The storage of materials, supplies, equipment, vehicles, and similar items outdoors as the principal use of land. Salvage and/or junk yard is a separate use from outdoor storage yard.

Parking Lot (Principal Use): A lot, which excludes any public or private street, used for the parking of operable vehicles, whether for compensation or at no charge. A parking lot (principal use) is not accessory to or associated with any other use on the same or any other lot.

Parking Structure (Principal Use): A structure or portion of a structure used for the parking of operable vehicles, whether for compensation or at no charge. A parking structure (principal use) is not accessory to or associated with any other use on the same or any other lot.

Personal Service Establishment: An establishment that provides services of a personal nature. Typical uses include, but are not limited to, beauty shops, barbershops, tanning salons, electronics repair shops, bicycle repair shops, nail salons, laundromats, health clubs, dry cleaners, and tailors.

Private Recreation Club: An establishment open to members, their families, and invited guests organized and operated for social and recreation purposes and which may include recreation facilities, both indoor and outdoor, restaurants and bars, meeting rooms, and/or similar uses

Private Stables: The keeping of equines for private use and not for remuneration, hire, or sale.

Property: All real property subject to land-use regulation by a local government. The term includes any improvements or structures customarily regarded as a part of real property.

Professional Offices: An establishment that engages in the processing, manipulation, or application of business information or professional expertise. An office may or may not offer services to the public. An office is not materially involved in fabricating, assembling, or warehousing of physical products for the retail or wholesale market, nor engaged in the repair or sale of products for immediate purchase and removal from the premise by the purchaser.

Public Park: A publicly-owned facility that serves the recreational needs of residents and visitors. Public park includes, but is not limited to, playgrounds, ballfields, football fields, soccer fields, basketball courts, tennis courts, dog parks, skateboard parks, passive recreation areas, and gymnasiums. Public parks may also include noncommercial indoor or outdoor facilities, including zoos, recreational centers, and amphitheaters, additional uses such as, but not limited to, restaurant and retail establishments, and temporary outdoor uses such as festivals and performances. Greenways are not considered a public park.

Public Safety Facility: A facility operated by and for the use of public safety agencies, such as the fire department and the police department, including the dispatch, storage, and maintenance of police and fire vehicles, and training exercises. Public safety facilities include shelter and training facilities for canine and equine units of public safety agencies

Public Sewage Disposal System: An approved sewage disposal system serving 10 or more connections, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by the County Sanitarian in consultation with the NC Division of Health Services.

Public Transit Facility: Facilities operated as part of the public transit system, which shall include park-and-ride lots, park-n-ride garage, station platforms, bus transfer stations, rideshare mobility hubs, and other transit appurtenances required for the operations and use of public transit service. For the purposes of this Ordinance, bus shelters and rapid transit shelters that are not fully enclosed are not considered buildings.

Public Water Supply System: An approved water supply system serving 10 or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the County Sanitarian in consultation with the NC Division of Health Services.

Public Works / Utility Facility: A facility operated by and for the use of the municipal public works departments or other governmental agency to provide municipal services, including dispatch, storage, and maintenance of municipal vehicles and training exercises.

Quarries and Mines: An open pit or subsurface mine in which dimension stone, rock, construction aggregate, riprap, sand, gravel, slate, or other mineral is excavated from the ground.

Rail Freight Terminal: A heavy rail facility for freight pick-up or distribution that may include intermodal distribution facilities for truck or shipping transport.

Real Estate Development Sales Office: A real estate development sales office is a residential unit, commercial space, or standalone structure within a development that is temporarily used as a sales or leasing office.

Recreation or Travel Trailer: A vehicular, portable, structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified as a travel trailer by the manufacturer of the unit. Includes motor home, recreational vehicle, etc.

Recycling Collection Center: An area containing one or more recycling containers operated by a unit of local government, or its designee, which is set aside and used by members of the public, including business entities, to collect recyclable materials, such as paper, plastics, glass, and cardboard. A recycling collection center may also collect household chemicals and computer equipment, including, but not limited to, household cleaners, oil-based paints, solvents, cell phones, compact fluorescent light bulbs, and computers.

Religious Institution: A facility where fewer than 250 persons regularly assemble (based on maximum occupancy of the largest assembly room) for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Religious Institutions may include additional uses as part of the principal use such as childcare facilities, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms for religious instruction.

Religious Institution, Large: A facility where greater than 250 persons regularly assemble (based on maximum occupancy of the largest assembly room) for religious purposes and related social events, and may include group housing for persons under religious vows or orders. Religious

Institutions may include additional uses as part of the principal use such as childcare facilities, meeting rooms, food preparation and dining areas, auditoriums, and/or classrooms for religious instruction.

Research and Development (R&D): A facility where research and development are conducted in industries that include, but are not limited to, biotechnology, pharmaceuticals, medical instrumentation or supplies, communication, information technology, electronics and instrumentation, and computer hardware and software.

Residential Care Facility: A licensed care facility that provides 24-hour medical and/or non-medical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living, or for the protection of the individual. A residential care facility includes nursing care, assisted living, hospice care, and continuum of care facilities. Continuum of care facilities may also include independent living facilities as part of the continuum.

Restaurant: An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and non-alcoholic beverages shall be not less than 30% of the total gross receipts from food, non-alcoholic beverages, and alcoholic beverages.

Retail Sales Establishment, Small: An establishment containing less than 10,000 square feet of gross floor area that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.

Retail Sales Establishment, Large: An establishment containing 10,000 square feet or more gross floor area that provides physical goods, products, or merchandise directly to the consumer, where such goods are typically available for immediate purchase and removal from the premises by the purchaser.

Salvage and/or Junk Yard : A facility used for the abandonment, sale, storage, collection, or baling of scrap metal, other scrap or discarded materials, waste tire processing or collection area, and/or abandoned vehicles or machinery, or parts thereof.

Screen. A devise such as a fence or planting area used to visually separate property.

Self-Storage Facility: Indoor: A facility for the storage of personal property where individual renters control and access individual storage spaces located within a fully enclosed building that is typically climate controlled. Sales of related items, such as moving supplies, and facility management offices may also be included.

Self-Storage Facility: Outdoor: A facility for the storage of personal property where individual renters control and access individual storage spaces and where each storage unit has individual access from the outdoors, and which may have areas available for accessory outdoor storage.

Sales of related items, such as moving supplies, and facility management offices may also be included.

Setback: The horizontal distance from the property line or street right-of-way line to the nearest part of the applicable building, structure, sign, or use, measured perpendicularly to the line.

Sexually Oriented Business: Any businesses or enterprises that have as one of their principal business purposes or as a significant portion of their business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities as specified below and as may be further specified in North Carolina General Statute 14-202.10.

- 1. Adult Bookstore.** A bookstore:
 - a.** Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or
 - b.** Having as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.
- 2. Adult Live Entertainment.** Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas, as defined in this section.
- 3. Adult Live Entertainment Business.** Any establishment or business wherein adult live entertainment is shown for observation by patrons.
- 4. Adult Motion Picture Theatre.** An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. Adult motion picture theatre does not include any adult mini motion picture theatre, as defined in this section.

5. **Adult Mini Motion Picture Theatre.** An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.
6. **Sex Club.** An establishment that allows members to engage in specified sexual activities with other patrons, or the exposure of specified anatomical areas. Sex clubs may include, but are not limited to, rooms for the use of members, provision of sexually oriented devices, and organization of sex-related activities.
7. **Sexually-Oriented Devices.** Without limitation, any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.
8. **Specified Anatomical Areas.** a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; or 3) female breast below a point immediately above the top of the areola; or b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
9. **Specified Sexual Activities.**
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

Shooting Range, Indoor: A facility designed or used for shooting at targets with firearms, and which is completely enclosed within a building or structure. Police facilities for the training and practice of officers is not considered an indoor shooting range but rather a public safety facility.

Shooting Range, Outdoor: An outdoor space designed or used for shooting at targets with firearms.

Showroom: An establishment where products are displayed for sale, such as furniture, appliances, carpet, tile, or furnishings. Products are available for purchase but are typically not available for immediate removal from the premises

Site-Specific Vesting Plan: A plan which has been submitted to the City by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Solar Energy Production Facility, Commercial (C): A ground-mounted solar array operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Special Events, Outdoor: An outdoor entertainment event space, such as but not limited to the performance of live music, festivals, competitions, fireworks shows, carnivals/ circuses, worship services, and others

Special Use: A use of land permitted upon approval of a Special Use Permit in accordance with the quasi-judicial procedures established in this Ordinance .

Sports Instruction Schools: An indoor or outdoor facility for training and instruction on sports. This may include hosting sporting events.

Sports Parks, Private / Commercial: A commercial structure with tiers of seats and/or viewing areas around and/or adjacent to a field, court, or stage, intended to be used for the viewing of athletic events, entertainment, concerts, and other public gathering purposes.

Stacking Space: A space to store an automobile off-street while waiting in line for a drive-thru service such as an automatic teller service, drive-thru restaurant, etc.

Street, Private: A vehicular travel way not dedicated as a public street or a dedicated but unaccepted vehicular travel way.

Street, Public: A public right-of-way for vehicular travel which has been constructed and then dedicated to and accepted by the City of Archdale or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public right-of-way for vehicular traffic for public use.

Structure: Anything constructed or erected which requires location on the ground or attached to something having location on the ground.

Structural Alterations: Any change, except for the repair or replacement, in the supporting members of a building such as load bearing walls, columns, beams, or girders.

Swimming Pool: Any structure intended for swimming or recreational bathing that is intended to contain water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Tattoo Studios: An establishment that provides body modification services (e.g., tattoos, piercing, etc.)

Temporary Contractor's Office and Contractor's Yard: A temporary, portable, or modular structure utilized as a watchman's quarters, construction office, or equipment shed during the

construction of a new development. This may include a temporary contractor's yard where materials and equipment are stored in conjunction with a construction project.

Temporary Healthcare Structure: Non-hospital buildings which are temporarily used for patient care or quarantine sites.

Temporary Outdoor Entertainment: A temporary entertainment event within an outdoor space, such as but not limited to the performance of live music, festivals, competitions, fireworks shows, carnivals/ circuses, worship services, and others

Temporary Outdoor Sales: Temporary uses, which may include temporary structures, where goods are sold, such as consignment auctions, arts and crafts fairs, plant sales, farmers markets, flea markets, rummage sales, and holiday sales, such as Christmas tree lots and pumpkin sales lots. This temporary use category does not include outdoor sales related to a retail goods establishment where such goods are part of the establishment's regular items offered for purchase.

Temporary Outdoor Storage Container: Temporary self-storage containers that are delivered to a residence or business owner for the purpose of storing belongings, and then may be picked up and returned to a warehouse until called for again.

Truck Stop: A facility that provides services to the trucking industry including, but not limited to, dispensing of fuel, repair, truck washes, restaurants, shower facilities, and/or overnight parking, all as part of the facility.

Truck Terminal: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

Use: The primary purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

Utility Transmission and Distribution Lines: Any facility, infrastructure, and/or equipment used for the generation, transmission, storage, or distribution of electric energy, natural or manufactured gas, water, stormwater, cable television, internet, telephone services, or wastewater, between the point of generation and the end user. A utility does not include wireless telecommunications towers, antennas and/or facilities, satellite dish antennas, waste management facilities, recycling collection facilities, or radio, television, or microwave transmission or relay towers. Utility also includes utility operation facilities where all activity occurs indoors.

Vehicle and Equipment Auction Facilities: A facility where vehicles or other equipment are offered for sale to persons who bid on the vehicles in competition with each other. A vehicle or equipment auction facility includes outdoor storage of the items to be sold.

Vehicle Operations Facility: A facility for the dispatch, storage, and maintenance of vehicle fleets including, but not limited to, emergency medical care vehicles, taxicabs and similar vehicles for

hire, school buses, utility vehicles, delivery vehicles, and public transit vehicle operations and maintenance facilities. Vehicle operations facility does not include a public works or public safety facility.

Vehicle Repair Facility: Major: A business that provides services in major reconditioning of worn or damaged motor vehicles, motorcycles, all-terrain vehicles (ATV), recreational vehicles and trailers, towing and collision service, including body, frame, or fender straightening or repair, painting of motor vehicles, interior (e.g., upholstery, dashboard, etc.) reconstruction and/or repairs, and restoration services. A major vehicle repair business may also include services considered minor vehicle repair.

Vehicle Repair Facility: Minor: A business that provides services in minor repairs to motor vehicles and motorcycles, including repair or replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, tire replacement, wheel servicing, alignment, and balancing, realignment, repair and replacement of shock absorbers, and replacement or adjustment of mufflers and tail pipes, hoses, belts, light bulbs, fuses, windshield wipers/wiper blades, grease retainers, and wheel bearings, and similar minor repairs.

Vehicle Sales and Rental, Passenger: An establishment that sells, leases, or rents automobiles, vans, pick-ups, motorcycles, and/or all-terrain vehicles (ATV), or other similar motorized transportation vehicles typically with incidental parking, servicing, storage or display of such vehicles on-site either enclosed or outdoor. A vehicle sales and rental facility may maintain an additional inventory of the vehicles for sale or lease off-site. Vehicle sales facilities do not include truck, trailer, boat, or heavy equipment sales, which are considered heavy retail establishments.

Vested Right or Zoning Vested Right: The right to undertake and complete the development and use of the property under the terms and conditions of an approved site-specific vesting plan.

Veterinary Services: A location where veterinary services are provided for the care and treatment of domestic animals, where animals may be boarded during their treatment.

Warehouse and Distribution Center: An enclosed facility for the storage and distribution of manufactured products, supplies, and/or equipment.

Wholesale Goods Establishment: A business where goods are sold to either retailers, or to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.

Wind Energy Production Facility, Commercial: An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, or processing of wind energy.

Wireless Telecommunications Facility: Towers, antennas, and facilities used to transmit and receive signals that facilitate wireless telecommunications. The following definitions describe the wireless telecommunications infrastructure within the general definition for wireless telecommunications. A structure used to house and protect the equipment necessary for

processing telecommunications signals, which may include air conditioning equipment and emergency generators. Facility also includes any necessary equipment that facilitates wireless transmission.

Yard: An open space located on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery, or as otherwise provided herein. A yard is the area created by a setback.

Yard, Front: A yard extending across the full width of the lot and extending from the closest front wall of the building to the property line or established edge of a right-of-way, whichever is closer.

Yard, Rear: A yard extending across the full width of the lot and extending from the closest rear wall of the main building to the rear of the property.

Yard, Side: A yard which extends from the closest side wall of a building to the nearest side property line or the established edge of the street right-of-way, whichever is closer, if the lot is a corner lot.

Yard Sale: A sale from a residence or residential property of personal property which has been owned or used by a person residing on or owning the premises where the sale is conducted. In addition, yard sales may be held on property owned by religious institutions and other civic or non-profit organizations. The term "yard sale" shall include all sales entitled "garage sale", "lawn sale", "attic sale", "moving sale", "rummage sale," etc.

Zoning Administrator: An employee or agent of the City who is assigned primary responsibility for the administration and enforcement of the Zoning Ordinance.

Zoning Permit: A permit issued by the City conferring the right to undertake and complete the development of and use of property.

17.1.2 Definitions Related to Wireless Telecommunications Facilities

Accessory Facility or Structure: means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities or Complexes, including but not limited to utility or transmission equipment storage sheds or cabinets.

Amend, Amendment and Amended: mean and shall relate to any change, addition, correction, deletion, replacement or substitution, other than typographical changes of no effect.

Applicant: means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

Application: means all Necessary and required documentation that an Applicant submits in order to receive a Special Use Permit or a Building Permit for Wireless Telecommunications Facilities.

Antenna: means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

Certificate of Completion or COC: means a required document issued by the City that confirms that all work represented in the application i) was properly permitted; ii) was done in compliance with and fulfilled all conditions of all permits, including any final completion deadline; iii) was fully constructed as approved and permitted; and iv) a final inspection was requested, conducted and the Facility or Complex passed the final inspection.

Co-location: means the use of an approved telecommunications structure to support Antenna for the provision of wireless services.

Commercial Impracticability or Commercially Impracticable: means the inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone and for a single site, shall not deem a situation to be commercially impracticable and shall not render an act or the terms of an agreement commercially impracticable.

Completed Application: means an Application that contains all necessary and required information and/or data as set forth in this Ordinance and that is necessary to enable an informed decision to be made with respect to an Application and action on the Application.

Complex: means the entire site or Facility, including all structures and equipment located at the site.

DAS or Distributive Access System: means a technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas, cabling or fiber optics.

Eligible Facility: means an existing wireless tower or base station that involves collocation of new transmission equipment or the replacement of transmission equipment that does not constitute a Substantial modification. An Eligible Facility Application shall be acted upon administratively and shall not require a Special Use Permit, but shall require Staff Administrative Approval.

FAA: means the Federal Aviation Administration, or its duly designated and authorized successor agency.

Facility: means a set of wireless transmitting and/or receiving equipment, including any associated electronics and electronics shelter or cabinet and generator.

FCC: means the Federal Communications Commission, or its duly designated and authorized successor agency.

Height: means, the distance measured from the pre-existing grade level to the highest point on the Tower or support structure, even if said highest point is an Antenna or lightening protection device. As regards increasing the height of an existing structure, Height means the height above the top of the structure prior to any work related to a wireless Facility.

In-Kind Replacement: means replacing a component(s) that is malfunctioning with a properly functioning component of the same weight and dimensions and that does not enable an increase in revenue for the service provider or increase the compensation paid to the owner or manager of the support structure.

Maintenance: means plumbing, electrical, carpentry or mechanical work that may or may not require a building permit, but that does not constitute a Modification of the WTF.

Modification or Modify: means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless Facility or Complex with identical components, including but not limited to antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to an existing support structure or Tower as a co-location is a Modification, unless the height, profile or size of the compound is increased, in which case it is not a Modification.

Necessary or Necessity or Need: means what is technologically required for the equipment to function as designed by the manufacturer and that anything less will result in the effect of prohibiting the provision of service as intended and described in the narrative of the Application. Necessary, Necessity or Need does not mean what may be desired, preferred or the most cost-efficient approach and is not related to an Applicant's specific chosen design standards.

NIER: means Non-Ionizing Electromagnetic Radiation.

Person: means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Personal Wireless Facility: See definition for 'Wireless Telecommunications Facilities'.

Personal Wireless Services or PWS or Personal Telecommunications Service or PTS: shall have the same meaning as defined and used in the 1996 Telecommunications Act.

Repairs and Maintenance: means the replacement or repair of any components of a wireless Facility or Complex where the replacement is identical to the component being replaced, or for any matters that involve the normal repair and maintenance of a wireless Facility or Complex without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless Facility or Complex that will impose new visible burdens of the Facility or Complex as originally permitted. Any work that changes the services provided to or from the Facility, or the equipment, is not Repairs or Maintenance.

Stealth or Stealth Siting Technique: means a design or treatment that minimizes adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean building the least visually and physically intrusive facility and Complex that is not technologically or commercially impracticable under the facts and circumstances. Stealth technique includes such techniques as i) DAS or its functional equivalent; or ii) camouflage where the Tower is disguised to make it less visually obtrusive and not recognizable to the average person as a Wireless Facility or Complex.

Structural Capability or Structural Capacity or Structural Integrity means, notwithstanding anything to the contrary in any other standard, code, regulation or law, up to and not exceeding a literal 100% of the designed loading and stress capability of the support structure.

Substantial Modification: means a change or Modification that

1. increases the existing vertical height of the structure by the greater of (a) more than ten percent (10%) or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet; or
2. except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance; or
3. increases the square footage of the existing equipment compound by more than 2,500 square feet.

Telecommunications: means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Site: See definition for Wireless Telecommunications Facilities.

Telecommunications Structure means a structure used primarily to support equipment used to provide wireless communications or was originally constructed primarily for such purpose.

Temporary: means not permanent in relation to all aspects and components of this Section and that will exist for fewer than ninety (90) calendar days.

Tower: means any structure designed primarily to support an antenna and/or other equipment for receiving and/or transmitting a wireless signal and is the lesser of i) more than ten feet (10') taller than the adjacent buildings or trees; or ii) taller than forty feet (40').

Wireless Telecommunications Facility or Facilities (WTF or WTFs), Facility, Site, Complex, Telecommunications Site and Personal Wireless Facility Site: all mean a specific location at which a structure that is designed or intended to be used to house, support or accommodate Antennas or other transmitting or receiving equipment is located. This includes without limit, Towers and support structures of all types and kinds, including but not limited to buildings, church steeples, silos, water Towers, signs or other any other structure that is used or is proposed to be used as a support structure for Antennas or the functional equivalent of such. It expressly includes all related facilities and equipment such as cabling, radios and other electronic equipment, equipment shelters and enclosures, cabinets and other structures associated with the Complex used to provide, though not limited to, radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services, Internet access service and any commercial wireless telecommunication service whether or not licensed by the FCC.

17.1.3 Definitions Related to Signs

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Canopy: A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Changeable Copy: Copy that is or can be changed manually in the field or through mechanical or electronic means, e.g. reader boards with changeable letters.

Erect: To assemble, build, construct, raise, install, attach, hang, place, suspend, affix, post, create, paint, draw, apply, or in any other way bring into being or establish.

Facing or Surface: The surface of a sign upon, against, or through which the message is displayed or illuminated on the sign.

Frontage, Lot: The length of that part of a lot that fronts a public street.

Grade: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to a freestanding sign.

Interstate Highway System: That portion of the national system of interstate and defense highways located within the State as officially designated or as may hereafter be so designated by the Board of Transportation or other appropriate authorities and are also so designated by interstate numbers.

Logo: A business trademark or symbol.

Lot: A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat and which is recognized as a separate tract for purposes of transfer of title.

Marquee: A permanent roof-like structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk, or walkway.

Parapet: The portion of a building wall or false front that extends above the roof.

Person: Any natural person, firm, partnership, corporation, company, organization, association, trust, or individual or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee, or other similar representative thereof.

Premises: A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise, activity, or use exists or is conducted, manufactured, sold, offered, maintained, or takes place.

Setback: The shortest horizontal distance from the property line or right-of-way to the nearest point (leading edge) of a sign or its supporting member.

Sign: Any object, placard, device, display or structure, or part thereof, made of any material, except live vegetation, including any surface, fabric, or other background material which is designed, constructed, and/or used for the purpose of relaying information from a fixed or mobile position to visually inform, advertise, identify, display, promote, direct, or attract the attention of general or privileged persons to an object, person, institution, organization, corporation, business, profession, commodity, product, service, event, or location by any means including, but not limited to, words, letters, phrases, sentences, emblems, trademarks, tradenames, insignias, numerals, figures, devices, designs, symbols, pictures, logos, fixtures, colors, illumination, or projected images or any other attention directing device, displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, poles, trees, buildings, or other structures or supports. The term sign shall include the terms advertisement, announcement, insignia, billboard, bill, billet, badge, display, brand, emblem, flyer, label, message board, poster, shingle, symbol, title, and trademark. The term sign shall not include the terms television, telegraph, radio, signal, or transmission. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Awning: A sign placed directly on the surface of an awning. For purposes of this Ordinance an awning sign for measuring purposes will be considered a wall sign.

Sign, Billboard: A permanent, usually free-standing, off-premise sign that is affixed to the ground or to a building, owned by a person, corporation, or other entity that engages in the business of selling or leasing the advertising space on that sign and which advertises an establishment, service, commodity, goods, or entertainment sold or offered on premises other than that on which such sign is located. Such signs commonly referred to as "outdoor advertising signs" are generally designed so that the copy or posters on the sign can be changed frequently.

Sign, Business: A permanent, on-premise sign that is affixed to the ground or to a building which directs attention to a service, commodity, goods, or entertainment sold or offered on the premises on which such sign is located.

Sign, Campaign or Election: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy: A sign, attached to or painted onto, or that forms a part of a canopy. For the purposes of this Ordinance a canopy sign for measuring purposes will be considered a wall sign.

Sign, Changeable Copy: A sign message center or readerboard that is designed so that its informational content or copy can be changed or altered by manual, electrical, electro-mechanical, or electronic means. A changeable copy sign shall be counted as a sign face.

Sign Clearance: The smallest vertical distance between the grade of the adjacent street, and the lowest point of any sign, including framework and embellishment, extending over that grade.

Sign, Conforming: A sign, which is in compliance with all the provisions of this Ordinance.

Sign, Construction: A sign placed at a construction site giving the name or names of building owners or developers, architects, engineers, and/or lending institutions and principal contractors, subcontractors, and material suppliers participating in construction on the site where the sign is placed, together with other appropriate information included thereon.

Sign Copy: Alphabetic, pictorial, numerical, and/or graphic display of permanent or removable words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area for advertising and/or informational purposes.

Sign Copy Area: Area measured by the smallest circle, square, or rectangle which will encompass all elements of informational or representational matter including all cut outs or extensions together with any materials or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. The term sign copy area shall also include the terms display area, surface area, and the word area as it relates to signage. The term sign copy area shall not be construed to include architectural trim, frames, and structural supports that do not bear any sign copy. In computing area, only one side of a double-faced sign shall be considered. The maximum angle of a double-faced sign shall be 45 degrees, except for signs located at corners in which case the maximum angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

Sign, Discontinued: Any conforming or legal non-conforming sign, other than a billboard sign, which no longer identifies or advertises a bona fide business, service, product, or activity, and/or for which no legal owner can be found which has been discontinued for a period of 120 days or more regardless of reason or intent, or a temporary sign for which the permit has expired. This is not intended to apply to seasonal type businesses which annually operate "in season." However, failure to operate any such seasonal business for a minimum of 180 consecutive days in a calendar year will deem these signs to have been discontinued.

Sign, Double-faced: A sign designed to be seen from 2 opposite directions shall be considered as one sign, provided that the 2 sign faces shall be supported on the same pole(s) or other structure, are at the same elevation and form an angle of 45 degrees or less on an interior lot or 90 degrees or less on a corner lot.

Sign Face: The part of a sign that is or can be used to identify, advertise, or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, or internal illumination used that differentiates that sign from the building, structure, backdrop, surface, or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.

Sign, Flashing: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted

intermittent light source. Automatic changing signs such as public service time, temperature, and date signs or electronically controlled message centers are classified as changeable copy signs, not flashing signs.

Sign, Freestanding: A sign which is permanently affixed to and supported by structures or supports such as poles, masts, or frames which are placed upon or anchored in the ground and which structures or supports are independent from any building or other structure. For the purposes of this Ordinance a freestanding sign shall be only those signs meeting the definition given above and which are located on the same premises for which its' message is carried. Pole, ground, and billboard signs are examples of freestanding signs.

Sign, Government: Any temporary or permanent sign, symbol, or device erected and maintained for any federal, state, county, or municipal governmental purposes including, but not limited to, legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Sign, Ground: A freestanding sign with a base which either appears to rest on the ground or which has a support(s) which places the base and portion of the sign copy area thereof less than 10 feet from the ground. A monument sign is a ground sign.

Sign Height: The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Sign, Identification: Means either or both of the following:

1. a sign used to display only the name, address, crest, or trademark of the business, individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed, and/or
2. a permanent sign announcing the name of a subdivision, tourist home, group housing project, church, school, college, park or other public or quasi-public structure, facility or development and the name of the owners or developer, but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illegal: A sign which does not meet the requirements of this Ordinance and which has not received legal non-conforming status.

Sign, Illuminated: A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Sign, Incidental: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, Indirectly or Externally Illuminated: A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs. The term Sign, Indirectly or Externally Illuminated, includes backlit.

Sign, Informational or Instructional: An on-premises sign designed to guide vehicular and or pedestrian traffic and give other instruction or direction to the public but not including any advertising message. The name or logo of the business or use about which the sign is giving direction may also be included on the sign, provided such name or logo does not comprise more than 10% of the copy area. Such signs include, but are not limited to, the following: the identification of rest rooms, public telephones, walkways, entrance and exit drives, parking, handicapped access, freight entrances, and traffic direction.

Sign, Internally or Directly Illuminated: A sign where the source of the illumination is inside the sign and light emanates through the message of the sign through transparent or translucent materials rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (1) are filled with neon or some other gas that glows when an electric current passes through it and (2) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered internally or directly illuminated signs.

Sign Maintenance: For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Sign, Marquee: A sign affixed, superimposed, or painted on a marquee identifying the name of an establishment, type of product sold, manufactured, or assembled, and/or service or entertainment offered on the premises where such a sign is displayed. For purposes of this Ordinance a marquee sign for measuring purposes will be considered a wall sign.

Sign, Memorial: A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

Sign, Motion: A sign or device designed to attract attention, all or any part of which uses movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or moving in some other manner and is set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means.

Sign, Non-Commercial: Any sign, display, or device that does not direct attention to a business operated for profit, or to a commodity, product, or service for sale, which displays a substantive message, statement, or expression that is protected by the First Amendment to the United States Constitution.

Sign, Non-Conforming: Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this Ordinance, and any amendments to, and which fails to conform to all applicable standards and restrictions of this Ordinance. An illegal sign is not a non-conforming sign.

Sign, Object or Product: A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive-thru window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper boxes.

Sign, Off-Premise: A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained, or provided at a location other than on the premises where the sign is located. Several types of off-premise signs may exist or otherwise be subject to the requirements of this Ordinance. Billboards are examples of off-premise signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county, or municipal government or their public agencies.

Sign, On-Premise: A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained, or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of on-premise signs may exist or otherwise be subject to the requirements of this Ordinance regarding said signs. Ground signs and directional signs are examples of on-premise signs.

Sign, Outdoor Advertising: See Sign, Billboard.

Sign, Pole: A freestanding sign with the base and all of the sign copy area at least 10 feet above the ground and which is supported from the ground by one or more poles or similar support structures of narrow width (maximum of 10% of the width of the sign face) and not attached to any building (not a ground sign).

Sign, Political: A temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable: A sign designed or intended to be readily relocated from one location to another whether on the same premises or a different premises, is not permanently attached to the ground, building, or other permanent structure and is differentiated from a Movable Sign in that it may be equipped for transportation by motor vehicle or other mechanical means. The term Portable Sign shall include signs on wheels, trailers, truck beds, or any other device, which is capable of or intended to be moved from one location to another. Signs defined as temporary signs are not included in this definition.

Sign, Projecting: A sign, which projects from and is supported by a building or other structure only when said projection is greater than 12 inches. The term Projecting Sign does not include the terms wall, awning, canopy, or marquee sign, which are otherwise defined herein.

Sign, Public Interest: A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Sign, Roof: A sign erected or maintained in whole or in part on, upon, or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

Sign, Sidewalk: A sign that is reusable and not permanently affixed in the ground, a structure, or building, and can easily be moved from place-to-place manually. Sidewalk signs are meant to remain in close proximity to the place of business in which they advertise and must remain within 8 feet of the entrance. The sign location may not interfere with pedestrian or vehicular circulation sightlines. A sidewalk sign is permitted during business hours only and must be kept inside when the business is not in operation. This definition includes easel signs and A-frame signs.

Sign, Snipe: A temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, or streetlight or any tree, rock, or other natural object.

Sign Structure: Any structure which supports, has supported, or is capable of supporting a sign, including any decorative cover for said sign structure.

Sign, Temporary: Any sign, designed in structure, materials, and/or copy message, which is temporary in nature to be used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, whether attached to a structure, fence, or freestanding, and whether or not it contains a frame. The term "Temporary Sign" includes the terms Banner, Pennant, Valance, Flyer, and "yard sign." Temporary Sign materials consist of cloth, vinyl, canvas, light fabric, cardboard, paper, wall board, metal, or other light material. This definition shall not include a permanent sign display area with changeable copy, or to movable or portable signs.

Sign, Vehicle: A sign on a parked vehicle visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

Sign, Wall: A sign which is placed on and/or attached to and supported throughout its entire length by the façade or exterior side of a building (or fence) wall by means of adhesive, paint, manufacturing process, structural, and/or mechanical attachment, which said sign is not more than 12 inches from the façade or exterior wall line and when its exposed face is parallel or

approximately parallel to the plane of the building or structure on which the sign is affixed. Such sign may not extend above the roofline.

Sign, Window: A sign that is placed on and/or attached to the interior side of a window or door glass of a building by means of adhesive, paint, and/or manufacturing process intended for viewing from the exterior of such building; or a sign within a building, placed no more than 12 inches behind the window which is visible through the window.

Structural (Architectural) Trim: The molding, battens, capping, nailing strips, latticing, and platforms which are attached to a sign structure.

Use: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

17.1.4 Definitions Related to Tree Preservation, Protection, and Reforestation

Basal Area: The cross-sectional area of a tree trunk at diameter breast height (dbh) expressed herein in terms of “units” per acre.

Caliper: A forestry standard of tree trunk measurement for understory or replacement trees. Caliper of the trunk shall be taken at 6 inches above the ground for trees up to and including 4 inch caliper size, and 12 inches above the ground for trees larger than 4 inch caliper.

Canopy (Overstory) Trees: A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.

Critical Root Zone (CRZ): The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ will typically be represented by a concentric circle centering on the tree’s trunk with a radius equal in feet to 1.5 times the number of inches of the trunk diameter. *EXAMPLE*: The CRZ radius of a 20 inch diameter tree is 30 feet.

DBH (Diameter breast height): The standard measure of tree size for those trees existing on a site that are at least 4 inch caliper at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, then the trunk is measured at its most narrow point beneath the split.

Density Factor: A unit of measure used to prescribe the calculated tree coverage on a site. Site density factor for areas within the corporate limits of the City of Archdale is 20 units per acre.

Development Activity: Any alteration of the natural environment which requires the approval of a site plan or the issuance of a Zoning Permit. Development Activity shall also include the “thinning” or removal of trees from any undeveloped land and the removal of trees incidental to the development of land or to the marketing of land for development.

Drip Line: An imaginary perpendicular surface of a tree's branch tips down to the ground. The circular area of land surrounding the tree from the trunk to the outermost branches. This area is not to be confused with Critical Root Zone (CRZ).

Hardwood Tree: Any leaf bearing (not needle-bearing) tree that is not coniferous (cone bearing). This definition is based on the colloquialism and does not reflect any true qualities of the tree.

Inspector: The Planning Director or his/her designee responsible for administering the provisions of this Ordinance.

Monumental Tree or Stand: Any tree or collective group of trees which qualifies for special consideration for preservation due to size, type, and condition. See Section 4 for general criteria regarding monumental trees or stands.

Revegetation: The replacement of trees and landscape materials into the minimum required landscape areas, as determined by the Zoning Ordinance, conditions of zoning approval, or the provisions of this Ordinance.

Shrub: A low, usually several-stemmed woody plant. A shrub must be a minimum of 18 inches at planting and reach a minimum height of 36 inches within 3 years of planting.

Softwood Trees: Any coniferous (cone bearing) tree, such as pine, fir, cedar, etc. This definition is based on the colloquialism and does not necessarily reflect any true qualities of the tree.

Tree: Any self-supporting, woody, perennial plant usually having a single trunk diameter of 3 inches or more which normally attains a mature height of a minimum of 15 feet.

Tree Area: An area designated for the purpose of meeting tree density requirements, saving natural trees, preserving the root system of natural trees, and/or preserving normal buffers.

Tree Protection Zone: All lands that fall outside the buildable area of a parcel required to remain in open space, or all areas required as landscaping strips or buffers according to the Archdale Zoning Ordinance, conditions of zoning approval, or provisions of this Ordinance.

Tree Removal Permit: A formal letter or permit issued by the Inspector allowing for the removal of said tree(s) on a property.

Understory Tree: Those trees that grow beneath the overstory. A species of tree that normally grows to a mature height of 15 to 35 feet.