

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. The proposed use will not cause undue traffic congestion or create a traffic hazard.
 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.
 7. The application will not substantially injure the value of adjoining or abutting property.
 8. The proposed use is consistent with the officially adopted plans and policies of the town.

- 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 – MULTIFAMILY (UR)

- A. **Building Type and Permitted Units:** Multifamily 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, PUD - FOR DETACHED HOME LOTS ONLY)

- 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.
 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.

- 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).
- H. Parking:** One off-street parking space shall be provided in addition to those required for the principal dwelling.
- I. Signs:** No signs visible from the street or public sidewalk are permitted.

3.2.3 FAMILY CARE HOME (6 OR FEWER RESIDENTS) (RD, GR3, GR5, GR10, NB, ICD, UR, RMX, RA-HC, NMX, UMX, PUD)

- 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 (GR10, ICD, UR, RMX, RA-HC, PUD)

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

- A.** The maximum total size of a Live-Work unit shall be 3,000 square feet and 3 stories in height.
- B.** The work area shall occupy a maximum of 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)

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 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.
- 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.
- 3.** The tongue, moving hitch, wheels, axles, and transporting lights are all removed.
- 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.

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.
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.

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.
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.
2. Class B and Class C Manufactured Housing (Single-wide manufactured HUD homes) shall be permitted in Manufactured Home Parks only.

3.2.6 MANUFACTURED HOME PARK (RD)

A. General Park Requirements

1. No manufactured home park shall be approved for a site less than 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 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.
2. Each home shall be at least 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 2 parking spaces shall be provided for each manufactured home.
5. A visitor parking area, consisting of 1 space for each 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 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:** 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 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, PUD)

- 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 25% of the gross floor area of the dwelling unit may be used for the home occupation.
 - 5. A maximum of 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 be accommodated 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 VETERINARY SERVICES (RMX, RA-HC, NMX, UMX, PUD)

- 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 (RESERVED FOR FUTURE USE)

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

- 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.
- 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 OUTDOOR SEATING (NB, HB, ICD, RMX, RA-HC, NMX, UMX, PUD)

Outdoor seating is only allowed as an accessory use to any restaurant, bar/tavern, or other uses where food or beverages are served for consumption as an accessory use, subject to the following standards:

- A. No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in the outdoor seating area at a volume that is any louder than necessary for the convenient hearing of persons within the outdoor seating area, and that would disturb the peace, quiet, or comfort of adjoining properties or businesses.
- B. Hours of operation of the outdoor seating area shall be the same as those for the establishment.
- C. Food preparation shall occur only within the enclosed principal building.
- D. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- E. No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.
- F. The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property or business agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property or business.
- G. A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

- H. A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.
- I. No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.
- J. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.
- K. The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing the principal establishment also subject to the following requirements:
 - 1. A Right-of-Way Encroachment Agreement must be obtained from Town of Wake Forest Public Works or NCDOT. Terms of the encroachment agreement will include, but are not limited to:
 - a. Ensures that the operator is adequately insured against and indemnifies and holds the Town harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;
 - b. Authorizes the Town to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and
 - c. Authorizes the Town to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a Town order to do so within a reasonable time period.
 - d. In the downtown area, known as the Renaissance Area, all furniture must be of similar color and material with the existing street furnishings. Under no circumstances shall plastic tables or chairs, vinyl umbrellas, and/or plastic barriers be permitted.

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

- 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 sales may also be subject to other town ordinances.

3.5.5 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.

3.5.6 THEATER, OUTDOOR (RMX, RA-HC, PUD)

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 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 AND PUD)

A. North Carolina Cemetery Act: All cemetery and related uses shall meet the requirements set forth by the North Carolina Cemetery Act, and if applicable shall obtain a license from the North Carolina Cemetery Commission.

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

C. Minimum Yard Requirements

1. The minimum yard required for all structures, excluding gatehouse, is 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 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.

- 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, PUD)

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 walls or fences in accordance with the standards in Section 4.3.4.E. 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, PUD)

- 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 (HB DISTRICT)

- A. 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.
- B. 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.
- C. Student pick-up/drop-off areas shall adhere to NCDOT standards for vehicular circulation and stacking.

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 9.3.

- 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, PUD)

A. Canopies/Pumps:

1. Must be located to the side or rear of a principal building.
2. Pump canopies must be located at least 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 12.

- B. Principal Buildings:** A conforming principal building is required and shall be a minimum of 1,600 square feet when it is on a stand-alone parcel. In a shopping center, no principal building is required as long as all other standards of this Section are met.

- 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 9.3 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 9.3 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 INDUSTRY, LIGHT (HB, LI, HI)

- A. **Off-Site Impacts:** No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.
- B. **Environmental Hazards:** All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
- C. **Vehicular Access:** Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

3.9.2 INDUSTRY, HEAVY (HI)

- A. **Location:** All such uses must be located a minimum distance of 500 feet from the GR3, GR5, GR10 and UR districts and any parallel conditional district to those districts.
- B. **Environmental Hazards:** All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
- C. **Vehicular Access:** Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

3.9.3 MATERIAL RECOVERY & WASTE TRANSFER FACILITIES (LI, HI)

- A. **Location:** All such uses must be located a minimum distance of 500 feet from the GR3, GR5, GR10 and UR districts and any parallel conditional district to those districts.
- B. **Environmental Hazards:** All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
- C. **Vehicular Access:** Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.
- D. **Screening**
 - 1. A minimum 150-foot buffer area is required along all property lines and public rights-of-way. No materials recovery and waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.
 - 2. A Type A buffer shall be required in the buffer area along all property lines and public rights-of-way regardless of the adjacent zoning. Existing plant material may be included in the computation of the required plantings, with approval of the Administrator.

3.9.4 RECYCLING COLLECTION STATIONS (NB, HB, ICD, LI, HI)

A. Location

1. All outdoor storage, collection loading and processing areas must be located a minimum distance of 500 feet from the GR3, GR5, GR10 and UR districts and any parallel conditional district to those districts.
2. All outdoor storage, collection loading and processing areas must be located a minimum distance of 50 feet from the adjacent property line.

B. Environmental Hazards: All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.

C. Vehicular Access: Vehicular access to the site shall be provided on a thoroughfare of suitable industrial capacity as determined by the Administrator and/or any required Transportation Impact Analysis.

3.9.5 STORAGE – SELF-SERVICE (NB)

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 2 acres in size.
- B. Number of Animals:** Not more than one animal unit shall be kept, maintained or stabled per 6,000 square feet of land.
- C. Distance from Dwelling Unit:** All animals shall be fenced so that they are no closer than 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 100 feet to any dwelling house, apartment or other residence occupied by any person, without first obtaining a development permit from the town 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 10 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.
- D. PUD:** Only permitted in a PUD district on lots a quarter of an acre or above in size.

3.10.3 KENNELS, OUTDOOR (RD, HB)

A. General Standards

1. Any building or pen housing animals shall be located a minimum of 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 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 90 consecutive days and no more than 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]

A. Purpose and Legislative Intent: The Town of Wake Forest finds that Wireless Telecommunications Facilities (WTF) may pose significant concerns to the health, safety, public welfare, character and environment of the town and its inhabitants. The town also recognizes that facilitating the development of wireless service technology can be an economic development asset to the town and of significant benefit to the town and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the town's land use policies, the town is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this section is to minimize the impact of Wireless Telecommunications Facilities, 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 Town of Wake Forest. The Town hereby adopts the following policies and related procedures with respect to the submittal, review, approval and issuance of permits or administratively granted authority for Wireless Telecommunications Facilities for the express purpose of achieving the policies and goals set forth herein:

B. Applicability

1. **Permit Required:** No new support structure or Substantial co-location or Modification of a non-Eligible Facility shall be allowed without having first obtained a Special Use Permit. Each new support structure or Substantial modification or co-location of a carrier's or other user's equipment shall require the submission of a WTF application and Development Permit application.

2. **Responsibility for Compliance:** At all times the owner of the property on which a WTF is located, and the owner of the WTF, shall each be responsible for assuring that the WTF is in compliance with this section and shall be held accountable for any violation of this section.
3. **Existing Facilities:** All legally permitted WTFs that existed on or before the effective date of this section shall be allowed to continue as they existed as of the effective date, provided however, that they were constructed and are operating as originally permitted. Any modification of an existing WTF (including co-locations) not previously permitted under this section will require the complete facility and any new installation to comply with this section, as will anything changing the structural load.
 - a) Any previous work not properly permitted prior to the adoption of this Section must be permitted within ninety (90) days of the effective date of this Section.
 - b) Any Substantial Co-location or Modification of a Facility, Tower or other support structure or Complex, must be permitted under this Section and will require the entire Facility or Complex and any new Co-location or Modification to comply with this Section, including obtaining a valid Certificate of Completion.
 - c) Any proposed Eligible Facility shall not require a permit granted under this Section, but shall be required to obtain a Development Permit and Certificate of Completion.
4. **Repair and Maintenance:** Any repair and/or maintenance of a WTF that qualifies for treatment as an Eligible Facility does not require an application for a Special Use Permit, but may require a Development Permit or other permits as required.
5. **Exclusions:** The following shall be exempt from this section:
 - a. Any facilities expressly exempt from the town’s siting, building and permitting authority.
 - b. Any reception or transmission devices expressly exempted under the Telecommunications Act of 1996.
 - c. When placing wireless facilities on government-owned property or facilities, only non-commercial wireless facilities are exempt from the permitting requirements of this section.
 - d. Facilities used exclusively for private, non-commercial radio and television reception and private citizen’s bands, licensed amateur radio and other similar non-commercial telecommunications with a tower less than 60 feet in height.
 - e. Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a, b, g services (e.g., Bluetooth) where i) the facility does not require a new tower or increase the height, silhouette or profile of the structure being attached to ii) where the service is not to be used for commercial purposes; iii) where there is no fee or charge for the use of the service; and iv) where the service is intended to be useable for less than 200 feet.

C. Application Procedures

1. **Pre-Application Meeting Required:** There shall be a pre-application meeting to address issues that will help to expedite the review and permitting process

and certain issues or concerns the town may have. A pre-application meeting shall also include a site visit, if there has not been a prior site visit for the requested facility.

2. **Retention of Expert Assistance Cost to be Borne by Applicant:** The town may hire any consultant and/or expert necessary to assist the town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections. Preference shall be given to those persons or organizations who i) have at least five (5) years experience working exclusively for the public sector regulating Towers and Wireless Facilities or negotiating leases for such facilities; ii) Wake Forest residents; and iii) firms who qualify as Minority and Women-owned Firms under applicable State and Federal guidelines. The cost of such shall be the responsibility of the applicant in accordance with the town's adopted fee schedule. The payment of the expert assistance cost and the application fee to the town shall precede the pre-application meeting or any work being done as regards processing an application. The town will maintain an accounting for the hours expended in the review of the application. The town's consultant/expert shall invoice the town for all time expended in its services.
3. **Carrier Required for Application:** Neither a Special Use Permit, Conditional District, nor a Development Permit shall be issued for construction of a new Tower or other support structure or for a Substantial Modification of such until there is a specific carrier with a written commitment to use the Facility if permitted that i) documents the technical need for the height requested to primarily and essentially serve the town; and ii) shows by clear and convincing evidence that co-location on an existing structure within the applicant's search ring without resulting in a new structure or Substantial modification is not reasonably feasible. Co-location on an existing structure is not reasonably feasible if co-location is technically or commercially impracticable or the owner of the support structure is unwilling to enter into a contract for such use at fair market value.
4. **Revocation:** Special Use Permits for Wireless Telecommunications Facilities shall automatically be revoked if the physical construction of activity authorized by said permit has not commenced within 120 days of the date of issuance of the applicable permit. Failure to complete construction of a WTF within 90 days subsequent to issuance of a Development Permit shall result in revocation of the Development Permit unless prohibited from completion of such construction by an act of force majeure.
5. **Responsible Party(s):** The owner(s) of a Facility or Complex, any support structure used to accommodate wireless Facilities, and of the land upon which a Facility support structure or Complex is located, shall at all times be jointly and severally responsible for: (1) the physical and safe condition of the Facility or Complex, support structure and all components on the site related to the Facility or Complex; (2) assuring that all activities of owners, users, or lessees occurring on the site, and all components on the site related to the Facility or Complex, are at all times in compliance with all applicable laws, ordinances, rules, regulations, orders, and permits related to the Facility or Complex; and (3) assuring the proper permitting as required by this Article and other Town regulations by all lessees and users of the Facility or Complex, including but not limited to any upgrades and/or Modifications of equipment. Said owner(s) shall regularly and diligently monitor activities at the site to assure that the Facility or Complex is operated in compliance with this Ordinance, other Town regulations, and any Special Use Permit or Conditional District.

D. General Policies and Procedures for Applications under this Section

In order to ensure that the placement, construction and Modification of a Facility or the components of a Complex do not endanger or jeopardize the Town’s health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Section, the Town hereby adopts an overall policy and related procedures with respect to the submittal, review, approval and issuance of permits or Administratively granted authority for Wireless Facilities for the express purpose of achieving the policies and goals set forth herein:

1. Requiring a Special Use Permit for any new Complex, Facility or any Substantial Modification of a Facility or Complex or for a Co-located Facility;
2. Requiring Administrative approval and a properly issued Building Permit for any co-location or Modification of a Facility or Complex that is not a Substantial Modification or Co-location;
3. Implementing an Application process and requirements;
4. Establishing procedures for examining an Application and issuing a Special Use Permit or Administrative Approval that is both fair and consistent;
5. Promoting, and requiring wherever possible, the sharing and/or co-location of support structures among service providers;
6. Requiring, promoting and encouraging, wherever possible, the placement, height and quantity of a Facility or Complex in such a manner as to minimize the physical and visual impact on the community, including but not limited to the use of stealth technology.
7. Flush Mounting Required: All new or replacement sectorized directional antennas, shall be flush-mounted or as close to flush-mounted as is technologically possible on any structure attached to it, so long as such does not have the effect of prohibiting the provision of service to the intended service area, alone or in combination with another site(s), unless the applicant can prove that it is technologically impracticable;
8. Placement on Building: If attached to a building, all antennas shall be flush-mounted on the facade of the building and camouflaged so as to match the color and, if possible, texture of the building, or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved;
9. Requiring that the Facility and Complex shall be the least visually intrusive among those options available in the Town given the facts and circumstances.
10. The Board of Commissioners are the officially designated agency or body of the Town to whom applications for a Special Use Permit for a Facility or Complex must be made, and that is authorized to make decisions with respect to granting or not granting or revoking Special Use Permits applied for under this Section. The Board of Commissioners may at its discretion delegate or designate the Planning Board or other official agencies or officials of the Town or outside consultants to accept, review, analyze, evaluate and make recommendations to the Board of Commissioners with respect to the granting

or not granting or revoking Special Use Permits for Wireless Telecommunications Facilities. However, the Board of Commissioners shall possess the sole right to grant all Special Use Permits.

11. There shall be a pre-application meeting for all intended applications. The pre-application meeting may be held either on site, or telephonically as deemed appropriate by the Town or its designee. The purpose of the pre-application meeting will be to address i) issues that will help to expedite the review; and permitting process; and ii) certain issues or concerns the Town or the Applicant may have.
12. If there has not been a prior site visit for the requested Complex within the previous six (6) months a site visit shall be conducted. Costs of the Town's consultant to prepare for and attend the pre-application meeting will be borne by the applicant and paid for out of a fee set forth in the Town's Official Fee Schedule, which shall have been paid to the Town prior to any site visit or pre-application meeting.
13. An Applicant shall submit to the Town the number of completed Applications determined to be needed at the pre-application meeting. If Board of Commissioners action is required, applications will not be transmitted to the Board of Commissioners for consideration until the application is deemed complete.
14. If the proposed site is within two (2) miles of another jurisdiction, written notification of the Application shall be provided to the legislative body of all such adjacent jurisdictions as applicable and/or requested.
15. The owner(s) of the support structure to which antennas or related equipment are to be attached must be an official Applicant of Record.
16. All Applicants shall closely follow the instructions for preparing an Application. Not following the instructions without permission to deviate from such shall result in the application being deemed incomplete and a tolling of the time allowed for action on an Application until a Complete Application is received.
17. The Applicant shall be notified in writing of any deficiencies within forty-five (45) days of the submission of an Application as regards any deficiencies related to the completeness of the Application. Remediation of deficiencies in an Application shall be deemed an amendment of the Application that was received.
18. The Town may deny applications not meeting the requirements stated herein or which are otherwise not complete after proper notice and a reasonable opportunity to make the Application complete has been afforded. Applications will be deemed abandoned if left incomplete for more than ninety (90) days after the date of notice of incompleteness.
19. No work of any kind on a Facility or Complex shall be started until the Application is reviewed and approved by the Board of Commissioners and the Special Use Permit or Conditional District, if applicable, has been issued or approved, and a Building Permit has been issued.

20. Any and all representations made by the Applicant or that are made in support of the Application shall be deemed to be on the record, whether written or verbal, and shall be deemed to have been relied upon in good faith by the Town. Any verbal representation shall be treated as if it were made in writing.
21. Other than to remediate non-compliant situations related to matters of safety or the conditions of a permit, no permits for work at a Facility or Complex shall be issued where the Facility or Complex is not in full compliance with all applicable local, State and federal laws, rules, regulations and orders. A Facility or Complex not in full compliance with this Section shall be required to be brought into full compliance before any Permit of any kind will be issued.
22. An Application shall be signed on behalf of the Applicant(s) by a person vested with the authority to bind and commit the Applicant attesting to the truthfulness, completeness and accuracy of the information presented.
23. The Applicant must provide documentation to substantiate that it has the right to proceed as proposed on the site or at the Complex in the form of an executed copy of the lease with the landowner or landlord or a signed letter of agency granting authorization. If the applicant owns the site or Complex, a copy of the ownership record is required.
24. Applications shall include written commitment statements to the effect that:
 - a. the applicant's Facility or Complex shall at all times and without exception be maintained in a safe manner, and in compliance with all conditions of all permits, as well as all applicable and permissible local codes, ordinances, and regulations and all applicable Town, State and Federal Laws, rules, and regulations, unless specifically granted relief by the Commission in writing;
 - b. the construction of the Facility or Complex is legally permissible, including, but not limited to the fact that the Applicant is licensed to do business in the State.
25. Where a certification is called for in this Section, such certification shall bear the signature and seal of a Professional Engineer licensed in the State.
26. A support structure and any and all accessory or associated structures shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and to harmonize with the natural surroundings. This shall include the utilization of stealth or camouflage or concealment technology as may be required by the Town.
27. All utilities at a Complex or site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the Town, including specifically, but not limited to applicable electrical codes.
28. At a Facility or Complex needing vehicular access, an access road, parking and turn around space for emergency vehicles shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. If the current access road or turn around space is deemed

in disrepair or in need of remedial work to make it serviceable and safe and in compliance with any applicable regulations as determined at a site visit, the Application shall contain a commitment to remedy or restore the road or turn around space so that it is serviceable and safe and in compliance with applicable regulations.

29. All work at a Facility or Complex shall be done in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Town, State, or United States, including but not limited to the most recent edition of the TIA ANSI Code, National Electric Safety Code, the National Electrical Code and the Occupational and Safety and Health Administration (OSHA) regulations, recommended practices of the National Association of Tower Erectors and accepted and responsible workmanlike industry practices. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
30. A holder of a Special Use Permit or Administratively granted permit under this Section shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the Town or other governmental entity or agency having jurisdiction over the applicant.
31. Unless such is proven to be technologically impracticable, the Town requires the co-location of new antenna arrays on existing structures, as opposed to the construction of a new Complex or support structure or increasing the height, footprint or profile of a Facility or Complex beyond the conditions of the approved Special Use Permit for an existing Facility or Complex. In instances not qualifying for the Streamlined process the Applicant shall submit a comprehensive report inventorying all existing structures more than fifty feet (50') in height within one-half (1/2) mile of the location of any proposed new Facility or Complex.
32. An Applicant intending to co-locate on or at an existing Facility or Complex shall be required to document the intent of the existing owner to permit its use by the Applicant.
33. Co-located equipment shall consist only of the minimum Antenna array technologically needed to provide service primarily and essentially within the Town, to the extent practicable, unless good cause is shown in the form of clear and convincing evidence.
34. DAS systems that are owned or operated by a commercial carrier and are part of a commercial wireless system, or are used for commercial purposes, are expressly included in the context of this Section, regardless of the location or whether the Facility or any of its components is located inside or outside a structure or building.
35. The existence of a lease or an option to lease shall not be deemed justification for not complying with the priorities set forth in this Section. An Applicant may not by-pass sites of higher priority solely because the site proposed is under lease or an option to lease exists. If a site other than the number one priority is proposed, the applicant must explain to the reasonable satisfaction of

the Town why co-location is technically or commercially impracticable. Build-to-Suit agreements between carriers and a proposed Tower owner shall not be a valid basis for any claim of exemption, exception or waiver from compliance with this Section.

36. New Towers or other support structures shall be prohibited in Residential Districts, Historic Districts, Renaissance Districts and areas officially deemed to be visual or scenic sensitive areas, unless the Applicant provides clear and convincing technical evidence demonstrating that i) a new Tower as proposed is Necessary, ii) that the intended area cannot be served from outside the District or sensitive area; iii) that no existing or previously approved Facility or Complex can reasonably be used to serve the intended area within the Town; and iv) that not to permit a new Tower would result in or would preclude eliminating a significant gap in service.
37. Required Signs
 - a. Notification shall be posted on all sides of a Facility to warn all persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area.
 - b. 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 be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet.
 - c. On tower sites, an FCC registration number, as applicable, is also to be present.
 - d. The signs shall not be lighted, unless required for security purposes.
 - e. No other signage, including advertising, shall be permitted.
 - f. No sign shall exceed 4 square feet in size.

E. Compliance with FCC Standards governing RF Radiation

1. **Compliance Required:** All Wireless Telecommunications Facilities shall be in compliance with the most recent Federal Communications Commission’s regulations governing exposure to RF Radiation (i.e. NIER or Non-Ion Emitting Radiation) for the general public as determined on a cumulative basis reflecting the emissions from all equipment associated with the WTF.
2. **Notice to be Posted:** All WTFs shall be posted with a sign denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC’s permitted standards and any portion(s) of the structure or the surrounding area that would be exposed to RF radiation in excess of the FCC’s permitted standards. In such an instance the RF Radiation from all wireless facilities at that location shall be included in the calculations to show the cumulative effect on any area of the building or structure or area around the WTF deemed accessible by the public or workers.
3. **Post Construction Survey may be Required:** In certain instances, the town may deem it appropriate to have an 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 town 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.
4. **Barricading of Non-Compliant Structures Required:** If any section or portion of the structure to be attached to or the area around it is not in compliance with the FCC’s regulations regarding RF radiation, that section or

portion must be barricaded with a suitable barrier and marked off to discourage approaching into the area in excess of the FCC's regulations, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger.

F. Location Standards

1. **Prohibited Locations:** Telecommunications towers shall be prohibited in Residential Districts, Historic Districts or Renaissance Districts except when no alternative can provide necessary wireless service in that district.
2. **New Towers Not Preferred:** New Telecommunications towers or increasing the height of an existing tower shall always be a last resort.
3. **Priority Locations:** Applicants for Telecommunications towers shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, in the order listed:
 - a. On existing Wireless Telecommunications Facilities without increasing the height or profile of the tower or structure.
 - b. On town-owned properties or facilities or related public utilities (e.g., water towers and power line transmission towers).
 - c. On properties in areas zoned for business use, excluding Renaissance Districts.
 - d. On properties in areas zoned for rural use.
4. **Justification Required for Non-Preferred Location:** If the proposed site is not proposed for the highest priority listed above, then a detailed explanation and justification must be provided as to why a site of each and all higher priority designations was not selected. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted as proposed. The test for cost-based arguments shall be commercial impracticability.
5. **Reasons for Denial:** Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the town may disapprove an Application for any of the following reasons:
 - a. Failure to file a complete application;
 - b. Conflict with safety and safety-related codes and requirements;
 - c. Conflict with the historic nature or character of a neighborhood or district;
 - d. The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - e. The need for a zoning variance;
 - f. The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the town, or employees of the service provider or other service providers;
 - g. The placement and location of a WTF would result in a conflict with, ~~or~~ compromise ~~it~~ or change the nature or character of the surrounding area;
 - h. Conflicts with the provisions of this section;

- i. Failure to submit a complete application as required under this section after having been provided an opportunity to make complete or otherwise remedy an incomplete application.
6. Notwithstanding anything to the contrary in this section, for good cause shown if it could result in a less intrusive facility or facilities, singly or in combination, and still accomplish the primary service objective, the town may require the relocation of a proposed site, including allowing for the fact that relocating the site chosen by the applicant may require the use of more than one site to provide substantially the same service.

G. Standards for Towers

1. **Town Policy:** As the town has made the policy decision that more towers of a shorter height is in the public interest, as opposed to fewer taller towers, spacing or the distance between towers shall be such that the service may be provided without exceeding the maximum permitted height.
2. **Monopole Required:** All new towers shall be of the monopole type.
3. **Maximum Height:** The maximum permitted total height of a new WTF shall be 90 feet above pre-construction ground level. The maximum permitted height is not an as-of-right height, but rather the maximum permitted height under any circumstances, absent proof of the technological need for a greater height.
4. **Clear Evidence Required:** The applicant shall submit clear and convincing technical documentation justifying the technical need for the total height of any WTF or Antenna requested and the technical need by a specific carrier or user of the WTF for such if the antenna is the first antenna to be attached to a WTF. Documentation must include all modeling data and assumptions used to produce the evidence at the requested height and a minimum of 10 feet lower height to enable verification of the need for the requested height.
5. **Height Exceptions:** Relief from the maximum permitted height of new WTF shall only be considered where clear and convincing technical evidence substantiates a taller height is technically necessary for a specific carrier or user of the WTF for the provision of wireless service primarily and substantially within the town, to the exclusion of any alternative option that is not technologically or commercially impractical, and where denial of a taller height would have the effect of prohibiting the provision of wireless service to the community by a specific carrier or user of the WTF.
 - a. If the requested height exceeds the 90 foot maximum permitted height, the required documentation shall be provided prior to the consideration of a Special Use Permit request.
 - b. In determining the necessary height for a WTF, or the height or placement of a co-location on a WTF, the signal strengths analyzed shall be the threshold or lowest signal strength at which the customer equipment is designed to function, which may be required to be determined by the manufacturer’s specifications for the customer equipment.
6. **Balloon Test Required for New or Expanded Towers:** In order to better inform the public in the case of a new telecommunication tower or an increase in height of an existing tower, the applicant shall hold a “balloon test” prior to the initial public hearing on the application. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a 10 foot in length brightly colored balloon at the maximum height of the proposed new tower.

- a. **Sign Required:** At least 14 days prior to the conduct of the balloon test, a sign containing the times and date(s) of the balloon test and contact information shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than 14 days after the conduct of the balloon test. The sign shall be at least 4 feet by 8 feet in size.
 - b. **Published Notification:** The dates, (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date) times and location of this balloon test shall be advertised by the applicant 7 and 14 days in advance of the first test date in a newspaper with a general circulation in the town. The applicant shall inform the town in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least 4 consecutive hours between 10:00 am and 2:00 p.m. on the dates chosen. The primary date shall be on a week-end, but the second date, in case of poor visibility on the initial date, may be on a week day. A report with pictures from various locations of the balloon shall be provided with the application.
 - c. **Notification to adjacent property owners:** The applicant shall notify all property owners by first-class mail located within 1,500 feet of the nearest property line of the proposed site and of the date(s) and time(s) of the balloon test. Such notice shall be provided at least 14 days prior to the conduct of the balloon test.
7. **Tower Setbacks:** All proposed Telecommunications Towers and any other unattached proposed WTF support structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances:
 - a. A distance equal to the height of the proposed tower or other support structure plus 10% of the height of the structure, otherwise known as the Fall Zone or the existing setback requirement of the underlying zoning district, whichever is greater.
 - b. Any accessory structure shall be located within the footprint 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.
 - c. The Fall Zone shall be measured from the nearest portion of the right-of-way of any public road or thoroughfare or property line and any occupied building or domicile to the nearest point of the support structure. Further, the nearest portion of any access road leading to a wireless Telecommunications facility shall be no less than 15 feet from the nearest property line, other than at the point of access from another road, thoroughfare or driveway.
 - d. There shall be no development of habitable buildings within the Fall Zone.
8. **Structural Engineer Certification Required:** All towers shall be certified as being structurally adequate by a licensed structural engineer to be in accordance with all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI guidelines (e.g., ANSI-EIA/TIA 222) and any such certification shall be accompanied by a detailed structural report, including all supporting calculations. No WTF shall have equipment attached to it that exceeds a literal 100% of the loading and stress capability the WTF is designed to support.

9. **Removal and Performance Security:** The applicant and the owner of record of any proposed Wireless Telecommunications Facilities property site shall, at its sole cost and expense, be jointly required to execute and file with the town a bond, or other form of security acceptable to the town as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a tower and with such sureties as are deemed sufficient by the town to assure the faithful performance of the terms and conditions of this section and any 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 in the case of abandonment 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.

H. Tower-Sharing/Co-Location

1. **Tower Sharing/Co-Location Required:** The WTF shall be structurally designed to accommodate at least six antenna arrays as regards the load and stress created on the structure, with each array to be sited in such a manner as to provide for flush attachments to the greatest extent possible with the minimum separation required to achieve the co-locations in the minimum height possible without causing RF interference or physical conflict.
2. **Special Use Permit Not Required for Eligible Facilities:** There shall be no Special Use Permit required for an application that qualifies as an Eligible Facility.
3. **Variations to Standards:** As a means of minimizing the height necessary, a claim of interference because of a need to have greater than 6 feet of vertical clearance between facilities, measured from the vertical centerline of one array to the vertical centerline of another, must be proven by technical data showing that there is no technological alternative that would enable the service to be provided that would require less vertical space. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage beyond 6 users of the WTF is not reasonably feasible.
4. **Feasibility for Co-Location:** The applicant for a new Tower or other support structure shall provide information necessary to determine whether co-location is feasible based upon the kind of WTF site and structure proposed and the available space on existing structures and approved Wireless Telecommunications Facilities. The same shall be required for a Substantial Modification application showing that there is no alternative other than to increase the height or width of the profile or ground space. The owner of a proposed new WTF, and his/her successors in interest, shall:
 - a. Respond within 60 days to a request for information from a potential shared-use Applicant;
 - b. Negotiate in good faith concerning future requests for shared use of the new WTF by other telecommunications providers;
 - c. Allow shared use of the new WTF if another telecommunications provider agrees in writing to pay reasonable charges;
 - d. Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.

5. **Flush Mounting Required:** Unless it can be proven that such would be technologically impracticable, all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible without prohibiting or having the effect of prohibiting the provision of service, or provide clear and convincing technical evidence using hard data and a detailed narrative, that flush mounting cannot be used and would serve to prohibit or have the effect of prohibiting the provision of service.
6. **Structural Engineer Certification Required:** The application co-locations on all towers shall be structurally certified by a licensed structural engineer to be in accordance with all local, state and federal structural requirements for loads and stresses, including wind and ice loads and stresses and including, but not limited to the most recently adopted version of all applicable ANSI guidelines (e.g., ANSI-EIA/TIA 222) and any such certification shall be accompanied by a detailed structural report, including all calculations.

I. Removal of Wireless Telecommunications Structures and Facilities

1. **Notice Required:** The owner of any WTF or wireless facility shall be required to provide a minimum of 30 days written notice to the Administrator prior to abandoning any WTF or wireless facility.
2. **Conditions for Removal:** Under the following circumstances, the town may determine that the health, safety, and welfare interests of the town warrant and require the removal of Wireless Telecommunications Facilities:
 - a. Abandonment (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding 90 consecutive days or a total of 180 days in any 365 day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days of abandonment;
 - b. Disrepair such that it creates a health or safety hazard;
 - c. Illegally located, constructed, or modified without first obtaining, or in a manner not authorized.
3. **Notice of Removal Required:** Notice of non-compliance shall be given to the property owner and the holder of the Special Use Permit for the Wireless Telecommunications Facilities within 48 hours that said Wireless Telecommunications Facilities are to be removed. Notwithstanding the preceding, the town may approve an interim temporary use agreement/permit, such as to enable the sale of the WTF.
4. **Compliance with Removal Order:** The Wireless Telecommunications Facilities, and all associated structures and facilities, shall be dismantled and removed from the site and the site shall be restored to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the town. Failure to comply the removal order may result in the removal of said facilities by the town at the sole expense of the property owner or Special Use Permit holder. If the town removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within 10 days, then the town may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

- 5. Temporary Use Permit Agreement:** Notwithstanding anything in this section to the contrary, the town may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than 90 days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the town, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the town. If such a plan is not developed, approved and executed within the 90 day time period, then the town may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this section and utilize the performance bond.

J. Application Requirements

1. Items Specific to the WTF Application (i.e. a new Facility)

- a. A detailed narrative description and explanation of the specific objective(s) for the new facility, or the Substantial Modification of an existing wireless facility, expressly including and explaining the purpose and technical need of a specific, identified wireless carrier, such as coverage and/or capacity needs or requirements, and the specific geographic area of intended coverage;
- b. Technical documentation (and related modeling information and assumptions used) that proves the technical need for the WTF to provide service primarily and essentially within the town to the exclusion of all other alternatives;
- c. A copy of the required FCC 5 and 10 year build-out plan required by and filed with the FCC and specifically noting the status of compliance in terms of percentages served;
- d. The frequency, modulation and class of service of radio or other transmitting equipment for each frequency band or type of service that the applicant will provide from the facility upon completion of construction;
- e. The maximum transmission power capability of all radios, as designed, located at the WTF;
- f. The actual intended transmission power stated as the maximum effective radiated power (ERP), both in dBm's and watts;
- g. Written acknowledgement that any new telecommunications tower shall be managed so as not to restrict, prevent or prohibit competition among carriers;
- h. The written disclosure of any condition in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new Telecommunication Tower that it constructs;
- i. If increasing the height, profile or footprint of, or the number of attachments to, an existing WTF:
 - i. The age of the tower 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
 - iii. The make, model, type and manufacturer of the facility and the structural design calculations, certified by a Professional Engineer

licensed in the State, proving the facility's capability to safely accommodate the facilities of the applicant without change or modification or if any change or modification of the facility is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;

- j. Application for New WTF or a Substantial Modification of an Existing Facility versus an application for an Eligible Facility. The applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Wireless Telecommunications Facilities or the use of structures within the town that are at or above the surrounding tree height or the tallest obstruction and are within one mile of the proposed tower. Copies of written requests and responses for shared use shall be provided to the town in the application, along with any letters of rejection stating the reason for rejection.
 - k. A Visual Impact Assessment, which shall include:
 - i. A computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure to illustrate locations from which the proposed installation may be seen, with and without foliage;
 - ii. Photo simulations of "before and after" views from key viewpoints inside of the town 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 highly visible. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. 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;
 - iii. A visual representation of the visual impact of the proposed facility, including, as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets and any proposed screening.
 - l. Structural certification and supporting calculations by a licensed structural engineer showing compliance with all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI guidelines (e.g., ANSI-EIA/TIA 222).
- 2. General Application Items (these should be combined with the SUP application requirements)**
- a. 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;
 - b. The zoning district or designation in which the property is situated;
 - c. A site plan showing the address, tax parcel number, parcel dimensions, footprint and the type, proposed structures, location and dimensions of buildings, access drives, location of any guy wires, landscaping and buffers, fencing and any other requirements of site plans;

- d. Elevations showing the profile or the vertical rendition of the WTF identifying proposed attachments and all related fixtures, structures, appurtenances and apparatus, including the height above the pre-existing grade, materials, colors and lighting;
 - e. A map or diagram showing all existing and proposed users and attachments to the facility, including the all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - f. The azimuth, size and center line height location of all proposed and existing antennas on the supporting structure, identified by owner or carrier;
 - g. The type and design of the WTF, the number and type of antenna arrays proposed and the basis for the calculations of the WTF’s structural capacity to accommodate the required number of antenna arrays for which the structure must be designed;
 - h. The applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new telecommunication tower that it constructs;
 - i. The applicant must provide documentation to verify it has the right to proceed as proposed on the site. This requires an executed copy of the lease with the landowner or landlord or a signed letter of agency acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
3. **Eligible Facility Application Requirements:** No Special Use Permit shall be required for an Eligible Facility. However, a Building Permit, a Certificate of Completion and all other applicable permits and authorizations shall be required. The following represent the Town’s policy(s) regarding Eligible Facilities.
- a. The Town shall not be required to issue a Development Permit for any Eligible Facility, the service area for which is not primarily and substantially within the Town.
 - b. Compliance: Other than to remediate non-compliant situations related to matters of safety or the conditions of a permit, no permits for work at a Facility or Complex shall be issued for any work related to an Eligible Facility where the Facility and Complex are not in full compliance with all applicable local, State and federal laws, rules, regulations and orders. A Facility and Complex not in full compliance shall be required to be brought into full compliance before a Development Permit will be issued for work related to an Eligible Facility request or application.
 - c. Attachments to Buildings: All antennas shall be flush-mounted on the facade without increasing the height of the building or other structure, unless it can be shown by clear and convincing evidence that such would prohibit or have the effect of prohibiting the provision of service. All such attachments and exposed cabling shall use camouflage or stealth techniques to match the color and texture of the structure as closely as possible.

- d. Attachments to Towers: All antennas attached to a Tower or other structure shall be flush mounted or as near to flush mounted as is reasonably possible so as to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable.
- e. Attachments to Water Tanks: 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 intrusive on the tank will prohibit or have the effect of prohibiting the provision of service.
- f. Structural Analysis and Report: The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation in the form of a structural analysis, including supporting calculations, that prove that the support structure and its foundation as proposed to be utilized are designed and were or will be constructed to meet all local, Town, State, Federal and TIA ANSI 222 structural requirements for loads, including wind and ice loads and the placement of any equipment on the roof a building after the addition of the proposed new equipment.
- g. ANSI Inspection: A complete, un-redacted EIA/TIA ANSI 222 Report regarding the physical condition of the Facility or Complex and 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 Development Permit shall be issued for any Tower, other support structure, Complex or Wireless Facility or related equipment without the required TIA ANSI 222 Report and 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 Town, 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 Administrator.