3 SUPPLEMENTAL USE STANDARDS

3.1 APPLICABILITY

There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either. When uses are listed in the Use Matrices in Chapter 2 as Uses Permitted with Additional Standards (PS) or uses requiring Special Use Permits (SUP) they shall comply with the additional criteria set forth in this chapter for that use in addition to other applicable criteria contained in this ordinance.

3.1.1 USES PERMITTED WITH ADDITIONAL STANDARDS (PS)

A. Permitted uses with special requirements are uses permitted by right, provided that the specific standards set forth in this article are met.

B. The specified standards are intended to ensure that these uses fit the vision of the zoning districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.

3.1.2 SPECIAL USE PERMIT APPLICATIONS (SUP)

A. Special Uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.

B. All Special Uses shall at a minimum meet the standards for the zoning district in which they are located and the specific standards set forth in this article for that specific use. In addition to determining that the application meets all other requirements of this ordinance (no variances are permitted) the Board of Commissioners must find the following:

1. The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of vegetation on the site.

2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

3. Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.

4. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

5. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

C. The Planning Board shall provide a recommendation in an advisory capacity to the Board of Commissioners in assisting the Board of Commissioners to make its determination.

D. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety and welfare.

E. Approval procedures for Special Use Permits are found in Section 15.10.

3.1.3 CONFLICT WITH OTHER REGULATIONS

A. If there is a conflict between the standards set forth in this chapter and any other requirements of this ordinance, the standards of this ordinance shall control except as set forth below.

B. The zoning district in which a particular use is permitted is controlled by the use listings found for the individual districts. In the event of any inconsistency between this article and the use listings for the districts, the use listings found in Chapter 2 shall control.

3.2 SUPPLEMENTAL USE STANDARDS – RESIDENTIAL

3.2.1 DWELLING – MULTI-FAMILY (GR5, UR)

A. Building Type and Permitted Units: Multi-family units in these districts shall be restricted to the Detached House and Townhouse building types only. A maximum of 4 units is permitted in a Detached House (Quadruplex) and it shall be designed such that a maximum of two main entrances are on the fronting façade (similar to a duplex configuration). Additional building entrances may be provided on the side and rear of the building.

3.2.2 DWELLING – ACCESSORY (RD, GR3, GR5, GR10, ICD, UR, RMX, RA-HC, NMX, UMX - FOR DETACHED HOME LOTS ONLY) *[Revises Section Z-VI.7]*

A. Number: Only one accessory dwelling is permitted per lot.

B. Placement on the Lot: A detached accessory dwelling shall be sited to the side or rear of the principal building.

C. Yard Requirements: The accessory dwelling shall meet the accessory structure setbacks in Sections 2.2.3.E or 2.2.5.D as appropriate.

D. Compatibility

1. The accessory dwelling shall meet all applicable design standards for the zoning district in which it is located in accordance with Chapter 5.

2. The accessory dwelling shall be clearly subordinate (size, etc.) to the main structure. *[from Z-VI.7]*

3. The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, and roofing appearance.

E. Manufactured Housing, Campers, Recreational Vehicles, Etc. Prohibited For Use: Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.

F. Outside Entrance: If located within the principal dwelling, the apartment may have a private outside entrance, but such an entrance shall be located on or facing the side or rear of the principal dwelling. *[from Z-VI.7]*

G. Apartment Features: The apartment must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination). *[from Z-VI.7]*

H. Parking: One (1) off-street parking space shall be provided in addition to those required for the principal dwelling. *[from Z-VI.7]*

I. Signs: No signs visible from the street or public sidewalk are permitted. *[from Z-VI.7]*

3.2.3 FAMILY CARE HOME (6 OR FEWER RESIDENTS) (NB, ICD, UR, RMX, RA-HC, NMX, UMX)

A. Family Care Homes shall be certified by the International Building Code, as amended by the NC Building Code.

B. No Family Care Home shall be closer than ½ mile to another such use.

3.2.4 LIVE-WORK UNITS (NB, ICD, RMX, RA-HC)

Construction shall meet requirements of the International Residential Code, and the following:

A. The maximum total size of a Live-Work unit shall 3000 square feet and three stories in height.

B. The work area shall occupy 50% or less of the total unit.

C. The non-residential area function shall be limited to the first or main floor only.

D. A maximum of 5 non-residential worker or employees are allowed to occupy the non-residential area at any one time.

E. The same tenant shall occupy the work area and living area. Mixed occupancy shall be subject to the stricter building code requirements.

3.2.5 ALL MANUFACTURED HOUSING - *CLASS A* (RD, GR5, GR10, UR); CLASS B & C (RD, GR5, GR10) *[REVISES SECTION Z-VI.8]*

All manufactured HUD homes and offices, whether used for residential or business purposes and whether placed in a manufactured home park or on an individual lot of record, shall meet the following requirements:

A. General Provisions for All Manufactured Housing

1. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than three (3) feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper. *[from Section Z-VI.8]*

2. The manufactured home or office is set up in accordance to the standards set by the North Carolina Department of Insurance in the current edition of the North Carolina Regulations for Manufactured Homes, including, but not limited to, all footings, supporting piers, anchors, and tie downs. *[from Section Z-VI.8]*

3. The tongue, moving hitch, wheels, axles, and transporting lights are all removed. *[from Section Z-VI.8]*

4. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home are installed in accordance with the requirements of the North Carolina State Building Code, attached firmly to the primary structure, and anchored securely to the ground. *[from Section Z-VI.8]*

5. Other than those within the manufactured home or office itself, all installations of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the North Carolina State Building Code. *[from Section Z-VI.8]*

6. Empty liquefied petroleum gas containers and other objects and materials not approved by the Wake Forest Fire Department shall not be stored under manufactured homes or offices. *[from Section Z-VI.8]*

B. Class A Manufactured Homes (Double Wides):

1. A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home or office. If the masonry foundation is not brick, stone, or decorative concrete block it shall be parged (coated with a mortar-like finish) on the visible side. Class A Manufactured Homes have additional requirements, as described in the definition section of this ordinance. *[from Section Z-VI.8]*

2. Class A Manufactured Housing in GR5 and GR10 Districts shall be permitted if so designated on the Preliminary Plat.

C. Class B (single-wide) or Class C (mobile home) Manufactured Homes:

1. Each single-wide manufactured home or office shall be installed with skirting provided by the manufacturer specifically for such use, unpierced except for required ventilation and access, around the entire perimeter of the home or office. Skirting shall be made of a material compatible with the siding of the home or office. *[from Section Z-VI.8]*

2. Class B and Class C Manufactured Housing (Single-wide manufactured HUD homes) shall be permitted in Manufactured Home Parks only. *[from Section Z-VI.8]*

3.2.6 MANUFACTURED HOME PARK (RD)

A. General Park Requirements

1. No manufactured home park shall be approved for a site less than ten (10) contiguous acres under single ownership or control.

2. The manufactured home park shall be screened from all adjacent property with a Type C buffer in accordance with Section 8.5.3.

3. The operator/manager of a manufactured home park shall designate and enforce a uniform type of underpinning of all manufactured homes in the community.

4. All streets within a manufactured home park shall comply with the standards set forth in Chapter 6.

5. An acceptable plan for the collection and disposal of garbage shall be included in the site plan for the manufactured home park.

6. Recreational space shall be provided in accordance with Chapter 7.

B. Manufactured Home Space Requirements

1. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than three (3) feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper. *[from Section Z-VI.8]*
2. Each home shall be at least thirty-five (35) feet from any property line.
3. Each manufactured home space shall have a permanent site number sign that is clearly visible from the street running in front of the home.
4. A minimum of two (2) parking spaces shall be provided for each manufactured home.
5. A visitor parking area, consisting of one (1) space for each five (5) manufactured home units located within the park, shall be provided. This parking area does not have to be paved.

3.2.7 RESIDENTIAL CARE FACILITIES (MORE THAN 6 RESIDENTS) (ALL DISTRICTS EXCEPT OS, RD, LI, & HI)

A. Buffering: Residential care facilities must be buffered from adjacent residentially zoned property with a Type C buffer in accordance with Section 8.5.3.

B. Licensing: Prior to the submission of an application for a certificate of zoning compliance, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.

C. Number of Units: Unless located and having access on a Collector Street or higher order street, no residential care facility shall contain more than sixteen (16) units.

D. Development Standards

1. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
2. Where a community adjoins a residential district, with or without an intervening street or alley, to the maximum extent practicable, residential uses within the community shall be located adjacent to the residential district, and non-residential uses and signs shall be located and oriented away from the residential district.

E. Accessory Uses: The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities, gift shops, snack shops, banks, barber/beauty shops, and similar services for residents.

3.3 SUPPLEMENTAL USE STANDARDS - LODGING

3.3.1 BED AND BREAKFAST HOMES (UP TO 8 ROOMS) (RD, GR3, GR5, ICD, UR, RMX, RA-HC, NMX, UMX)

A. Location: In GR3 and GR5 districts, Bed and Breakfast Homes with more than 4 rentable rooms shall be located on corner lots only.

B. Owners: An owner/manager of a bed and breakfast home shall reside on the property.

C. Activities

1. Activities and functions at the bed and breakfast home shall be provided for overnight guests only and shall be limited to breakfast and an afternoon and/or evening refreshment.

(For RD, GR3 and GR5 Only) In addition to the functions for overnight guests, the bed and breakfast home may have six (6) private parties, receptions or similar activities per year. In no way is this provision meant to restrict the owner/manager's use of their home for personal entertaining.

3.3.2 BOARDING OR ROOMING HOUSE (12 OR LESS PERSONS) (GR3, GR5, NB, HB, ICD, UR, RMX, RA-HC, NMX, UMX)

A. Parking: In GR3, GR5, ICD, UR, RMX, RA-HC, NMX and UMX districts, parking areas shall not be permitted in the front yard and shall be screened from adjacent properties by a Type B buffer.

B. Owner: The owner shall serve as a full-time manager or otherwise designate a full-time manager, either of which shall permanently reside on the premises.

C. Building and Lot Standards

1. The minimum size of any sleeping room shall be 200 square feet per resident.

2. One full bath consisting of tub or shower, toilet and sink shall be provided for each 4 residents.

3. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.

4. Signs, other than address/tenant identification signs which meet the requirements of Chapter 11, shall not be permitted.

5. All of the lot area which is not used for parking, sidewalks, buildings, utility structures or site access must be landscaped and maintained.

3.4 SUPPLEMENTAL USE STANDARDS – OFFICE/SERVICE

3.4.1 HOME OCCUPATION (RD, GR3, GR5, GR10, UR, RMX)

A. General Standards

1. The home occupation shall be clearly incidental and secondary to residential occupancy.

2. The use shall be carried on entirely within an enclosed structure on the premises.

3. The home occupation shall be operated by a resident of the dwelling.
4. A maximum of twenty-five (25) percent of the gross floor area of the dwelling unit may be used for the home occupation.
5. A maximum of two (2) full-time equivalent non-residents of the dwelling may be employed on the premises.

B. Exterior Appearance

1. The use shall not change the residential character of the dwelling.
2. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.
3. Parking must be provided so as not to create hazards or street congestion.
4. All parking associated with the home shall accommodate off-street or in spaces directly in front of the residence.
5. No display of goods, products, services or other advertising (except permitted signage as set forth in Chapter 11, Signs) shall be visible from outside of the dwelling.
6. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

3.4.2 VETERNINARY SERVICES (RMX, RA-HC, NMX, UMX)

A. General Standards: Only animals in veterinary care may stay overnight. No kennels or storage of animals shall be permitted outside unless otherwise permitted in the district in which it is located.

3.5 SUPPLEMENTAL USE STANDARDS – COMMERCIAL/ENTERTAINMENT

3.5.1 GENERAL COMMERCIAL (NB, RMX)

A. Maximum Area of Development: The maximum aggregated gross floor area of all commercial uses in a development shall be as follows: RMX: 20,000 square feet; NB: 60,000 square feet

3.5.2 OPEN AIR RETAIL (ICD, RMX, RA-HC, NMX, UMX)

A. Location: The use shall be conducted behind the prevailing setback line for the district.

B. Sidewalk Kiosks, Vendor Carts, Concession Stands, etc: Such uses shall be permitted to operate within the right-of-way provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet) and the automobile and bicycle travelway is clear of obstructions. Food carts may be permitted to occupy on-street parking spaces subject to Town Policy.

C. Parking: No permanent parking is required but the use must accommodate reasonable vehicular circulation and parking to preclude off-site impacts as determined by the Administrator.

3.5.3 OUTSIDE SALES (NB, ICD, RMX, RA-HC, NMX, UMX)

A. Location: Outside sales must be clearly secondary to the primary use within the associated permanent structure and shall generally be located to the side or rear of the principal structure. Display of merchandise for sale outdoors in the front yard shall not exceed a maximum of 12 feet from the front face of the building.

B. Displays on public sidewalks: Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such displays shall be removed from the sidewalk when the business is not open. Such sales may also be subject to other Town ordinances.

3.5.4 SHOOTING RANGE, OUTDOOR (RD)

A. Buffering: Outdoor shooting ranges shall be buffered from adjoining properties with a Type A buffer as set forth in Section 8.5.3.

B. Location: Outdoor shooting ranges shall be located no closer than ¼ mile to any church, school or dwelling.

3.5.5 THEATER, OUTDOOR (RMX, RA-HC)

A. Buffering/Location

1. Outdoor theaters shall be buffered from adjoining residential uses with a Type A buffer as set forth in Section 8.5.3.
2. The performance and audience areas for any outdoor theater shall be located a minimum of two hundred (200) feet from any adjacent residentially zoned property.

B. Access: Primary access to all outdoor theaters shall be to a collector or higher order street.

C. Operational Standards

1. Lights shall be shielded and positioned so as not to shine onto adjacent properties.
2. Lights and loud speaker systems shall be subject to the Town of Wake Forest Code of Ordinances, Part II, Chapter 14, Article III.

3.6 SUPPLEMENTAL USE STANDARDS – CIVIC

3.6.1 CEMETERY (ALL DISTRICTS EXCEPT LI & HI)

A. Minimum Lot Size: A minimum of three (3) contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a church.

B. Minimum Yard Requirements

1. The minimum yard required for all structures, excluding gatehouse, is fifty (50) feet from any exterior property line. Gatehouses shall be excluded from any minimum yard requirement.
2. The minimum yard required for mausoleums and columbariums adjacent to a street shall be equal to a principal building front yard in the district.

3. The minimum yard required for any grave or burial plot is fifty (50) feet from any exterior property line. This requirement does not apply where the adjacent property contains an existing cemetery.

4. The minimum yard required for any grave or burial plot adjacent to a street shall be equal to a principal building front yard in the district provided that, where graves or burial plots are adjacent to streets and closer than 50 feet, a low planted screen shall be provided between the street and the cemetery. Such screen shall be 8 feet wide planted with evergreen shrubbery placed a maximum of 5 feet on center. All shrubs shall achieve a height of 4 feet within 3 years.

3.6.2 RELIGIOUS INSTITUTIONS (RA-HC, NMX, UMX)

A. **Prohibited Except as an Accessory Use:** a religious institution is prohibited from operating in a commercial or mixed-use building type except as an accessory use (less than 50% of the total first floor area) to an otherwise permitted use. All such operations shall be to the rear of the structure away from the public frontage or in upper stories. The use of upper stories by the religious institution is not limited.if provided, should be designed to avoid the swing of car doors parked.

B. Operating Hours: Commercial uses related to religious institutions (e.g., bookstores) must be open for business during typical business hours (from 8 am to 5 pm on regular non-holiday weekdays) in order to be considered as a primary use.

3.7 SUPPLEMENTAL USE STANDARDS – EDUCATIONAL/INSTITUTIONAL

3.7.1 CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS) (RD, NB, HB, ICD, RMX, RA-HC, NMX, UMX)

A. **Outdoor Play Space for Child Care Homes**

1. Outdoor play space for Child Care Homes shall be provided in accordance with the regulations of North Carolina Department of Human Resources.

2. Outdoor play space shall be enclosed on all sides by building, and/or permitted types of walls or fences. The minimum height for such fences shall be 4 feet.

3. Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children's play space.

4. Outdoor play space may not be in the established front yard.

B. **Adult Day Care Centers:** Adult Day Care Centers shall meet the requirements of the North Carolina Department of Health and Human Service's "Adult Day Care and Day Health Services Standards for Certification."

3.7.2 COMMUNITY SUPPORT FACILITY (RD, NB, RMX, RA-HC, NMX)

A. **Location:** No such use may be located within a quarter mile (1320 feet) of another such use measured as a straight line on a map unless as part of an accessory use to an existing religious institution.

3.7.3 CORRECTIONAL INSTITUTION (LI, HI)

A. Buffering: Correctional institutions shall be buffered from adjoining residentially zoned property with a Type A buffer as set forth in Section 8.5.3.

3.7.4 HALFWAY HOUSES (NB, RMX, NMX)

A. Location: No such use may be located within a half mile (2640 feet) of another such use measured as a straight line on a map.

3.7.5 SCHOOLS – ELEMENTARY & SECONDARY (ALL DISTRICTS)

A. For Schools in the RD Zone Only: To encourage walking and bicycle accessibility by schoolchildren to schools, it shall be required by the applicant to demonstrate how such accessibility can be achieved, given the low density nature of this district. Accommodation may include the construction of additional off-premise sidewalks, multi-use trails/paths or greenways to connect to existing networks.

B. For All Schools:

1. Athletic fields and parking areas must be buffered from adjacent residentially zoned property with a Type B buffer as set forth in Section 8.5.3.

2. Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.

3.8 SUPPLEMENTAL USE STANDARDS – AUTOMOTIVE

3.8.1 DRIVE-THRU/DRIVE-IN FACILITY (NB)

A. Location: Such facilities shall be located and accessed only in the third layer as noted Section 9.X.

B. Circulation: Vehicle storage/stacking areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street and shall not cause interruption of any public sidewalk or bicycle facility.

3.8.2 GAS/FUELING STATION (NB, NMX)

A. Canopies/Pumps:

1. Must be located to the side or rear of the principal building.

2. Pump canopies must be located at least fifty (50) feet from any interior side or rear property line that adjoins residentially developed property.

3. Must be buffered from adjoining residential uses with a Type B Buffer in accordance with Section 8.5.3.

4. The maximum number of pumps permitted at a single gas/fueling station shall be twelve (12).

B. Principal Buildings: A conforming principal building is required and shall be a minimum of one thousand six hundred (1,200) square feet.

C. Lighting: All lighting must be shielded to direct light and glare only onto the lot or parcel where the gas/fueling station is located and shall be in accordance with Section 10.3.8.C.

3.8.3 VEHICLE RENTAL/LEASING/SALES (NMX, UMX)

A. Screening: Vehicles must be stored in an area that is screened from the public right-of-way and adjacent residential neighborhoods by a Type B buffer in accordance with Section 8.5.3.

B. Principal Structure Required: All parking areas shall be placed in accordance with the provisions of Section 9.X and shall be accessory to an otherwise conforming building.

3.8.4 VEHICLE RENTAL-MOVING TRUCKS (NB, RMX, RA-HC, NMX, UMX)

A. Screening: Vehicles must be stored in an area that is screened from the public right-of-way and adjacent residential neighborhoods by a Type A buffer in accordance with Section 8.5.3.

B. Storage: When vehicle rental is an accessory use, the storage of vehicles shall not occupy more than the minimum number of required spaces.

C. Principal Structure Required: All parking areas shall be placed in accordance with the provisions of Section 9.X and shall be accessory to an otherwise conforming building.

3.8.5 VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR

A. Screening: All outdoor storage areas shall be screened by a Type A buffer in accordance with Section 8.5.3.

B. Vehicle Bays: Vehicle bays shall be set perpendicular to the street or otherwise screened from direct view by landscaping.

3.9 SUPPLEMENTAL USE STANDARDS – INDUSTRY/WHOLESALE/STORAGE

3.9.1 STORAGE – SELF-SERVICE (NB, NMX, UMX)

A. Entrances: Separate entrances to individual storage units from outside the building are not permitted.

3.10 SUPPLEMENTAL USE STANDARDS – AGRICULTURE

3.10.1 ANIMAL PRODUCTION (RD, GR3)

A. Size of Lot: Animal production may only occur on a lot exceeding two (2) acres in size.

B. Number of Animals: Not more than one (1) animal unit shall be kept, maintained or stabled per six thousand (6,000) square feet of land.

C. Distance from Dwelling Unit: All animals shall be fenced so that they are no closer than one-hundred (100) feet from a dwelling unit on an adjacent property. This provision shall not apply if a dwelling unit is constructed so as to encroach upon an existing animal production use. However, an existing animal production use may not expand towards a newly established residential use.

3.10.2 BACKYARD PENS/COOPS (ALL DISTRICTS EXCEPT OS, LI, HI)

A. Permit Required: No person shall stable, tie or otherwise keep within the town, nearer than 500 feet to any dwelling house, apartment or other residence occupied by any person, without first obtaining a permit from the town (as provided in the

Town of Wake Forest Code of Ordinances, Part II, Chapter 6, Article II) any of the following types of animals: Cattle; Horses; Mules; Swine; Sheep; Goats; or Fowl.

B. Exceptions from Permit Requirement: A permit shall not be required for any person wanting to keep no more than ten hens.

C. Enclosure: All above mentioned animals shall be kept in a fenced area, or other enclosure, sufficient to prevent their encroachment on neighboring properties.

3.10.3 KENNELS, OUTDOOR (RD, HB)

A. General Standards

1. Any building or pen housing animals shall be located a minimum of one hundred fifty (150) feet from any residentially zoned or developed property.

2. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.

B. Disposal of Waste

1. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.

2. Animal wastes shall not be stored within one hundred and fifty (150) feet of any property line or surface waters unless located indoors.

C. Buffering: All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a Type A buffer in accordance with Section 8.5.3.

3.10.4 PRODUCE STANDS (ALL DISTRICTS EXCEPT OS, LI, HI)

A. Duration: Produce stands shall be permitted by the Administrator to operate on an individual parcel for a period of time not to exceed ninety (90) consecutive days and no more than two (2) events per calendar year.

B. Hours of Operation: Hours of operation shall be limited to 7:00 AM – 10:00 PM.

3.11 SUPPLEMENTAL USE STANDARDS – INFRASTRUCTURE

3.11.1 AIRSTRIP (RD, GR3, LI, HI)

A. Screening: Hangars or open storage shall be screened with a Type B buffer from all property lines, except those properties with LI and HI zoning.

B. Noise: No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

C. Hours of Operation: Hours of operation shall be limited from 6 am – 10 pm.

3.11.2 WIRELESS TELECOMMUNICATIONS FACILITY [ALL DISTRICTS] *[Z-VI.9]*

A. Scope: This section shall regulate all communications broadcasting, towers, support structures, antennas, broadcast receiving facilities and equipment, and any combination thereof, except the following:

1. Television sets.

2. AM and FM radio receivers.
3. Amateur (HAM) radio receivers and transmitters.
4. Citizen band (CB) radio receivers and transmitters, cellular telephones, pagers, and similar personal communication devices.
5. Facilities which qualify as accessory structures as per Section 4.6.5.

B. Permitted Districts: Wireless Telecommunications Facilities are permitted in the NB, HB, ICD, LI, HI, NMX and UMX Districts, as outlined in the table below:

Height of Proposed Facility	Use Allowance	Additional Standards
60 ft or less	PS - Such facilities are permitted by-right provided they meet all the supplemental standards of this section.	n/a
More than 60 ft	SUP - Such facilities shall be permitted by Special Use Permit ONLY in accordance with the procedures set out in Section 15.10.	The facility shall be found to camouflaged in a manner so as to reflect the characteristics of the neighborhood or its environs as approved by the Design Review Board.

C. Permitted Locations In Any District: Wireless telecommunications facilities are permitted in any district, provided they meet the supplemental use standards in this section and are located in/on any of the following:

1. Government facilities;
2. Public parks (only for facilities of 60 feet in height or less);
3. Utility structures;
4. Within any building or structure whose primary purpose is not to support communications equipment, such that the facility is completely concealed.

D. Location

1. Wireless Telecommunications Facilities shall not be permitted within 500 feet of any residential use.
2. Wireless Telecommunications Facilities of more than 60 feet in height shall not be permitted within 1,500 feet of a public park.

E. Co-Location of Wireless Telecommunication Facilities: Co-location is an arrangement whereby more than 1 user occupies a single tower or structure. In order to maximize the use of towers and to reduce the number of towers needed to serve the community, the following co-location requirements shall apply to all users, except accessory uses to a residence.

1. Co-location on a previously-approved tower is permitted without an additional Special Use Permit provided that all conditions of the previously-approved permit are complied with.
2. Co-location on a building or substantial structure, such as a water tower or telephone pole, shall effect a waiver of any Special Use Permit requirement, but all other applicable provisions of this section, and the ordinance, shall be met and be approved by the Technical Review Committee (TRC). The TRC may require that a Special Use Permit application be filed if it is in doubt as to whether or not a given proposal is in keeping with the spirit of the ordinance.

In an effort to further the purpose stated above, the town encourages co-location on its facilities.

3. Where a new tower is proposed, documentation shall be required to substantiate why the proposed antenna(s) and/or equipment cannot be accommodated on a previously-approved tower due to one (1) or more of the following reasons:

a. The planned equipment would exceed the structural capacity of previously approved towers, considering their existing and planned use, and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or

b. The planned equipment would cause RF interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost; or

c. Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present user(s); or

d. Other reasons which make it impractical to place the planned equipment on previously approved towers. Such reasons shall be explained and documented in detail.

4. Where a new tower is proposed and sufficient reasons for a new tower exist, favorable consideration will be given to towers designed to accommodate other future users. Documentation shall be required describing the capacity of the proposed tower in terms of today's technology (including the number and type of antennas that it can accommodate). Approval of such new tower will be conditioned on space being made available to such fixture users at a reasonable fee and any necessary costs of adapting the facilities to the proposed future use.

5. Where a new tower is proposed and sufficient reasons for a new tower exist and the tower will not be designed to accommodate other future users, documentation justifying the proposal shall be required.

6. For any proposed new tower, favorable consideration will be given to those that locate in close proximity to other towers and/or locate in areas where the tower and any accessory buildings can be screened by existing vegetation, land forms, or structures.

F. Setbacks: The minimum tower setback from any property line shall meet the following requirements, provided that in no case shall a tower in excess of 150 feet in height be setback less than 50 feet from any property line. These setback requirements shall not apply to communications equipment co-located on facilities located in the public right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met. Setback shall be:

1. Equal to the height of the tower; or

2. Equal to the maximum fall distance for an engineer-certified installation; published engineering data for a particular model of tower will be acceptable to substantiate a setback less than the height of the tower if the building inspector can easily determine that the tower has been installed in accordance with such data, otherwise a professional engineer must certify that the tower is installed as required; or

3. For towers not exceeding 80 feet in height:

   a. Equal to the engineer-approved guy point distances for guy-wire-supported towers, or

   b. Equal to one half (1/2) the tower height for self-supporting towers, or

   c. For a steel monopole tower with a base diameter greater than or equal to one (1) foot, equal to one-half (1/2) of the height of the tower, provided that a professional engineer certifies that the tower is of sufficient strength to withstand hurricane-force winds of a velocity that have occurred, or can be expected to occur, in the area, and that should winds of greater velocity occur, the design of the tower is such as to bend rather than fall.

G. Security: Security fencing at least 6 feet in height shall be installed around the base of the tower OR the tower shall be equipped with an engineer-certified anti-climb device. Published data or documentation for an anti-climb device must be provided to support such device and must be of such nature to enable the building inspector to easily determine that the anti-climb device has been installed in accordance with such data, otherwise a professional engineer must certify that the anti-climb device has been properly installed. This requirement shall not apply to communications equipment co-located on facilities located in the public right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met.

H. Signs: No business signs, billboards, or other advertising shall be installed on the tower or security fencing.

I. Lighting: Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other federal or state authority, and in no case shall exceed the required minimum. Every effort should be made to obtain waivers to FAA coloring and lighting requirements if such waivers would not affect aircraft safety. To the extent allowed by the FAA, strobes shall not be used for night time lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to construction of the tower, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

J. Abandonment: Any tower that ceases to be used for communications broadcasting and/or broadcast receiving as permitted by this ordinance for a period of more than 6 months shall be removed by the property owner at his/her expense. This removal shall occur within 90 days of the end of such 6-month period. Upon removal, the site shall be re-vegetated to blend with the existing surrounding vegetation.

K. Screening: Where the tower is not an accessory use and the site abuts or is visible from residentially-developed land, or a street designated as a major thoroughfare by the current Thoroughfare Plan, except for fence and wall entrances, the security fencing described in provision G, above, shall be screened by a Type A buffer as outlined in Section 8.5.3. This buffer shall be installed within 1 year of construction of the security fencing and shall be maintained as required herein for the life of the tower. This screening is required in addition to any other screening required by other sections of the UDO. This requirement shall not apply to communications equipment co-located on facilities located in the public right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met

L. Design

1. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques should be evaluated, taking into consideration the site as built.
2. Freestanding towers shall be screened, constructed and/or colored to blend, as much as possible, with the area and the background against which they are most commonly seen.
3. When a Special Use Permit is required, the Planning Board may specify the type of construction (monopole versus lattice, etc.) in cases where they determine that a particular type of construction is better suited for a particular area for safety and/or aesthetic reasons.
4. Towers and antennas on a building or substantial structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.
5. Where an antenna or antennas are co-located on a structure such as a light standard, telephone pole, fence pole, etc., the height of the structure supporting the antenna(s) shall not exceed the average height of similar structures in the vicinity by more than 10%.

M. Annual Inspection: Towers over 200 feet in height shall be inspected annually by a qualified person, and any recommended repairs shall be made. A copy of the inspection report and listing of subsequent repairs made, if any, shall be filed with the Administrator. At a minimum, the inspection shall cover the following:

1. Tower structure. - including loose bolts, loose or damaged members, signs of unusual stress or vibration.
2. Tower vertical alignment.
3. Guy wire tension - both required tension and present tension.
4. Guy wires and fittings - check for security, rust and vibration.
5. Guy anchors and foundations - assess for cracks in concrete, signs of corrosion or movement, secure hardware, proper fencing.
6. Other items including antennas, transmission lines, lighting, painting, insulators, grounding and elevator.

N. Federal Requirements:

1. Section 704(a) of the (federal) Telecommunications Act of 1996 expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.
2. Because of the frequencies assigned to the low power mobile radio service providers by the FCC and the relatively low power output by lower power mobile radio service facilities, possible interference to household appliances such as radios, television and cordless telephones for nearby residents will be

minimal. The FCC has established regulations governing interference that state it is the responsibility of the carrier to promptly resolve any electromagnetic interference problems created.

O. Historic Districts: Facilities located within any historic district overlay zone as established by Section 2.4.2 shall comply with all appropriate requirements and procedures of that section.

P. Site Plan: A site plan demonstrating compliance with these regulations and meeting the requirements of Chapter 15 must be submitted to, reviewed and approved by the TRC, and by the Planning Board when a Special Use Permit is required.

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