

ARTICLE 5 ADDITIONAL CONDITIONS FOR CERTAIN USES

Note: *These conditions apply only to uses “Permitted with Conditions” or by “Special Use Permit” in the applicable zoning district as listed in Section 3.5, Table of Permitted Uses.*

5.1 ACCESSORY COMMUNICATION ANTENNAE.

See applicable conditions for Accessory Communication Antennae listed under 5.36 Telecommunications Towers.

5.2 ACCESSORY DWELLING UNIT, ATTACHED.

- (A) The principal use of the lot shall be residential and the principal structure on the lot shall be a single-family residential building.
- (B) No more than one (1) accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
- (C) The accessory dwelling shall be owned by the same person as the principal dwelling.
- (D) The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.

5.3 ACCESSORY DWELLING UNIT, DETACHED.

- (A) The principal use of the lot shall be residential and the principal structure on the lot shall be a single-family residential building.
- (B) No more than one (1) accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
- (C) The accessory dwelling shall be owned by the same person as the principal dwelling.
- (D) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling.
- (E) The detached accessory dwelling shall be housed in a building not exceeding 650 square feet of first floor area (maximum footprint); the structure may be a dwelling only or may combine a dwelling with a garage, workshop, studio, or similar accessory use.
- (F) The detached accessory dwelling shall be located in the side or rear yard.
- (G) The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.

5.4 ADULT ESTABLISHMENTS.

- (A) All windows, doors, openings, entries, etc. for all adult establishments shall be so located, covered, screened or otherwise treated so that views into the interior of the establishment are not possible from any public or semi-public area, street or way.

- (B) No adult establishment shall be established within 1,000 feet (determined by a straight line and not street distance) of the closest boundary of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal straight line distance from the closest point on the boundary line of the property occupied by the adult establishment.
- (C) No adult establishment shall be located within 1,000 feet (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.
- (D) Screening shall be required around the entire perimeter of any adult use, regardless of adjacent zoning district or existing land uses. The screening shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years. This screening shall be located in a 15 foot wide buffer.
- (E) Supplemental Site Plan Requirements.
 - (1) Location of existing structures on property within 1,000 feet of exterior wall(s) of the regulated use.
 - (2) Zoning of properties within 1000 feet of each property line of the regulated use.
 - (3) Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this chapter.
- (F) Operational Considerations.
 - (1) If applicable, all viewing booths shall be open and be visible to the manager(s) of the establishment.
 - (2) If applicable, there shall be a minimum separation of six (6) feet between patrons and performers.
 - (3) Masseuses and servers of food and beverage shall at all times wear a shirt and pants.
 - (4) No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

5.5 AGRICULTURE, BONA-FIDE FARMS, INCLUDING PROCESSING OR SALE OF PRODUCTS GROWN ON THE SAME ZONING LOT, EXCLUDING AGRICULTURAL INDUSTRY.

- (A) Agricultural uses which are permitted must maintain a minimum ten (10) foot vegetated buffer, or equivalent control as determined by the Soil and Water Conservation

Commission along all perennial waters indicated on the most recent versions of USGS 1:24,000 scale (7.5 minute) topographic maps.

- (B) All structures, buildings, or enclosed areas in the ETJ used for housing of poultry, hogs, cattle, or other livestock shall be a minimum of 100 feet from all property lines.

5.6 AMUSEMENTS, COMMERCIAL, INDOOR.

- (A) Indoor amusement facilities shall take place entirely within an enclosed facility.
- (B) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the facility shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the use.

5.7 AMUSEMENTS, COMMERCIAL, OUTDOOR.

- (A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential district in addition to landscaped buffers required in Article 9 – Landscaping, Screening, and Buffer Areas.
- (B) No permanently established amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 200 feet of the closest point of any abutting property located in a residential district.
- (C) Hours of operation shall be no earlier than 8 am and no later than 11 pm.

5.8 ARTS AND CRAFT STUDIO.

See Section 5.16 – HOME OCCUPATION AND ARTS AND CRAFT STUDIOS OPERATED IN A RESIDENCE.

5.9 BED AND BREAKFAST ESTABLISHMENTS.

- (A) The structure housing the bed and breakfast inn shall be pre-existing at the time of approval. No physical expansions of the residential structure shall be allowed to accommodate the bed and breakfast inn except to provide code-mandated ingress and egress.
- (B) Meals served shall be limited to breakfast only. Meals shall be available to guests of the bed and breakfast inn only. Cooking facilities within individual guest bedrooms shall not be allowed.
- (C) One off-street parking space per guest bedroom shall be required in addition to the spaces required for the single-family residential structure itself. All off-street parking spaces shall be located on-site.
- (D) One (1) on-premises sign advertising the bed and breakfast inn shall be allowed. The sign may be attached or free standing and have an area of no greater than 16 square feet.

5.10 BROADCAST STUDIOS (RADIO AND TELEVISION).

- (A) Ground-mounted or tower-mounted antennas associated with a Broadcast Studio shall be subject to the following conditions:
 - (1) Guy wires, anchors, and supporting cables shall be contained on the same zoning lot with the tower and shall not encroach more than one-half the width of the planted buffer.
 - (2) The lot shall be of sufficient size to accommodate the intended use and the required planted buffer.
 - (3) The maximum height of any part of a ground-mounted or tower-mounted antenna shall not exceed 20 feet or the minimum height necessary to achieve adequate reception.
 - (2) Ground-mounted or tower-mounted antennas greater than 20 feet shall be located a minimum of 100 feet from any residentially zoned property.
 - (3) An opaque screen shall be planted or installed around the perimeter of any ground mounted antenna sites in accordance with Article 9 – Landscaping, Screening, and Buffer Areas.
- (B) Roof-Mounted Antennas shall be subject to the following conditions:
 - (1) Antennas mounted on a building shall not exceed an overall height of 20 feet over the height restriction for the zoning district in which it is located.
 - (2) Roof-mounted antennas shall be permitted on an accessory structure located in a side or rear yard between the principal building and the property line.
 - (3) Roof or structure-mounted antennas shall comply with the setback requirements for the district in which they are located.
- (C) General Requirements.
 - (1) Antennas shall not be used to display a sign or message board.
 - (2) Permits, if required by the adopted building or electrical code, shall be obtained prior to construction of an antenna.
 - (3) All wiring to a freestanding antenna shall be installed underground.

5.11 CEMETERY.

- (A) A minimum of three (3) contiguous acres shall be required to establish a cemetery not located on the same tract of land as a church or place of worship.
- (B) Tombstones, crypts, columbaria, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property. Greater setbacks shall be

observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least 20 feet from any side or rear lot lines in cemeteries (or cemetery expansions).

- (C) Principal access shall be from a collector street or higher capacity street.
- (D) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than 20 feet from any side lot line abutting a residential district and 40 feet from any such rear lot line.

5.12 CONSTRUCTION VEHICLE SALES, REPAIR, LEASING, MAINTENANCE, OR STORAGE.

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

- (A) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street or required planting yard.
- (B) Where permitted as a principal use on a lot, the area of storage shall be no closer than 40 feet from an abutting street right-of-way.
- (C) The area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen in accordance with the screening requirements of Article 9 - Landscaping, Screening, and Buffer Areas.

5.13 GREENHOUSES AND GARDENS, NON-COMMERCIAL AND ACCESSORY TO RESIDENTIAL USE.

- (A) Residential gardens shall be permitted as an accessory residential or agricultural use within all underlying zoning districts.
- (B) All residential gardens shall be exclusively utilized for home consumption and not sold as a commodity or product to the general public.
- (C) Accessory residential gardens may occupy the front yard, side yard or the rear yard (but no more than two of the three yards), and shall not occupy more than 50% of the minimum yard area of the zoning district on which the residential garden is located.
- (D) Non-commercial greenhouses shall meet all setback requirements for accessory structures.
- (E) The residential garden shall be located and maintained in a manner that does not create any adverse impacts associated with stormwater runoff, erosion and/or sedimentation onto a neighboring property.

5.14 GREENHOUSES AND HORTICULTURAL NURSERY, COMMERCIAL.

- (A) All commercial buildings, greenhouses, storage sheds, and similar structures and parking or storage areas for vehicles, equipment, or supplies shall be set back from all property lines and street rights-of-way, a minimum of twice (2x) the required setbacks for the principal building in the zoning district in which the property is located.
- (B) Parking areas and outdoor areas used for storage of equipment or supplies must be screened from adjacent properties. All screening shall meet the requirements of Article 9 - Landscaping, Screening, and Buffer Areas.
- (C) Noise. Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (D) Dust: All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (E) Fencing: Security fencing shall be provided around all outside storage areas.

5.15 FAMILY CARE HOME.

- (A) Family care homes as defined and allowed by GS 160D-907 shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts
- (B) Spacing. The zoning lot on which the family care home is proposed shall not be located within a one-half (1/2) mile radius of a zoning lot containing another such facility

5.16 HOME OCCUPATIONS AND ARTS AND CRAFT STUDIOS OPERATED IN A RESIDENCE.

A home occupation or arts and craft studio is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:

- (A) The home occupation or arts and craft studio must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling. No retail activity shall be permitted.
- (B) A home occupation or arts and craft studio conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
- (C) The use shall employ no more than one (1) person who is not a resident of the dwelling.
- (D) A home occupation housed within the dwelling shall occupy no more than 25% of the total floor area of the dwelling.
- (E) There shall be no visible outside display of stock in trade which is sold on the premises.

- (F) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation or arts and craft studio, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
- (G) Operation of the home occupation or arts and craft studio shall not be visible from any dwelling on an adjacent lot, nor from a street.
- (H) Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation or arts and craft studio.
- (I) The home occupation or arts and craft studio shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure(s) housing the home occupation or studio.
- (J) Home occupations and arts and craft studios shall be limited to those uses which do not draw clients to the dwelling on a regular basis.
- (K) Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, shall have a secured work area, and shall be a minimum of ten (10) feet from abutting property lines.
- (L) Signs for customary home occupations shall not exceed eight (8) square feet in display area, shall not exceed three (3) feet above ground level in height and shall not be illuminated.

5.17 HOME OCCUPATIONS, RURAL.

- (A) A building containing a rural home occupation shall be located in the rear yard only at least 100 feet from any existing residence on an adjacent parcel and land at least 50 feet from any side or rear property line which abuts a Residential (R) district. If the lot containing a rural home occupation abuts a Business (B) or the M-1 district, the side and/or rear yard setbacks normally prescribed for said lot shall be followed.
- (B) A rural home occupation shall have a maximum area equal to one-half (1/2) the ground floor area of the principal structure or 800 square feet, whichever is smaller.
- (C) No outside storage of materials shall be permitted.
- (D) Chemical, mechanical or electrical equipment which creates odors, light emission, noise or interference in radio or television reception detectable without the use of instruments beyond the lot shall be prohibited.
- (E) No display of products shall be visible from a public street and only articles that are made on the premises may be sold. Sales of products are limited to those made on the premises and/or those which are necessary to the service being provided.
- (F) No more than one (1) customary home occupation or rural home occupation may be conducted on a lot.

- (G) The operator of the rural home occupation must reside on the same parcel of land upon which the rural home occupation is located.
- (H) No more than two (2) people who do not reside on the premises may be employed by the rural home occupation.
- (I) Only vehicles used primarily as passenger vehicles (i.e., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the rural home occupation.
- (J) All rural home occupations shall normally conduct business between the hours of 7am and 9pm only.
- (K) Signs for rural home occupations shall not exceed eight (8) square feet in display area, shall not exceed three (3) feet above ground level in height and shall not be illuminated.

5.18 KENNEL.

- (A) Any structure which houses animals which is not fully enclosed shall be located at least 100 feet from any lot line.
- (B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line.
- (C) Any kennel which is not wholly enclosed within a building shall be enclosed by a security fence at least six (6) feet in height, which shall include primary enclosure of runs.
- (D) A maximum of 12 dogs shall be permitted in outside runs.

5.19 LABORATORY, RESEARCH.

- (A) All research laboratories shall meet any Federal and State regulations and obtain any required permits necessary to operate.

5.20 MANUFACTURED HOME.

- (A) All homes shall be oriented to ensure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the Zoning Administrator.
- (B) A permanent porch shall be placed on the front of each home which measures at least six (6) feet in width and a minimum of 24 square feet in area.
- (C) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; or natural or synthetic stone masonry. Assemblies, products and materials manufactured

expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

5.21 MANUFACTURED HOME, TEMPORARY.

- (A) Temporary manufactured homes shall only be permitted for reasons of personal hardship defined as:
 - (1) A short-term medical emergency within the immediate family.
 - (2) Cases of fire or destruction of a primary residence requiring temporary relocation.
- (B) Homes shall be permitted for a period not to exceed 24 months.
- (C) All homes shall be placed on the lot in harmony with existing site-built structures.
- (D) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; vinyl; or painted wood or metal to match dwelling. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

5.22 MANUFACTURING OR PROCESSING A.

- (A) No structure or manufacturing operation shall be located within 30 feet of any property line nor within 75 feet of abutting property located in a residential district or developed for residential use.
- (B) Where permitted as an accessory use in conjunction with a building, the area of open storage shall be no closer than 50 feet from any abutting street right-of-way.
- (C) Where permitted as a principal use on a lot, the area of open storage shall be no closer than 25 feet from an abutting street right-of-way.
- (D) All areas established for outdoor storage located within 100 feet from a public street right-of-way and from all abutting properties not used by a manufacturing or processing business, including security fencing of such areas, shall be screened from view from the public street(s) by an opaque screen a minimum of six (6) feet in height.

5.23 MANUFACTURING OR PROCESSING B.

- (A) No structure or manufacturing operation shall be located within 40 feet of any property line nor within 100 feet of abutting property located in a residential district or developed for residential use.

- (B) Vehicular access to the proposed use shall be provided by an arterial or collector roadway.
- (C) Where permitted as an accessory use in conjunction with a building, the area of open storage shall be no closer than 50 feet from any abutting street right-of-way.
- (D) Where permitted as a principal use on a lot, the area of open storage shall be no closer than 25 feet from an abutting street right-of-way.
- (E) All areas established for outdoor storage located within 100 feet from a public street right-of-way and from all abutting properties not used by a manufacturing or processing business, including security fencing of such areas, shall be screened from view from the public street(s) by an opaque screen a minimum of six (6) feet in height.

5.23.1 MOBILE FOOD UNITS, FOOD TRUCKS, AND PUSHCARTS.

- (A) Shall meet and follow all Stanly County Health Department requirements for Mobile Food Units.
- (B) Shall dispose of all waste and remove all trash daily.
- (C) Location shall be left litter free after close of business each day.
- (D) Signage shall not block sight triangle for vehicles entering or exiting the location.
- (E) No signage shall be left on site except one sign up to 6 square feet announcing the next time the mobile food unit will be at that location. Signage shall meet requirements of Article 6 Sign Regulations in the Village Zoning Ordinance.
- (F) Vendors serving more than 3 days in a calendar year, shall acquire an annual permit from the Village for a fee established by the Village Council.
- (G) Hours of operation (6:00 am to 9:00 pm March through October and 6:00 am to 7:30 pm November through February) unless a permit is obtained from Village Council for special event extended hours.
- (H) No music played or loudspeakers allowed.
- (I) No unreasonably loud or unnecessary noise.

5.24 MOTOR VEHICLE PAINT OR BODY SHOP.

- (A) Motor vehicle paint and/or body shops are limited to a maximum area of two (2) acres.
- (B) No repair work shall be done on motor vehicles while stored in an outdoor storage yard. No parts or other articles may be removed from the vehicles except for security purposes, nor shall any parts or articles be sold. The sale of whole vehicles shall be permitted only to satisfy a mechanics lien or by order of a law enforcement agency.

- (C) Outdoor storage areas shall be surrounded by opaque fencing that is set back a minimum of ten (10) feet from public street rights-of-way. Vertical stacking of motor vehicles is prohibited.
- (D) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.
- (E) Spray booths shall be constructed and operated in accordance with all state and federal environmental regulations.
- (F) A motor vehicle paint and/or body shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this article for such yards.

5.25 NURSERY SCHOOL, CHILD DEVELOPMENT CENTER AND KINDERGARTEN.

- (A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum 20 foot setback as measured from the abutting street right-of-way line shall be required.
- (B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four (4) feet in height.
- (C) Outdoor activities are limited to the fenced area between 8 am and 8 pm.
- (D) At least one (1) off-street passenger loading/unloading space separate from required parking shall be provided for each 20 people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

5.26 PRINTING OR BINDING.

- (A) Printing and binding facilities shall comply with all applicable local, State and Federal regulations.
- (B) Chemical substances shall be disposed of properly and off-site when no public sewer is available.
- (C) No outside storage of materials shall be permitted.

5.27 PUBLIC SAFETY STATIONS INCLUDING POLICE, FIRE AND RESCUE SERVICES.

- (A) Public safety stations shall be located and designed to minimize adverse impacts on adjacent properties through compatible building placement, location of driveways and parking areas, building design, outdoor lighting, and landscaping.
- (B) Public safety stations shall have direct access to an arterial or collector street.

- (C) All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete.
- (D) All outdoor lighting fixtures shall comply with the provisions of Article 8 – Outdoor Lighting.
- (E) Landscaping, screening and buffer areas shall be installed in accordance with the provisions of Article 9 – Landscaping, Screening and Buffers.

5.28 RESIDENTIAL BUILDING, MULTI-FAMILY.

- (A) Density. See Dimensional Requirements listed in Section 3.4 for maximum density permitted in zoning district.
- (B) Lot Width. The minimum lot width for all multi-family developments shall be 100 feet.
- (C) Building Setback Lines. All principal buildings shall be located at least 35 feet from any property lines.
- (D) Building Location. Buildings containing dwellings shall be set back a minimum of 15 feet from internal driveways and parking areas.
- (E) Building Separation. A separation of at least 20 feet shall be provided between all buildings on the same site.
- (F) Building Height. The maximum height for all structures in a multi-family development shall be 35 feet.
- (G) Screening and Buffers. Planting yards shall consisting primarily of evergreen trees shall be provided around the perimeter of the development to effectively screen the development from view of adjoining properties in accordance with the requirements of Article 9 – Landscaping, Screening, and Buffer Areas.
- (H) Control of Potential Nuisance Uses. Mechanical equipment rooms, air conditioning units or cooling towers, swimming pools, water filtration systems, children’s play areas and sporting facilities shall not be placed within 50 feet of adjacent land used or anticipated to be used for single-family residential.
- (I) Internal Relationships. All structures, uses, and facilities shall be grouped in a safe, efficient, convenient and harmonious relationship in order to preserve desirable natural features and minimize disturbances to the natural topography of the site.
- (J) Interior Circulation System. Streets, drives, parking areas shall provide safe and convenient access to dwelling units. Specifically, streets and driveways shall be laid out to not encourage outside traffic to traverse the development on minor streets and streets should not create unnecessary fragmentation of the development into small blocks.
- (K) Vehicular Access to Public Roads. When possible, vehicular access to a public road from off-street parking or service areas shall be so combined, limited, located, designed and controlled as to channel traffic to and from such areas in a manner which minimizes the number of access points and promotes the free flow of traffic on streets without excessive interruption.

- (L) Signs. Signage shall be permitted in accordance with the sign regulations listed in Article 6 of this ordinance.
- (M) Off-Street Parking. Off-street parking shall be provided in accordance with the parking requirements listed in Article 7 of this ordinance.

5.29 RESIDENTIAL BUILDING, TWO-FAMILY (DUPLEX).

Two-family residential buildings are permitted on corner or through lots in districts designated in Section 3.5 – Table of Permitted Uses according to the following standards:

- (A) The entrances to each unit may face different streets.
- (B) If a duplex building fronts on two (2) streets, the building shall meet the minimum front yard setback from both streets upon which a unit faces.
- (C) The lot shall meet the minimum lot and yard requirements listed in Section 3.4 – Dimensional Requirements.

5.30 RETAIL STORE, LARGE (>5,000 s.f.)

- (A) Large retail store sites shall be immediately adjacent to a major thoroughfare or arterial.
- (B) Total site area occupied by all structures shall not exceed 40% of the gross land area.
- (C) Uses shall be permitted in accordance with the underlying zoning district.
- (D) Access.
 - (1) All vehicular access to a shopping center development containing multiple destinations shall be provided by means of a shared driveway, side street, or frontage road.
 - (2) The approaches to loading and unloading areas shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.
 - (3) At least one (1) driveway or other vehicular link shall be provided between adjacent mixed use and commercial properties, such as shops and offices that require public access.
- (E) Service areas, including trash containment areas and outdoor wash areas, shall be shielded from the view of any street and abutting properties by an opaque screen consisting of buildings, landscaping, walls, fencing or any combination thereof.
- (F) Outdoor Lighting. Outdoor lighting shall be designed and installed to comply with the standards of Article 8 – Outdoor Lighting.

5.31 SCHOOLS, ELEMENTARY AND SECONDARY, INCLUDING SCHOOL STADIUMS.

- (A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (B) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school.
- (C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs a minimum of three (3) feet in height (with an expected height at maturity of at least six (6) feet), six (6) feet on center at installation.
- (D) Outdoor Lighting. Outdoor lighting shall be designed and installed to comply with the standards of Article 8 – Outdoor Lighting.

5.32 SCHOOLS, VOCATIONAL OR PROFESSIONAL.

- (A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (B) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school.
- (C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs a minimum of three (3) feet in height (with an expected height at maturity of at least six (6) feet), six (6) feet on center at installation.
- (D) Truck driving schools with outdoor maneuvering areas shall not be allowed in the I-U zoning district.

5.33 SHOOTING RANGE, INDOOR.

- (A) Indoor shooting ranges shall be designed to absorb sound to the maximum extent possible.
- (B) Noise emanating from the facility shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the use.

5.34 SOLAR ENERGY POWER GENERATION SYSTEM (SEPGS).

- (A) Site Standards.
 - (1) Setbacks. A SEPGS shall meet the setbacks for the underlying zoning district. A SEPGS that is integrated into the primary structure shall meet the setbacks required for the primary structure. A SEPGS that is accessory to the primary structure shall be located in the side or rear of the primary structure and no closer

than 50 feet to the front property line or right-of-way and ten (10) feet to the nearest side or rear property line.

- (2) Power Transmission Lines to any building, structure, or utility connection shall be, to the fullest extent possible, located underground. Existing above ground utility lines shall be allowed to remain in their current location.
- (3) Height. A ground or pole mounted SEPGS shall not exceed 25 feet in height when oriented at maximum tilt.
- (4) A six (6) foot high fence shall be installed around the SEPGS for all major ground mounted systems to protect them from damage.

(B) Operation.

- (1) The property owner and SEPGS operator shall remain responsible for the operation of the facility. Any time power is not generated for 180 days, the facility and all equipment shall be removed from the site within 90 days.
- (2) The operator of a major SEPGS shall keep and maintain adequate liability insurance for the facility and supply proof of effective liability insurance to the Zoning Administrator on an annual basis.
- (3) Any deficiencies noted shall be corrected upon receipt of notice from the Zoning Administrator, either following the annual inspection or when the deficiency becomes known to the Zoning Administrator.

(C) Site plans, drawn and stamped by a NC licensed Surveyor or Engineer, shall include the following:

- (1) A narrative describing the proposed SEPGS, including an overview of the project.
- (2) The proposed location and dimension of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, turnout locations, ancillary equipment, transmission lines, vegetation and the location of any residences within 100 feet of the perimeter of the facility.
- (3) Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels.
- (4) Parking, fencing, and access areas.
- (5) Location of any proposed solar access easements.
- (6) Location where wiring is brought together for inter-connection to the system's components and/or the local utility power grid, and location of disconnect switch.
- (7) Standard drawings of the solar collection system components.

- (8) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire perimeter of the SEPGS facility.
- (9) The entire perimeter of the facility shall be screened from adjoining properties by a buffer with a minimum width of ten (10) feet. The buffer shall be planted in accordance with the requirements of Article 9 – Landscaping, Screening, and Buffer Areas.
- (10) Copies of any lease agreements and solar access easements.
- (11) Evidence that the electric utility provider has been informed of the customer’s intent to install an interconnected, customer-owned generator.
- (12) Decommissioning plans that describe the anticipated life of the facility, the estimated decommissioning cost in current dollars, and the anticipated manner in which the facility will be decommissioned and the site restored to its previous or another permitted use.
- (13) Signature(s) of the property owner(s), and the owner(s)/operator(s) of the facility, if different than the property owner(s).
- (14) Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Village to ensure compliance with this ordinance.
- (15) Any outdoor lighting installed on the site shall be in conformance with Article 8 – Outdoor Lighting of this ordinance.
- (16) In case of emergencies, a sign stating the system owner(s) contact information including name, address, and phone numbers shall be located at the entrance of the SEPGS. Typical warning signs at the entrance shall also be required. These incidental signs shall be no more than eight (8) square feet in area. One (1) additional sign that is no more than 16 square feet in area and no taller than four (4) feet is allowed.
- (17) Inverter noise shall not exceed 40dBA, measured at any property line. This shall be tested annually by a certified professional and their report of findings shall be signed, sealed, and submitted to the Zoning Administrator.
- (18) An annual inspection shall be performed by the Zoning Administrator to ensure compliance with the requirements of this ordinance and an inspection fee may be charged to the owner/operator as set out in the Fee Schedule approved by the Village Council.

5.35 SOLAR ENERGY POWER GENERATION SYSTEM, MINOR.

- (A) Minor solar energy power generation systems shall not generate more than two times (2X) the amount of power used on the same property over the course of one (1) year.

- (B) Minor solar energy power generation systems that are accessory to the principal structure shall be located in the side or rear yard of the primary use of the property.

5.36 TELECOMMUNICATION TOWER.

- (A) No new telecommunication tower may be established if it is reasonably feasible to co-locate new antennas and equipment on an existing telecommunication tower within the applicant's search ring. Co-location on an existing telecommunication tower is not reasonably feasible if co-location is technically or commercially impractical or the owner of the existing telecommunication tower is unwilling to enter into a contract for such use at fair market value.
- (B) No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made.
- (C) An opaque screen expected to reach a minimum of eight (8) feet in height at maturity shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation shall be preserved to the extent practicable to maintain the entire site of the tower (including any anchoring devices) in its pre-construction appearance.
- (D) If a telecommunication tower is located on a lot adjacent to a lot or lots located in a residential district, it must be located at least 200% of the total constructed tower height from all property lines adjacent to the residential district(s).
- (E) To be permitted as an incidental accessory use in any zoning district, an accessory telecommunication facility shall be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside church steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the Zoning Administrator for approval.
- (F) The maximum height of a communication tower shall be 180 feet.
- (G) Towers shall be of a monopole construction (lattice and guyed towers shall not be permitted).
- (H) No signs or logos of any type shall be allowed on any telecommunication tower at any time.
- (I) Prior to erecting a telecommunication tower or antenna or accessory telecommunication facility, or installing the same on any structure, any builder, user, carrier, etc., shall submit documentation that the telecommunication tower or antenna or accessory telecommunication facility will meet the American National Standards Institute (ANSI) standards and applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations, and comply with all other federal, state, and local laws and regulations. Moreover, at the time of applying for a building permit to erect a telecommunication tower or antenna or accessory telecommunication facility, or to install same on any other structure, and prior to erection or installation of the tower or antenna, a structural engineer licensed to work in North Carolina shall certify that the plans for construction and erection or installation of the tower or antenna or accessory

communication facility meet or exceed current safety and design standards of applicable codes.

(J) Co-location required.

- (1) Telecommunication towers shall be structurally designed and constructed to support a minimum of four (4) users. Moreover, prior to erecting a telecommunication tower, any builder, user, carrier, etc., shall submit documentation that the owner of the tower or antenna is willing to permit other user(s) to attach accessory telecommunication facilities which do not interfere with the primary purpose of the tower or antenna, provided that such other user(s) agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.
- (2) Subsequent co-location or shared use of antennae on existing telecommunication towers and subsequent co-location of accessory telecommunication facilities on other structures which do not result in a substantial change to the existing telecommunication tower or other structure shall not require a special use permit. Instead, such co-locations may be installed upon approval by the Zoning Administrator, upon the applicant providing evidence that such co-location will not result in a substantial change. A substantial change is one that meets any one or more of the following criteria:
 - (a) Increasing the vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet;
 - (b) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of the structure that protrudes horizontally from the edge of the structure the greater of (i) more than 20 feet, or (ii) more than the width of the structure at the level of the appurtenance;
 - (c) Entails excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction, excluding any access or utility easements currently related to the site. The boundaries of the current site for existing towers are the boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other support structures, further restricted to the area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of the site are the boundaries that existed as of the date that the original structure or a modification to that structure was last reviewed and approved by the Village;
 - (d) involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;

- (e) would defeat the existing concealment elements of the tower or structure; or
 - (f) does not comply with conditions associated with the prior approval of construction or modification of the tower or structure unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the substantial change thresholds identified above.
- (K) **Security Fencing.** There shall be a minimum eight (8) foot high fence installed and maintained by the owner of the telecommunication tower around the perimeter of the tower compound, except that security fencing shall not be required for accessory telecommunication facilities.
- (L) **Replacement or Alteration of Nonconforming Telecommunication Towers or Antenna.** Nonconforming telecommunication towers or antennae or accessory communication facility shall be treated the same as any other nonconforming use under this article.
- (M) **Removal of Telecommunication Towers or Antenna No Longer In Use.** Any telecommunication tower or antenna or accessory telecommunication facility which is unused for the original permitted use for a period of 180 consecutive days shall be removed by the owner of such tower or antenna or accessory telecommunication facility, within 120 days of receipt of notification to that effect. If the owner fails to so remove the tower or antenna or accessory telecommunication facility as required by this section, then the Village of Misenheimer may remove the tower or antenna or accessory telecommunication facility, and the owner shall reimburse the Village for all expenses incurred thereby, including without limitation all engineering, demolition, transportation, disposal, and legal fees and costs.
- (N) **Public Service Access.** At the request of any local governing authority, a license shall be granted to such local governing authority to place public service communication antennae or other public service communication devices on the telecommunication tower or antenna, provided that such communication antennae or other public service communication devices do not interfere with the function of the telecommunication tower or antenna, or array of antennae of the operator or owner or other existing service providers located on the tower or antenna.
- (O) **Setbacks in Nonresidential Zoning Districts.** All telecommunication towers and antennae and accessory communication facilities located within nonresidential zoning districts shall have a minimum setback from the base of the tower or antenna or accessory telecommunication facility to the lot boundaries equal to 80% of the height of the tower or antenna or accessory communication facility, or equal to the minimum structure setback otherwise required by this article, whichever is greater. Telecommunication towers shall be located a minimum of 500 feet from the nearest public street.
- (P) The height of an accessory telecommunication facility shall be defined as 110% of the distance by which the accessory telecommunication facility exceeds the height of the principal structure to which the accessory telecommunication facility is attached.

- (Q) Co-location Requirements. Prior to erecting a telecommunication tower or antenna, or installing same on any structure, any builder, user, carrier, etc., shall submit documentation demonstrating that it is not reasonably feasible for such antennae or communication device to be co-located on an existing tower or other structure within the applicant's search ring. Co-location on an existing telecommunication tower is not reasonably feasible if the owner of the existing telecommunication tower or structure is unwilling to enter into a contract for such use at fair market value, or co-location is technically or commercially impractical, which may include, without limitation, one of the following reasons:
- (1) The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers, and the towers cannot be reinforced or replaced to accommodate the planned equipment;
 - (2) The planned equipment would cause radio frequency interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost;
 - (3) Existing or approved towers do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing approved equipment.
- (R) Color and Lighting. The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers shall be of a color that will blend with the surroundings (i.e. brown/green/gray). Telecommunication towers, antennae, and accessory telecommunication facilities shall not be artificially lighted, except where otherwise required by the FAA, FCC, or other federal or state agencies. Where such agencies allow a choice between painting the tower, or installing lighting, painting shall be the choice selected.
- (S) Prior to erecting a telecommunication tower or antenna or accessory telecommunication facility, or installing same on any structure, and prior to a substantial modification of an existing tower or other structure as defined in Section 5.36(J)(2), any builder, user, carrier, etc., must be granted a special use permit by the Village of Misenheimer Village Council, pursuant to the provisions of this article, except that a stealth telecommunication antenna may be erected or installed upon approval by the Zoning Administrator, with a right of appeal to the Board of Adjustment pursuant to Section 12.2 of this ordinance. The builder, user, carrier, etc., may be granted a special use permit only upon submission of an application and fee payment to the Village Clerk, who shall transmit the application to the Village Council; in the case of a stealth telecommunication antenna, approval by the Zoning Administrator may be granted only upon submission of an application and fee payment to the Village of Misenheimer. The application must be in the form prescribed by the Zoning Administrator and, in addition to any other or further requirements of this article, must contain the following information prior to being granted:
- (1) A delineation of the boundaries of the applicant's search ring for the proposed tower or accessory telecommunication facility equipment.

- (2) A site plan showing the site and size of all existing structures within 1,320 feet of the site; plans and elevations for all proposed structures and descriptions of the color and nature of all exterior material; and plans for all landscaping, buffers, and screens, including existing landscaping, buffers, and screens.
- (3) A listing of all telecommunications towers, antennae, and other structures which may be used to locate communication facilities within the applicant's search ring.
- (4) An explanation of why the proposed telecommunication facilities cannot be co-located on any of the existing structures within the applicant's search ring.
- (5) Documentation from applicable state and federal agencies indicating requirements which affect the appearance of the proposed telecommunications tower, antenna, or accessory communication facility, including lighting and color.
- (6) A listing of all property owners within 1,000 feet of the site on which the communications tower is proposed to be located.

(T) Small Wireless Facilities.

- (1) In the event of a conflict between the following provisions and applicable State or Federal law, including N.C. Gen. Stat. §§ 160D-903, et seq. and the Telecommunications Act of 1996, as codified in 47 U.S.C. § 151 et seq., the applicable State or Federal shall control as applied to Small Wireless Facilities. Otherwise, this Article shall supplement and be read in conjunction with applicable State and Federal law.
- (2) Co-location of Small Wireless Facilities and installation of Small Wireless Facilities within the public right-of-way shall be governed by N.C. Gen. Stat. § 160D-930 et seq.
- (3) Except as provided in N.C. Gen. Stat. § 160D-938, Small Wireless Facilities on private property that require the installation of a new Utility Pole or support structure or replacement of an existing Utility Pole or support structure shall require a Special Use Permit. The application for such Special Use Permit shall meet the requirements of this section. An applicant seeking to install multiple Small Wireless Facilities requiring a Special Use Permit pursuant to this section at multiple locations within the Village shall be allowed, at the applicant's discretion, to file a consolidated application for no more than 25 separate facilities and receive a Special Use Permit for all of the Small Wireless Facilities meeting the requirements of this section. The Village may remove Small Wireless Facilities from a consolidated application and treat separately Small Wireless Facilities (i) for which incomplete information has been provided or (ii) that are denied. The Village may issue a separate Special Use Permit for each Small Wireless Facility that is approved.

- (4) Small Wireless Facilities shall be designed in such a manner to maximize compatibility with the surrounding neighborhood and to minimize any negative visual impact on the surrounding neighborhood.
- (5) All Small Wireless Facilities applications must contain a demonstration that proposed facilities meet the following objective design guidelines:
 - (a) Any replaced or restructured Utility Pole shall be substantially similar in finish, base and pole design, diameter, material and height as the original Utility Pole being replaced, unless the Village requires a different design, color or composition to be consistent with applicable Village standards for new Utility Poles.
 - (b) New Utility Poles shall be designed to be substantially similar in design to other Utility Poles in the same block or vicinity. Such design aspects include the height, material, base, pole diameter and style, location and style of attachments, finish, and cap, as applicable. By way of example, if existing Utility Poles in the same area are light poles, the new Utility Pole should be designed substantially similar to such light poles and to the extent consistent with location context regulations, equidistant between existing poles. To the extent not inconsistent with applicable law, any such Utility Pole for deployment of a Small Wireless Facility shall function in a substantially similar manner as the facility it is intended to resemble. By way of example, if a permittee installs a Utility Pole for deployment of a Small Wireless Facility to resemble a nearby light pole, the facility should include a light that is operated in a substantially similar manner as other light poles.
 - (c) Wires, cables and equipment to be deployed on a Utility Pole shall be installed within the Utility Pole, or if not possible, covered with a shroud. No exposed wires or cables are permitted.
 - (d) Any ground-mounted equipment associated with the Small Wireless Facility shall have a non-reflective finish of a neutral color consistent with the predominant background color of the attachment or the surrounding landscape, and screened with landscaping if reasonably feasible. Alternatively, the applicant may propose ground-mounted equipment that would be substantially similar in terms of material, design and color finish to other at-grade infrastructure within 500 feet of the proposed location. Coaxial cables, conduit lines, and electrical boxes for ground-mounted wireless equipment associated with Small Wireless Facilities shall be placed underground or within approved structures to the extent feasible; said undergrounding requirement may be waived by the relevant approval authority upon evidence provided by the applicant that undergrounding is not technically or commercially feasible.
 - (e) All Small Wireless Facilities shall incorporate Concealment Elements to the maximum extent technically feasible and as appropriate to the site and type of facility. Specifically, all Small Wireless Facilities shall employ and maintain camouflage design techniques to minimize visual impacts

and provide appropriate screening. Such techniques shall be employed so that the installation, operation, and appearance of the Small Wireless Facilities will be consistent with the character of the surrounding area or the structure to which the Small Wireless Facility is attached.

- (f) Unless otherwise required by city, county, state, or federal rules or regulations, Small Wireless Facilities shall have a non-reflective finish and shall be a neutral color consistent with the predominant background color.
- (6) All applications for Small Wireless Facilities shall include plans and elevations for all proposed structures and equipment, including descriptions of the color and nature of all exterior material, Concealment Elements and plans for any landscaping and screens.
- (7) For Small Wireless Facilities requiring a Special Use Permit, the application shall also include:
 - (a) A listing of all property owners within 1,000 feet of the site on which the communications tower is proposed to be located; and
 - (b) An explanation for why the proposed Small Wireless Facility cannot be co-located on any existing structures or Utility Poles within the applicant's search ring.

5.37 UTILITIES, ABOVE GROUND AND BELOW GROUND (INCLUDING UTILITY SUBSTATIONS).

- (A) All above ground facilities shall be completely enclosed and the site fenced with a suitable chain link fence not less than four (4) feet in height.
- (B) The entire site shall be screened according to the standards of Article 9 - Landscaping, Screening, and Buffer Areas.
- (C) All buildings constructed shall be so designed that they are architecturally compatible with surrounding buildings and dwellings.
- (D) To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected during construction. All areas disturbed during utility construction activities shall be appropriately improved with ground cover, trees, shrubbery, or mulch.

5.38 WAREHOUSING (EXCLUDING SELF-STORAGE).

- (A) A maximum of 10,000 square feet of gross floor area shall be permitted for warehousing or wholesaling per establishment per lot.
- (B) No outdoor storage of warehousing or wholesaling items is permitted.

5.39 WAREHOUSING, SELF-STORAGE.

- (A) The total area covered by buildings shall not exceed 50% of the site.
- (B) The maximum height of buildings shall be 20 feet and shall not exceed one (1) story.
- (C) No outside storage shall be permitted, however the storage of RV's, campers, boats, and vehicles shall be allowed in areas designated on the site plan.
- (D) The storage of hazardous, toxic, or explosive substances, including but not limited to; but excluding the storage of hazardous waste, industrial solid waste, medical waste, municipal solid waste, septic tank waste, or used oil as defined in NCGS § 130A-290, is prohibited.
- (E) No business activity shall be conducted in the individual storage units.
- (F) One (1) dwelling unit shall be allowed on the same lot for use as a caretaker dwelling. The dwelling unit shall be removed from the site at the time the business ceases to operate.

Editor's Note:

Amended 4/12/21 to comply with changes required by the adoption of Chapter 160D of the NC General Statutes.

Amended 01/08/24 to add Section 5.23.1 conditions for Mobile Food Units, Food Trucks and Pushcarts.