

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 facie, the antennas shall be mounted on the facie 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.