

3 SUPPLEMENTAL AND TEMPORARY USE STANDARDS

3.1 APPLICABILITY

There are certain uses that exist which may be constructed, continued, and/or expanded provided they mitigate impacts of their design and 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 insure 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.
- C. Approval procedures for uses permitted with additional standards are found in Section 15.6.1 Certificates of Unified Development Ordinance Compliance.

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 city 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 use.
- C. 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.
- D. Approval procedures for Special Use Permits are found in Section 15.10.

3.1.3 WAIVER OF SEPARATION REQUIREMENTS

- A. **Purpose:** Separation requirements are included in this chapter for certain uses which, by their nature, tend to have a detrimental blighting effect upon surrounding properties when they are permitted to cluster in groups of more than one such use, OR when they are located too near to an adjacent property.
- B. **Waiver or Reduction of Separation Requirements:** Locations which do not meet the separation requirements listed in this chapter, but are separated from the stipulated uses by an intervening manmade or natural barrier such that any potential adverse impacts are effectively negated, may request a waiver or reduction of the separation requirements. Examples of an intervening manmade or natural feature include, but are not limited to:
 - 1. Floodplains and floodways;
 - 2. Lakes, rivers, drainageways, or other water features;

3. Densely-wooded undevelopable areas;
4. Restricted access freeways;
5. Railroad yards and viaducts;
6. Airports; and
7. Other natural features or land uses requiring exceptionally large areas such that the uses in question will not have a detrimental clustering effect.

C. Requests for Waiver or Reduction of Separation Requirements

1. **For Uses that are Permitted with Additional Standards (PS):** A waiver or reduction of the applicable separation requirements of this chapter shall require a Special Use Permit according to the process outlined in Section 15.10. The Planning and Design Review Board shall consider the request for a waiver or reduction of the applicable separation requirements in accordance with 3.1.3.B above, taking into account the characteristics of the particular use in question.
2. **For Uses that require a Special Use Permit (SUP):** The Planning and Design Review Board shall consider the request for a waiver or reduction of the applicable separation requirements of this chapter in accordance with 3.1.3.B above as part of the Special Use Permit hearing, taking into account the characteristics of the particular use in question.

3.1.4 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 most restrictive standard 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 – TWO FAMILY [SR6, GR6, UR]

- A. **Building Location:** Two Family Dwellings shall be limited to one per block face.
- B. **Building Type:** Two-Family Dwellings (duplexes) shall be restricted to the Detached House building type as described in Section 2.5.3. A maximum of 2 units is permitted in a Detached House.
- C. **Exterior Appearance**
 1. Two Family Dwelling shall be designed such that a maximum of 2 main entrances are on the fronting façade. Additional building entrances may be provided on the side and rear of the building.
 2. Two Family Dwellings on corner lots must be designed such that a building entrance is on each façade fronting a street

3.2.2 DWELLING – MULTIFAMILY [GC, HC, GR6, UR, RMX, NMX, IMX, CCMX]

- A. GC, HC and CCMX Districts:** Multi-Family uses shall be limited to the second and higher floors in vertical mixed-use buildings only.
- B. GR6 District:** Multifamily uses in this district shall be allowed as part of an approved Conditional District only and must comply with the following requirements.
 - 1. **Building Location:** Buildings with multifamily uses shall be limited to one per block face.
 - 2. **Building Type:** Buildings shall be limited to detached house building types, with a maximum of 4 units on a single lot.
- C. UR, RMX, NMX and IMX Districts:** Multifamily uses in these districts shall be subject to discretionary design review in accordance with Chapter 5.

3.2.3 DWELLING – ACCESSORY [R/A, MHR, SR4, SR6, GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

- A. Number of Accessory Dwellings Allowed**
 - 1. **R/A District:** If the lot exceeds 2 acres, 2 accessory dwelling units are permitted per lot; otherwise only 1 accessory dwelling unit is permitted per lot.
 - 2. **Other Districts:** Only one accessory dwelling is permitted per lot.
- B. Placement on the Lot:** A detached accessory dwelling shall be sited to the rear of the principal building. If the lot exceeds 2 acres in size, the accessory dwelling may be sited to the side of the principal building.
- C. 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. The maximum size shall be 50% of the heated living area of the principal dwelling.
 - 3. The exterior of the accessory dwelling shall be similar to the primary residence in material selection, color and roof alignment and pitch.
- D. 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, except as a temporary use when a primary dwelling unit on the same lot is under construction or rehabilitation (see Section 3.12.4.E).
- E. Outside Entrance:** If located within the principal dwelling, the accessory dwelling unit may have a private outside entrance, but such an entrance shall be located along the side or rear of the principal dwelling.
- F. Accessory Dwelling Unit Features:** The unit 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). The unit must meet the habitability requirements of the City of Wilson Minimum Housing Code and the State of North Carolina Building Code.

- G. Parking:** One off-street parking space, which meets the Vehicle Parking Standards in Section 9.5, shall be provided in addition to those required for the principal dwelling.

3.2.4 HALFWAY HOMES [GC, ICD, NMX]

- A. Separation Requirement:** No such use may be located within 2,640 feet (or ½ mile) of a Family Care Home, Residential Care Facility, Boarding or Rooming House or another such use measured as a straight line on a map.
- B. Maximum Number of Residents:** Halfway Homes shall accommodate a maximum of 6 residents per use and a maximum of 1 resident per bedroom.

3.2.5 LIVE-WORK UNITS [NC, GC, HC, ICD, GR6, UR, RMX]

Construction shall meet requirements of the North Carolina Building Code, and the following:

- A.** Non-residential use areas shall meet accessibility requirements of the North Carolina Accessibility Code (including site access and parking).
- B.** The maximum total size of a Live-Work unit is 3,000 square feet and 3 stories in height.
- C.** The non-residential area function shall be limited to the first or main floor only.
- D.** A maximum of 5 non-residential workers or employees are allowed to occupy the non-residential area at any one time.
- E.** The work area shall occupy 50% or less of the total unit.
- F.** The same tenant shall occupy the work area and living area.
- G.** No equipment or process shall be used in connection with the non-residential function which creates noise, vibration, glare, fumes, fire hazard, odors, dust or electrical or communication interference detectable to the normal senses outside the unit. No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.

3.2.6 MANUFACTURED HOMES [R/A, MHR]

A. Standards for All Manufactured Homes

1. Each manufactured home shall be set up in accordance with the requirements of the current edition of the North Carolina Regulations for Manufactured Homes.
2. All wheels, axles, hitches, lights, and other mechanisms designed for transporting the manufactured home must be removed.
3. Skirting for manufactured homes shall be installed within 60 days after any manufactured home is placed on a space or lot and shall be properly maintained.
4. All manufactured homes, except those located in an approved manufactured home park, shall have a permanent foundation. Such foundation shall consist of a continuous brick or masonry curtain wall combined with masonry piers, shall remain un-pierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home, and shall conform to the home's exterior dimensions.

5. Manufactured homes shall be permanently connected to local utilities or be served with an approved septic tank or well.
6. Each manufactured home stand and space/lot shall be graded to provide adequate storm drainage away from the structure.
7. Each manufactured home space or lot shall have a permanent address, approved by the Administrator, that is clearly visible from the street running in front of the home.

B. Standards for Manufactured Homes in the R/A District: Only double-wide manufactured homes shall be permitted in the R/A district.

C. Standards for Manufactured Home Parks

1. No manufactured home park shall be approved for a site less than 5 contiguous acres under single ownership or control.
2. The manufactured home park shall be screened from all adjacent property with a Type C Buffer Yard (see Section 8.6.2.C).
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. No storage of unoccupied and/or damaged manufactured homes is permitted.
6. A permanent park identification sign displaying the name of the park, and a permanent park directory sign displaying the address for and direction to each manufactured home in the park shall be erected at each entrance to the park. The required entrance and directory signs may be combined on one sign.
7. Civic and open space shall be provided in accordance with Chapter 7.

D. Age Limit and Amortization: Manufactured homes built prior to June 15, 1976 shall not be permitted. Existing manufactured homes built prior to June 15, 1976 which were located in a Manufactured Home Park as of September 15, 2005 may remain, but, if removed, such manufactured homes shall be replaced with those built after June 15, 1976 and that meet or exceed the construction standards in effect at the time of construction as promulgated by the U.S. Department of Housing and Urban Development and authorized in the National Manufactured Housing Construction and Safety Act of 1974.

3.2.7 RESIDENTIAL CARE FACILITIES (MORE THAN 6 RESIDENTS) [NC, GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

- A. Buffering:** Residential care facilities must be buffered from adjacent residentially zoned property with a Type A buffer in accordance with Section 8.7.2.
- 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 or higher order street, no residential care facility shall contain more than 16 units.
- D. Maximum Density:** The maximum gross density for residential care facilities shall not exceed the number of units per acre requirement for the district in which the

development is located. Each dwelling in a duplex, townhouse, garden apartment, apartment building, and every 4 beds in a residential personal care unit and each 6 beds in a skilled care nursing facility shall constitute 1 dwelling unit for the purposes of calculating the density.

- E. Development Standards:** To the extent practical, the facility shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
- F. Separation Requirement:** Residential care facilities shall be located at least 1,000 feet away from any other residential care facilities, fraternity/sorority houses, and/or boarding or rooming houses.
- G. Accessory Uses:** The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks and barber/beauty shops for residents.

3.2.8 RESIDENTIAL / FAMILY CARE HOME (6 OR FEWER RESIDENTS) [NMX, IMX, CCMX]

Pursuant to NCGS 168-22, no Residential Care Home shall be closer than 2,640 feet (or ½ mile) to another such use.

3.3 SUPPLEMENTAL USE STANDARDS - LODGING

3.3.1 BOARDING OR ROOMING HOUSE [ICD, UR]

- A. Separation Requirement:** Except for such uses existing and properly registered on June 5, 2001, all boarding or rooming houses shall be located a minimum of 1,000 feet from any Family Care Home, Residential Care Facility, Fraternity or Sorority House, Halfway Home and other Boarding or Rooming House
- B. Development Standards**
 1. A Type B Buffer is required along the side and rear property lines.
 2. Parking areas shall not be permitted within the front yard.
 3. All of the lot area which is not used for parking, sidewalks, buildings, utility structures or site access must be landscaped and maintained.
- C. Building Criteria**
 1. For a structure originally built and used as a hotel, and operating as a properly-registered boarding or rooming house on June 5, 2001 there is a maximum of 1 resident per room (the term "residents," as used herein, shall always include the resident manager and manager's family). For all other boarding or rooming houses the maximum number of residents is 10.
 2. The minimum size of any sleeping room shall be 200 square feet per resident.
 3. One full bath consisting of tub or shower, toilet and sink shall be provided for each 4 residents. Bathrooms may be provided as private bathrooms that serve individual sleeping rooms or as common bathrooms, provided that residents have access to bathrooms at the rate of 1 full bath per 4 residents without having to go through a sleeping room other than their own.
 4. Full kitchen facilities, consisting of a 4-burner stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.

5. An approved centralized heating system or permanently installed heating unit in each room used for living or sleeping purposes shall be provided. The system or separate units shall be in compliance with all appropriate codes and shall be properly sized, located, installed, vented and maintained so as to heat rooms to at least 68 degrees at a level of 3 feet off the floor. Kerosene or wood heaters are not permitted to heat individual rooms.
6. The name, location in the house, hours of availability and telephone number of the manager shall be clearly and appropriately posted on a standard sign mounted in the entryway or near the main entrance inside the building.
7. Signs shall not be painted or displayed on any exterior wall. All signs shall meet the requirements of Chapter 11.

D. Administrative Criteria

1. The owners of all boarding or rooming houses shall register their boarding or rooming houses with the city on forms provided by the Administrator. Such registration shall include among other items the name of the designated manager/operator and contact information with available hours of contact, as well as the owner's name and contact information. The owner shall also ensure that the most current owner and manager's name, address, telephone number, and available hours of contact are provided on the registration forms whenever there is a change in ownership or manager. Failure to properly and correctly register a boarding or rooming house subjects the owner to a late registration fee as set forth in the city's fee schedule.
2. 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.
3. The designated manager shall ensure that the overall operation is in compliance with the city codes on a daily basis and shall be responsible for responding to notices from the city, scheduling inspections, allowing access for such inspections and, along with the owner, ensuring code violations are addressed. For purposes of code enforcement, notice to the designated manager shall be deemed to be notice to the owner.
4. Inspections for the determination of compliance with city ordinances shall be conducted on an annual basis by the minimum housing inspector, along with the fire prevention officer, building inspector, code compliance office and/or other city official as needed and determined by the minimum housing inspector. Unannounced inspections are permitted, as determined by the minimum housing inspector or other compliance officer, but the regular annual inspection shall be announced and scheduled with the owner or designated manager. Inspections may include research of any and all police calls made regarding the use. Inspection and re-inspection fees shall be set forth in the city's fee schedule.
5. If at any time after a Special Use Permit has been issued for the boarding or rooming house, the Planning and Design Review Board finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder of a Special Use Permit, the permit shall immediately be terminated and the operation of such a use discontinued. Any such "finding" shall be made in an open meeting of the Board in full compliance with the review process described in Section 15.10.

3.3.2 CAMPGROUND [R/A, OS]

- A. Campground Use:** Campgrounds are limited to temporary occupancy by trailers, tents and RVs used by campers, vacationers, tourists, visitors or the traveling public. Auxiliary uses, including retail store for guests, laundry, recreational facilities, snack shop, office and security watchmen structure are also permitted. One mobile home may be allowed within the trailer park to be used as an office and/or residence of persons responsible for the operation and maintenance of the campground.
- B. Access:** No campsite shall be located so as to allow direct vehicular access to a public road. A 20-foot wide safe, convenient private drive shall be provided to each camp site, except in the case of one-way drives which shall not be less than 12 feet in width. Such drive shall be maintained at all times the campground is open to provide a smooth, all weather, well-drained surface, free of objectionable dust. Cul-de-sacs shall not exceed 1,000 feet in length and shall have an improved turn-around radius of 65 feet.
- C. Registration of Occupants and Guests:** Every owner or manager of a campground shall maintain a register containing a record of all campsite or travel trailers occupants (guests). Such register shall be made available for inspection by law enforcement officials. Such register shall contain:
 - 1. Names and permanent addresses of all campsite or trailer occupants (guests).
 - 2. Make and license number of the trailer.
 - 3. Dates of arrival and departure of trailer or occupants of a campsite.

D. Dimensional Standards

Minimum Size	20 acres
Minimum Open Space ¹	40% of total property
Minimum Street Frontage	350 feet
Maximum Density	15 campsites/acre
Minimum Campsite Size	900 square feet/trailer; 500 square feet/tent
Minimum Campsite Setback	50 feet from property lines
Minimum Separation between Trailers or Tents	20 feet
Maximum Primitive Campsites ²	25% of the total number of tent campsites
Minimum Water Facilities	1 per 15 campsites
Minimum Sewer Hook Ups	1 per 15 trailer campsites
Minimum Garbage Containers	1 per 15 campsites
Minimum Service Buildings ³	1 per 15 campsites without individual hook-ups. At least 1 per Campground use.

¹ Open space areas shall be maintained in a natural state, including trees and open grassed areas. Site amenities, including streams, ponds, other natural areas and open play areas are encouraged and may be included in the required percentage. Outdoor play facilities may also be counted in required percentage.

² Primitive tent campsites are those campsites without electrical, water or sewer hook-ups

³ Service buildings must include lighted public restrooms and shower facilities. Such buildings shall be located no more than 350 feet to any primitive tent campsite. Such service buildings shall be maintained in a clean and sanitary condition and in good repair at all times.

3.3.3 FRATERNITY/SORORITY HOUSE [ICD, GR6, UR, RMX]

- A. UR and RMX Districts:** The minimum lot size in UR and RMX Districts shall be 10,000 square feet.

- B. Space per Resident:** There shall be a minimum of 250 square feet of usable building space per resident.
- C. Buffering:** Where a fraternity/sorority house adjoins a Single Family or Two Family dwelling, a Type A Buffer is required along all shared property lines.
- D. Parking:** For the purposes of the Chapter 9 parking regulations, fraternity/sorority houses shall be considered apartments

3.4 SUPPLEMENTAL USE STANDARDS – OFFICE/SERVICE

3.4.1 CREMATORIA [R/A, LI, HI]

A. General Standards

1. The use shall comply with all applicable public health and environmental laws and rules, and the use shall obtain and maintain all applicable licenses and permits.
2. Prior to the operation of the use, the owner/operator shall submit to the Administrator a certification by the North Carolina Division of Air Quality of the Department of Environmental and Natural Resources that either all air quality regulations have been complied with or that no permits are required.
3. This use is prohibited within a Special Flood Hazard Area (SFHA).

- B. Separation Requirement for R/A District Only:** All structures housing such uses shall be located at least 500 feet from any property line adjoining a lot or parcel under different ownership from the property on which the crematorium is located.

3.4.2 HOME OCCUPATION [R/A, MHR, SR4, SR6, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

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 or 500 square feet, whichever is less, 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.
6. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
7. The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises. Parcel delivery services in a frequency not uncommon to a residential district are not prohibited by this paragraph.
8. No equipment or process shall be used in connection with the use which creates noise, vibration, glare, fumes, fire hazard, odors, dust or electrical or communication interference detectable to the normal senses off the premises (in the case of a detached dwelling, off the lot; in the case of an attached unit,

outside the dwelling unit). No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises.

9. The home occupation shall not cause an increase in the use of any one or more utilities (water, sewer, electricity, gas, garbage, etc.) such that the combined total use for dwelling and home occupation purposes exceeds a level normally expected in a residential neighborhood.

B. Exterior Appearance

1. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure, except for lots greater than 2 acres in an R/A district outdoor storage is allowed subject to screening requirements of Section 8.8.1B.
2. Only 1 vehicle and 1 utility trailer principally used in connection with the home occupation shall be parked or stored on the premises, and no more than 5 total parking spaces may be provided on the site, except for lots greater than 2 acres in an R/A district 2 vehicles and 2 utility trailers principally used in connection with the home occupation shall be parked or stored on the premises, and no more than 8 total parking spaces may be provided on the site.
3. Parking areas in the front yard shall be limited to the existing residential driveway only. Additional parking may be provided in the rear yard only.
4. No display of goods, products, services or other advertising (except permitted signage as set forth in Chapter 11) shall be visible from outside of the dwelling.

C. Standards for Specific Types of Home Occupations

1. Personal Services, including cosmetic services, hair and nail salons, barber shops, and non-permanent makeup services, may be permitted provided they comply with all of the following:
 - a. Such uses shall meet all applicable state requirements;
 - b. Any exterior entrance/exit to an area of the principal building shall be on the side or rear (and not the front) of the building;
 - c. Only 1 barber/styling chair shall be permitted;
 - d. No more than 2 hair drying chairs shall be permitted;
 - e. Only incidental sales of hair products shall be allowed on the premises;
 - f. Handicapped restroom facilities meeting state building code requirements shall be provided;
 - g. No more than 1 sign identifying, or in any way pertaining to, such uses shall be permitted, and such sign shall meet all requirements of Chapter 11 of this ordinance; and
 - h. All barber/styling chairs and hair drying chairs shall be located together in either the main dwelling or the accessory building, not split between both.
2. No group instruction service, including but not limited to dance, music, exercise, arts and crafts, may be provided for a group larger than 8 persons.
3. Retail sales shall be limited to the resale of handmade items, foodstuffs, crafts produced on the premises, antiques, jewelry and clothing.

D. Uses Prohibited as Home Occupations: The following uses are prohibited as home occupations because the nature of their operation has the tendency to impair the use and value of properties in a residential district.

1. Residential Care Facilities
2. Any Lodging Uses (as listed on the Use Table in Section 2.7.3)
3. Medical Clinic
4. Personal Services, Restricted
5. Veterinary Services
6. Any Commercial/Entertainment Uses (as listed on the Use Table in Section 2.7.3), except General Commercial
7. Correctional Institution
8. Halfway Homes
9. Day Treatment Center
10. Hospital
11. Any Automotive Uses (as listed on the Use Table in Section 2.7.3)
12. Any Industrial/Wholesale/Storage Uses (as listed on the Use Table in Section 2.7.3)

3.4.3 KENNELS, INDOOR & VETERINARY CLINIC [R/A, NC, GC, HC, LI, HI, RMX, NMX, IMX, CCMX]

A. Applicability

1. **NC, GC, HC, LI, HI Districts:** The general standards in 3.4.4.B below shall apply when the proposed use is within 500 feet of any residential use or zone.
2. **R/A, RMX, NMX, IMX, CCMX Districts:** The general standards in 3.4.4.B below shall apply in all instances.

B. General Standards

1. The clinic or kennel must be within a completely enclosed building with no outside facilities for animals.
2. The clinic or kennel shall be designed so that sound emitted through the exterior walls, roofs, and enclosed areas where animals are treated or kept shall not exceed 45 decibels as certified by a registered architect or acoustical engineer.
3. An outdoor area for the supervised therapy and exercise of animals is permitted when such area complies with all of the following requirements:
 - a. The area must meet the setback requirements for principal buildings along any property lines shared with a residential use or zone, unless the adjoining residential property is occupied exclusively by a nonresidential use or uses. No setback required in other cases.
 - b. The area shall be located in the rear yard, only, and must be enclosed by a fence not less than 6 feet in height. The fence shall be chain link, wood, brick, or masonry block. It need not be solid.
 - c. The maximum size of such area shall be 1,200 square feet.

- d. No more than 4 animals shall be present in the area at one time.
- e. The area may be used only between the hours of 8:00 a.m. and 6:00 p.m. daily, except in cases of documented emergencies.
- f. Any animal present in the area shall be accompanied by a human supervisor in the area at all times.

C. Disposal of Waste

- 1. All animal solid and liquid waste shall be disposed of daily in an approved septic tank or public sewerage system. All stalls, cages, and animal runs shall be cleaned daily.
- 2. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.

3.4.4 KENNELS, OUTDOOR [R/A, HC, LI, HI]

A. Minimum Lot Size

- 1. **In the GC and HC Districts:** The minimum lot size for such uses shall be 5 acres.
- 2. **In the LI and HI Districts:** The minimum lot size for such uses shall be 2 acres.

B. General Standards

- 1. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.
- 2. Any outside run shall be enclosed on at least 3 sides with a wall of cement block, or similar construction, to a height of at least 4 feet. Outside runs shall not be permitted in the front yard.
- 3. The kennel building, proper, shall be of masonry construction.

C. Disposal of Waste

- 1. All animal solid and liquid waste shall be disposed of daily in an approved septic tank or public sewerage system. All stalls, cages, and animal runs shall be cleaned daily.
- 2. Animal wastes shall not be stored within 150 feet of any property line or surface waters unless located indoors.

D. Buffering: All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a Type C buffer in accordance with Section 8.7.2.

E. Separation Requirement: Any building or pen housing animals, or any animal exercise area, shall be located a minimum of 500 feet from any residential use or zone and 150 feet from any street or non-residential property.

3.4.5 MEDICAL CLINIC [UR]

- A. The use shall be carried on entirely within an enclosed structure on the premises.
- B. The use shall not change the residential character of the dwelling.
- C. Storage of goods and materials associated with the clinic must be completely within an enclosed structure.

- D. Parking must be provided in the third layer only (rear yard).
- E. In issuing a Special Use Permit for this use, the Board shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.

3.5 SUPPLEMENTAL USE STANDARDS – COMMERCIAL/ENTERTAINMENT

3.5.1 ADULT ESTABLISHMENT [HC]

A. Purpose

1. The City Council of the City of Wilson finds that it is necessary to set forth the appropriate special requirements by which adult establishments may be established within the city’s zoning jurisdiction.
2. Adult Establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious or recreational uses.
3. Studies have shown that lower property values and increased crime rates tend to accompany and are brought about by the concentration of adult establishments.
4. The City Council finds that the regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in the City of Wilson.
5. It is not the intent of the City Council in adopting this section to suppress any activities protected by the First Amendment, but rather to enact a content neutral standard that addresses the secondary effects that adult establishments have on the city.

B. Separation Requirements

1. Such uses shall not be located closer than 5,280 feet (or 1 mile) to any of the following:
 - a. SR4, SR6, NC, ICD, GR6, UR, RMX, NMX, IMX and CCMX Districts;
 - b. Religious Institutions, Schools, College/University, Cultural or Community Facility, Civic Meeting Facility, or another Adult Establishment; or
 - c. Any of the Park Types described in Section 7.4.
2. Such uses shall not be located closer than 500 feet to any residential use.
3. Such uses shall not be located closer than 1,320 feet (or ¼ mile) to any I-95 highway access points (on-ramps/off-ramps). The waiver of separation requirements allowance in Section 3.1.3 shall not be applicable to this requirement.

C. Buffering: Adult Establishments shall be buffered from adjoining property with a Type C buffer as set forth in Section 8.7.2.

D. Signs and Displays

1. No sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside

the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.

2. The sale or distribution of any material or related item shall be made from within the building premises (excluding mail order or catalogue sales) and shall not be displayed or otherwise advertised, exhibited, or promoted so as to be visible to the public from a public street or park.

3.5.2 AMUSEMENTS, OUTDOOR [HC, LI]

- A. **Separation Requirement:** No Outdoor Amusements shall be located closer than 250 feet to any residential district or use.
- B. **Operational Standards:**
 1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 10 Lighting.
 2. Lights and loudspeaker systems shall not be operated between the hours of 10:00 p.m. and 8:00 a.m. the following morning.
 3. Facility usage is limited to indoor activities between the hours of 10:00 p.m. and 6:00 a.m. the following morning unless special permission is received from the Administrator.
 4. No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.
 5. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the use.

3.5.3 BAR/TAVERN/NIGHT CLUB [GC, HC, CCMX]

- A. **Separation Requirement:** All new bar/tavern/night clubs in the GC and HC districts shall be located no closer than 500 feet to any residential district or use, church, school, park or playground, or other existing public or private club.
- B. **Minimum Net Floor Area:** All bar/tavern/night clubs shall have a minimum net floor area of 1,200 square feet.
- C. **Hours of Operation:** In issuing a Special Use Permit for this use, the Board shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.

3.5.4 GENERAL COMMERCIAL [GC, HC, RMX, NMX]

- A. **RMX Districts**
 1. **Location:** Such uses shall be located on corner lots only.
 2. **Parking:** Parking for such uses must be located in the third layer of the lot only as defined in Chapter 9.
- B. **All Districts:** Such uses located adjacent to any R/A, SR4, SR6, GR6, or UR District shall be subject to the following standards.

Required Buffer Yard	Type B along side and rear property lines. Type C where parking areas, dumpsters, loading docks or other utility structures are visible from adjacent properties.
Minimum Required Setback for Buildings and Loading Dock / Service Areas	50 feet from side and rear property lines
Maximum Height	35 feet at 50 foot setback line. 1 foot additional height may be added for every 1 additional foot in setback from property lines, up to the maximum allowed height for the district.
Façade Materials and Articulation	Building walls visible from adjacent residential properties shall be treated as primary façades according to the provisions of Section 5.3.3

3.5.5 INTERNET SWEEPSTAKES FACILITY [HI]

A. General Standards

1. Selling and/or consuming alcoholic beverages are prohibited in internet sweepstakes facilities.
2. Persons under the age of 16 are prohibited from entering the premises during regular school hours as defined by the Wilson County Board of Education.

B. Separation Requirement: All internet sweepstakes facilities shall be located at least 250 feet from any school, church, or residential use.

C. Hours of Operation: In issuing a Special Use Permit for this use, the Board shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.

D. Amortization of Existing Uses: All uses meeting the definition of Internet Sweepstakes Facilities as defined in Chapter 17 of this ordinance that were legitimately established prior to December 11, 2009 shall cease operations and close or be brought into compliance with the provisions of this ordinance by midnight, December 31, 2012.

3.5.6 OUTSIDE SALES [NC, GC, HC, ICD, RMX, NMX, IMX, CCMX]

A. Applicability: These standards are intended to regulate outside sales which are conducted on an everyday basis, either within a permanent open-air structure, an uncovered outdoor sales area, or on private pedestrian walkways. Outside sales which are temporary or seasonal in nature, or which are intended to be located in parking areas, shall be permitted pursuant to the standards in Section 3.12.4.B.

B. Permitted Location and Size

1. Outside sales shall not occupy required parking areas.
2. Outside sales shall not take up an area greater than 25% of the total building area of the primary use within the associated permanent structure.
3. 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.

C. Required Setbacks

1. **NC, ICD, RMX, NMX, IMX, and CCMX Districts:** Display of merchandise for outside sales in the front yard shall not exceed a maximum of 12 feet from the front face of the building. Such displays may be located on a

private sidewalk provided that they are located on a private sidewalk abutting the principal structure and adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet).

2. **GC and HC Districts:** Display of merchandise for outside sales in the front yard shall be no closer than 50 feet to a public street unless such displays are located on a private sidewalk abutting the principal structure and adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet).

3.5.7 OUTSIDE SALES, SIDEWALK SALES [NC, ICD, RMX, NMX, IMX, CCMX]

- A. **Applicability:** These standards are intended to regulate outside sales which are conducted on an everyday or seasonal basis on public pedestrian walkways. Outside sales which are not located on public sidewalks or walkways are regulated by Section 3.5.6.
- B. **Standards**
 1. Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such displays shall be removed from the sidewalk when the business is not open. Such sales may also be subject to other city ordinances.
 2. Sidewalk sale shall not take up an area greater than 25% of the total building area of the primary use within the associated permanent structure.
 3. Display of merchandise for outside sales shall not exceed a maximum of 12 feet from the front face of the building.

3.5.8 PAWNSHOPS [HC]

All new pawnshops shall be located no closer than 400 feet to any existing pawnshop.

3.5.9 RESTAURANT [NC]

- A. **Kitchen Exhaust:** Kitchen exhaust fans shall be located no closer than 100 feet to any existing Single Family or Two Family (duplex) dwelling.
- B. **Buffering:** All restaurants shall be screened from existing Single Family or Two Family (duplex) dwellings by a Type C buffer yard as set forth in Section 8.4.2.A.

3.5.10 SHOOTING RANGE, INDOOR [R/A, GC, HC, LI, HI]

- A. **Applicability:** This use includes the shooting of firearms, bows, and cross-bows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.
- B. **Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not be detectable to the normal senses at any off-site property.
- C. **Shot Containment:** The range shall be designed to provide a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use.
- D. **Design:** The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in "The NRA Range Source Book," published by the NRA, insofar as they do not conflict with any of

the specific requirements contained in this section. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be submitted with the application.

- E. **Lead Recovery:** Firing range wastes are regulated under the Resource Conservation and Recovery Act (RCRA) and 40 Code of Federal Regulations (CFR) 260-266. These measures shall be complied with.
- F. **Range Supervision:** A competent adult supervisor, approved by the owner/manager, shall be present at all times when the range is open for business.

3.5.11 SHOOTING RANGE, OUTDOOR [R/A, LI, HI]

- A. **Applicability:** This use includes the shooting of firearms, bows, and cross-bows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.
- B. **Buffering:** Outdoor shooting ranges shall be buffered from adjoining properties with a Type C buffer as set forth in Section 8.4.2.A.
- C. **Separation Requirement:** Outdoor shooting ranges shall be located no closer than 1,000 ft to any church, school, public park, day care center, or dwelling measured from the security fence described below to the property line(s) of the aforementioned uses. In addition, the range, itself, may not cross or penetrate any public utility easement.
- D. **Noise Mitigation:** The facility shall be designed such that sound generated at the facility shall not exceed the following levels (in decibels) measured at any off-site property:

Use	Decibel Level
Residential Use	55 db
Institutional Use	55 db
Commercial Use	65 db
Public Use	65 db
Public Right-of-Way	65 db
Industrial Use	75 db

- E. **Shot Containment:** The range shall be designed to contain the bullets, shot, arrows, or other projectiles on the range facility.
- F. **Hours of Operation:** The Board of Adjustment may regulate these as necessary as a condition of the Special Use Permit.
- G. **Design:** The design of the facility shall be guided by the design standards recommended by the National Rifle Association (NRA) for the appropriate caliber firearm(s) or weapon(s) being used on the site as described in “The NRA Range Source Book,” published by the NRA, insofar as they do not conflict with any of the specific requirements contained in this section. Detailed plans for site layout, backstops, and baffles (when used for noise mitigation) shall be submitted with the application.
- H. **Security:** The facility shall be enclosed with a minimum 6 foot high security fence with locking gates. A sign, at least 2 square feet in size but not greater than 6 square feet, warning that a firing range is inside the fence shall be posted every 50 feet along the fence. These signs shall not count against any sign allotment as provided in Chapter 11.

- I. **Range Supervision:** A competent adult supervisor, approved by the owner/manager, shall be present at all times when the range is open for business.

3.5.12 THEATER, OUTDOOR [R/A, OS, HC, NMX, IMX, CCMX]

- A. **Buffering:** Outdoor theaters in the R/A, OS, HC, NMX and IMX districts shall be buffered from adjoining residential uses with a Type C buffer as set forth in Section 8.4.2.A.
- B. **Separation Requirement:** The performance and audience areas for any outdoor theater in the R/A, HC, NMX and IMX districts shall be located a minimum of 200 feet from any adjacent property zoned SR4, SR6, GR6, UR or RMX.
- C. **Access:** Primary access to all outdoor theaters in the R/A, HC, NMX and IMX districts shall be to a collector or higher order street.
- D. **Operational Standards:** Lights and loud speaker systems shall not be operated between the hours of midnight and 8:00 a.m.

3.6 SUPPLEMENTAL USE STANDARDS – CIVIC

3.6.1 CEMETERY [R/A, OS, MHR, SR4, SR6, NC, GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

- A. **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.
- B. **Minimum Yard Requirements**
 1. The minimum yard required for all burial plots, columbariums, mausoleums and any other structures is 30 feet from any exterior property line or the required district setback, whichever is greater. This requirement does not apply where the adjacent property contains an existing cemetery. Gatehouses shall be excluded from any minimum yard requirement provided they meet the sight triangle requirement for driveways in Section 9.7.
 2. Where graves or burial plots are closer than 50 feet to an adjacent street, a low-planted screen in accordance with Section 8.6.1 shall be provided between the street and the cemetery.

3.6.2 CIVIC MEETING FACILITIES [OS, MHR, SR4, SR6, NC, GR6, UR, RMX, NMX, IMX, CCMX]

- A. All such structures shall be subject to discretionary design review in accordance with Chapter 5.
- B. **Prohibited Except as an Accessory Use in NMX, IMX and CCMX Districts:** A civic meeting facility is prohibited from operating in a commercial or mixed-use building type in the NMX, IMX or CCMX district 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 a civic meeting facility is not limited.

3.6.3 CULTURAL OR COMMUNITY FACILITY [OS, NC, GR6, UR, RMX, NMX, IMX, CCMX]

All such structures shall be subject to discretionary design review in accordance with Chapter 5.

3.6.4 PRIVATE RECREATION FACILITIES [OS, NC, GC, HC, LI, RMX, NMX, IMX, CCMX]

A. Applicability

1. Golf courses that are a part of a residential development shall be exempt from these requirements.
2. Restaurant and/or bar uses in conjunction with a Private Recreation Facility shall require a Special Use Permit (SUP).

B. Connectivity to Surrounding Neighborhoods: Outdoor recreation facilities shall be connected to adjacent neighborhoods to the extent practical via street connections, driveways, and/or pedestrian/bicycle paths

C. Operational Standards

1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 10 Lighting.
2. Lights and loudspeaker systems shall not be operated between the hours of 10:00 p.m. and 8:00 a.m. the following morning.
3. Facility usage is limited to indoor activities between the hours of 10:00 p.m. and 6:00 a.m. the following morning unless special permission is received from the Administrator.
4. No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.
5. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the recreational industry

3.6.5 PUBLIC RECREATION FACILITIES [R/A, OS, MHR, SR4, SR6, NC, GC, HC, ICD, LI, HI GR6, UR, RMX, NMX, IMX, CCMX]

A. Applicability: Golf courses that are a part of a residential development shall be exempt from these requirements.

B. Connectivity to Surrounding Neighborhoods: Such facilities shall be connected to adjacent neighborhoods to the extent practical via street connections, driveways, and/or pedestrian/bicycle paths

C. Operational Standards: Such facilities shall conform to the following operational standards except for athletic tournaments, festivals and other special instances as allowed by the Administrator.

1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 10 Lighting.
2. Lights and loudspeaker systems shall not be operated between the hours of 10:00 p.m. and 8:00 a.m. the following morning.
3. Facility usage is limited to indoor activities between the hours of 10:00 p.m. and 6:00 a.m. the following morning unless special permission is received from the Administrator.
4. No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.

5. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the recreational industry.

3.6.6 PUBLIC SAFETY STATIONS [R/A, MHR, SR4, SR6, NC, GC, HC, ICD, LI, HI, GR6, UR, RMX, NMX, IMX, CCMX]

All such structures shall be subject to discretionary design review in accordance with Chapter 5.

3.6.7 RELIGIOUS INSTITUTION [MHR, SR4, SR6, LI, GR6, UR, RMX, NMX, IMX, CCMX]

A. In the NMX, IMX, CCMX District

1. **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.
2. **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.

B. In the MHR, SR4, SR6, LI, GR6, UR and RMX Districts: Religious institutions shall be buffered from adjoining residential uses with a Type B buffer in accordance with Section 8.7.2.

3.6.8 SPORTS ARENA/STADIUM [OS, HC, ICD, LI, IMX]

- A. Access:** Primary access to all sports arenas/stadiums shall be to a collector or higher order street.
- B. Buffering:** Such uses in the OS, HC, ICD and LI districts shall be buffered from adjoining residential uses with a Type C buffer as set forth in Section 8.4.2.A.
- C. Operational Standards:**
 1. Lighting systems shall be installed and operated in accordance with requirements of Chapter 10 Lighting.
 2. Lights and loudspeaker systems shall not be operated between the hours of 10:00 p.m. and 8:00 a.m. the following morning.
 3. Facility usage is limited to indoor activities between the hours of 10:00 p.m. and 6:00 a.m. the following morning unless special permission is received from the Administrator.
 4. No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within 200 feet of any residentially-zoned property except as needed for routine maintenance of the grounds or facility.
 5. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the recreational industry.

3.7 SUPPLEMENTAL USE STANDARDS – EDUCATIONAL/INSTITUTIONAL

3.7.1 CHILD/ADULT DAY CARE HOME (8 OR LESS PERSONS) [R/A, MHR, SR4, SR6, NC, GC, HC, ICD, GR6, UR, RMX, NMX, IMX]

- A. Compliance with State Requirements:** Child/Adult Day-Care Homes shall meet the certification requirements of the North Carolina Department of Health and Human Service’s “Adult Day Care and Day Health Services Standards for Certification” and/or the “Family Child Care Home Regulations.” Such uses provide an organized program of services during the day in a community group setting.
- B. Location:** Child/Adult Day Care Homes shall be permitted only in a private residence occupied by the authorized operator.
- C. Separation Requirement:** All Child/Adult Day Care Homes shall be located at least 500 feet from another Child/Adult Day Care Home.

3.7.2 CHILD/ADULT DAY CARE CENTER (MORE THAN 8 PERSONS) [NC, GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

- A. Compliance with State Requirements:** Child/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” and/or the “Child Care Center Regulations.” Such uses provide an organized program of services during the day in a community group setting. Where such uses are part of a “recreation facility” offering community recreational opportunities to a wide range of age groups or residents, the day-care center may be considered part of the “recreation facility” as provided for and regulated by this ordinance.
- B. Passenger Loading Space:** Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children and adults.
- C. Location in GR6 and UR Districts:** Child/Adult Day Care Centers in the GR6 and UR districts shall be located on a collector or higher order street.

3.7.3 COMMUNITY SUPPORT FACILITY [GC, HC, ICD, RMX, NMX, IMX, CCMX]

Any Community Support Facility which includes facilities that provide overnight shelter shall be subject to the following additional standards.

- A. Temporary Shelter Only:** Lodging facilities shall be limited to temporary shelter for no more than 12 individuals for a period not to exceed 90 days.
- B. Separation Requirement:** No Community Support Facility with lodging facilities may be located within a 1,320 feet (or ¼ mile) of another such use as measured by a straight line on a map unless as part of an accessory use to an existing religious institution.

3.7.4 CORRECTIONAL INSTITUTION [LI, HI, CCMX]

- A. Design Review:** All such structures shall be subject to discretionary design review in accordance with Chapter 5.
- B. Buffering:** Correctional institutions shall be buffered from adjoining property with a Type C buffer as set forth in Section 8.4.2.A.

- C. County Jail Permitted in the CCMX District:** The only correctional institution allowed in the CCMX district shall be the Wilson County Detention Center as operated by the Wilson County Sheriff's Office.

3.7.5 DAY TREATMENT CENTERS [GC, HC, ICD, LI, RMX, NMX, IMX]

- A. Separation Requirement:** Centers shall be located at least 100 feet from any building in residential use.
- B. Hours of Operation:** Centers shall not operate to serve consumers/clients on-site between the hours of 9:00 p.m. and 6:00 a.m. the following morning.

3.7.6 SCHOOLS – ELEMENTARY & SECONDARY [R/A, SR4, SR6, NC, GC, HC, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

- A. For Schools in the R/A Zone Only:** To encourage walking and bicycle accessibility by schoolchildren to schools, it is incumbent upon the applicant to demonstrate how such accessibility can be achieved, given the low density nature of these districts. Accommodation may include the construction of additional off-premise sidewalks, multi-use trails/paths or greenways to connect to existing networks.
- B. For All Schools:**
1. Athletic fields and parking areas must be buffered from adjacent residentially-zoned property with a Type B buffer as set forth in Section 8.7.2.
 2. Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided.

3.8 SUPPLEMENTAL USE STANDARDS – AUTOMOTIVE

3.8.1 DRIVE-THRU/DRIVE-IN/PICK-UP/DROP-OFF FACILITY [NC, GC, HC, ICD, LI, HI, RMX, NMX, IMX, CCMX]

- A. Drive-Thru/Drive-In Facility Locations:**
1. **NC Districts:** Such facilities shall be limited to designated parking space(s) for picking up carryout orders only. Such parking areas shall be subject to the requirements in Chapter 9.
 2. **NMX, IMX, CCMX Districts:** Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities shall be located and accessed only in the third layer of a lot as defined in Section 9.3. In addition, such facilities shall not be located on any portion of the building facing a street frontage.
 3. **GC, HC, LI, HI Districts:** Menu boards, drive-thru service windows, vehicle queuing/stacking areas, and similar facilities located along any street frontage or on any portion of the building facing a street frontage must be buffered from the street by a low wall or hedge, minimum of 3 feet tall, and a Type B buffer as set forth in Section 8.7.2.

B. Pick-Up/Drop-Off Facility Locations:

1. **ICD, RMX, NMX, IMX, CCMX Districts:** Vehicle queuing/stacking areas shall be located and accessed only in the third layer of a lot as defined in Section 9.3. In addition, such facilities shall not be located on any portion of the building facing a street frontage.
2. **GC, HC, LI, HI Districts:** Vehicle queuing/stacking areas located along any street frontage or on any portion of the building facing a street frontage must be buffered from the street by a low wall or hedge, minimum of 3 feet tall, and a Type B buffer as set forth in Section 8.7.2.

C. Pick-Up/Drop-Off Facility Additional Requirements:

1. Menu boards, speakers or audible sound systems, additional lighting, and signage are prohibited.
2. A minimum of a Type B buffer, in accordance with Section 8.7.2, shall be adjacent to any residentially zoned property.
3. A canopy may be permitted over the pick-up/drop-off window or door.

D. Circulation for all facilities: Vehicle queuing/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. Stacking shall be shown as five (5) vehicular spaces.

3.8.2 HEAVY EQUIPMENT/MANUFACTURED HOME RENTAL/SALES [HC]

- A. Screening:** A Type A Buffer must be maintained at all property lines and along any public street frontage, except that a Type C Buffer must be maintained where the site abuts neighboring residential properties.
- B. Buffers:** Outdoor display/storage of vehicles shall be set back at least 50 feet from any right-of-way line, unless such display/storage of vehicles excludes any used or pre-owned vehicles, in which case the display/storage of vehicles shall not encroach into the required building setbacks. In addition, outdoor display/storage of vehicles shall not encroach into floodways or stream buffers.

3.8.3 PARKING LOT/STRUCTURE – PRINCIPAL USE [CCMX]

Where an above-ground parking structure fronts a public street, the ground level, at a minimum, shall be screened by retail, office, or multifamily uses in such a way that cars are not visible from the sidewalk.

3.8.4 THEATER, DRIVE-IN [HC, LI]

A. Buffering/Location

1. Drive-In theatres shall be buffered from adjoining residential uses with a Type C buffer as set forth in Section 8.7.2.
2. The performance/screen and audience areas for any outdoor drive-in theatre shall be located a minimum of 50 feet from any adjacent residentially-zoned property.

- B. Operation Standards:** Lights and loud speaker systems shall not be operated between the hours of midnight and 8:00AM the following morning.

3.8.5 VEHICLE RENTAL/LEASING/SALES [GC, HC, LI, NMX, IMX, CCMX]

- A. Outdoor Vehicle Display Area Screening:** All outdoor vehicle display areas shall be screened by a Type A buffer in accordance with Section 8.7.2. No vehicles displayed for sale or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any public rights-of-way.
- B. SUP Required for Non-Franchised Dealerships:** All such uses that are within 200 feet of a residential use and are a not manufacturer-franchised dealership must obtain a Special Use Permit.
- C. Other Screening:** All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet and a Type B buffer in accordance with Section 8.7.2.
- D. In the NMX, IMX and CCMX districts:**
1. Vehicle sales are restricted to manufacturer-franchised dealerships, only.
 2. In new construction, or renovation to a building which amounts to greater than 50% of the building's value, vehicle bays shall not face the street or shall be screened from direct view by landscaping.
 3. Vehicle painting and body and fender repair are specifically prohibited as service/repair functions, except by those establishments also conducting vehicle sales as restricted above.

3.8.6 VEHICLE SERVICES – MINOR MAINTENANCE/REPAIR [GC, NMX, IMX, CCMX]

- A. Outdoor Vehicle Storage:** All outdoor storage of vehicles awaiting work or pick-up shall be screened by a Type C buffer in accordance with Section 8.7.2. No vehicles or awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any public rights-of-way. No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained.
- B. Vehicle Bays:** Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Planning and Design Review Board during their design review.
- C. Noise:** No noises resulting from the occasional repair or maintenance of a motor vehicle shall be audible at or beyond the property line between 8:00 p.m. and 8:00 a.m. the following morning. Intercom/sound systems shall not be audible at or beyond the property line.
- D. Repair Work:** All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of the Stormwater Management Ordinance (Chapter 46 of the City Code) are complied with.

- E. **Screening:** All boundaries of a property containing such uses that directly adjoin a Single Family residential district shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet, and a Type B buffer.
- F. **Accessory Structure Location:** Accessory structures such as self-service vacuum cleaners, air pumps and other self-service structures must be setback 50 feet from any residential use and 25 feet from any right of way.
- G. **Fueling Islands:** Each drive-up fueling facility permitted under this title shall have off-street driveway stacking space that shall not inhibit or impede access to or from any parking space or drive.

3.8.7 VEHICLE SERVICES – MAJOR REPAIR/BODY WORK [GC, HC]

- A. **Outdoor Vehicle Storage:** No outside storage of junk vehicles or parts shall be permitted unless a permit for an outdoor storage yard is also obtained. No vehicles awaiting work or pick-up shall be located closer than 5 feet to any adjoining property line, within a required landscape area, or in any public rights-of-way.
- B. **Vehicle Bays:** Vehicle bays which are not set perpendicular to the street must be screened from direct view by a hedge or other landscaping. Bays facing the street must also incorporate awnings, windows and/or other articulation/ornamentation sufficient to reduce the impact of the repair bays on the street as determined by the Planning and Design Review Board during their design review.
- C. **Noise:** No noises resulting from the occasional repair or maintenance of a motor vehicle shall be audible at or beyond the property line between 8:00 p.m. and 8:00 a.m. the following morning. Intercom/sound systems shall not be audible at or beyond the property line.
- D. **Repair Work:** All repair work shall be conducted entirely within an enclosed structure; car wash activities may be done outside when all requirements of the Stormwater Management Ordinance (Chapter 46 of the City Code) are complied with.
- E. **Screening:** All boundaries of a property containing such uses that directly adjoin a Single Family residential district or public street shall be buffered with a solid fence extending from the ground to a height of not less than 6 feet, and a Type C buffer.

3.9 SUPPLEMENTAL USE STANDARDS – INDUSTRY/WHOLESALE/STORAGE

3.9.1 LANDFILL AND JUNKYARDS [HI]

- A. **Exemptions:** These requirements shall not apply to following the uses or activities:
 1. Landfills classified as Land Clearing and Inert Debris (LCID) facilities operated in association with an active building permit on the same or adjacent parcel according to the definition for such facilities in 15A NCAC 13B.0563. Such facilities shall be subject to the operational requirements in 15A NCAC 13B.0566 and any other applicable State requirements.
 2. Beneficial fill activities as defined in 15A NCAC 13B.0562.
 3. Storage – Outdoor Storage Yards as defined in Chapter 17
- B. **Minimum Size:** The minimum site size for solid waste landfills shall be 50 acres. The minimum site size for sites used only for the storage of scrap metals, junk vehicles, and other salvage materials shall be 2 acres.

C. Separation Requirement: All landfill and junkyard uses must be located a minimum distance of 1,000 feet from the SR4, SR6, GR6 and UR Districts and any parallel conditional district to those districts.

D. Location: No such facilities shall be located in a designated water supply watershed, special flood hazard area, or wetland area, or block a natural drainage-way so that water is impounded.

E. Setbacks

- The setbacks in the following table shall apply along all property lines and public rights-of-way for all landfill or junkyard storing activities, including parking, access roads, buildings, or disposal.

	Adjacent District	Required Setback
Sites used for solid waste landfills	Any district	100 feet
Sites used only for the storage of scrap metals, junk vehicles, and other salvage materials	R/A, OS, MHR, SR4, SR6, ICD, GR6, UR, RMX, NMX, IMX, CCMX	100 feet
	NC, GC, HC	50 feet
	LI, HI	25 feet

- 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 of wells.

F. Screening

- A Type C buffer shall be required 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.
- A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence must be placed inside the required Type C buffer and may be placed inside the 100- foot buffer area.

G. Vehicular Access: Vehicular access to the site shall be provided on a major or minor thoroughfare, or on a road improved to necessary industrial capacity as determined by the Administrator.

H. Reclamation Plan Required: Applicant shall file in the office of the Register of Deeds, prior to issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plan shall indicate that the applicant, or other entity approved by the City Council, shall remain the owner and be liable for the site forever, or until City Council approval is given to release this requirement.

I. Burning Prohibited: No waste, junk, scrap materials, or any vehicle, including automobiles and trucks, shall be burned on the premises.

J. Automobile Salvage, Records Required: Records shall be kept on each motor vehicle and/or motor vehicle engine salvaged and stored on site. Records shall be kept for 3 years and shall be available for inspection by the building inspector or chief of police at reasonable times. Each record shall show the following:

- Description of item.
- Person or corporation from whom obtained.
- Serial or motor number if any.

3.9.2 MATERIALS RECOVERY & WASTE TRANSFER [LI, HI]

- A. **Separation Requirement:** All outdoor storage yards must be located a minimum distance of 500 feet from the SR4, SR6, GR6 and UR Districts and any parallel conditional district to those districts.
- B. **Screening**
 - 1. A minimum 100-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 of wells.
 - 2. A Type C 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. A chain link security fence, a minimum of 6 feet in height, shall enclose the entire site. The fence may be placed inside the 100-foot buffer area
- C. **Vehicular Access:** Vehicular access to the site shall be provided on a major or minor thoroughfare, or on a road improved to necessary industrial capacity as determined by the Administrator.
- D. **Reclamation Plan Required:** Applicant shall file in the office of the Register of Deeds, prior to issuance of a Certificate of Occupancy, a reclamation plan for the reuse of the site. Such plan shall indicate that the applicant, or other entity approved by the City Council, shall remain the owner and be liable for the site forever, or until City Council approval is given to release this requirement.

3.9.3 RECYCLING COLLECTION STATIONS [LI, HI]

- A. **Separation Requirement:** All outdoor storage, collection, loading and processing areas must be located a minimum distance of 500 feet from the SR4, SR6, GR6 and UR Districts and any parallel conditional district to those districts.
- B. **Yard Requirements:** Recycling collection stations shall meet the minimum yard requirements for the district in which they are located.
- C. **Recycling Materials:** All recyclable material must be contained within a defined area or structure and shall not be allowed to spill out into adjacent areas. The recycling collection area shall be kept clean with no accumulation of trash and debris permitted.
- D. **Yard Requirements:** All aspects of the recycling collection station shall be no closer than 50 feet to adjacent property lines.
- E. **Buffering:** Recycling collection stations shall be screened from the street and from adjacent properties with a Type C buffer as set forth in Section 8.7.2.

3.9.4 STORAGE – OUTDOOR STORAGE YARD [LI, HI]

- A. Separation Requirement:** All outdoor storage yards must be located a minimum distance of 500 feet from the SR4, SR6, GR6 and UR Districts and any parallel conditional district to those districts.
- B. Screening**
1. A Type C buffer shall be required in the buffer area along all public rights-of-way and property boundaries with zones other than the LI and HI districts. With approval of the Administrator, existing plant material may be included in the computation of the required plantings.
 2. All stored materials shall be neatly stacked to a height that does not exceed the height of the required screen, except that those materials stored more than 100 feet from any property lines may be stacked to a maximum height of 35 feet.
 3. Site plan approval is required prior to the construction of the screen. Those sides of such businesses that do not require the above-described screen shall be enclosed with a chain-link fence extending from the ground to a height of not less than 6 feet or the above-described screen.
- C. Junk, Salvage and Scrap Materials Prohibited:** The storage of junk vehicles, scrap metal or other salvage or waste materials shall be prohibited.
- D. Combustible Materials**
1. Gas and oil and other combustible materials shall be stored in a building of fire proof construction which shall be constructed in full compliance with all applicable provisions of the City Code and state law.
 2. All gas and oil shall be drained from vehicles stored or placed in any outdoor storage yard.
- E. Environmental Hazards:** All establishments shall be maintained so as not to create environmental hazards (such as oil or gasoline leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
- F. Exceptions For Uses Adjacent to Rail Roads:** Those businesses directly adjoining a railroad right-of-way or rail spur shall be exempt from the following:
1. From the screening requirements in Section 3.9.4.B.1 for those property boundaries that directly adjoin the railroad right-of-way, except that a chain-link fence extending from the ground to a height of not less than 6 feet shall still be required, and
 2. From the stacking restrictions in Section 3.9.4.B.2 for all areas of the property further than 100 feet of a public right-of-way and within 400 of the railroad right-of-way.

3.9.5 STORAGE – SELF-SERVICE [GC, HC, LI, HI]

- A. Permitted Commercial Activities:** The owner or operator of any self-storage warehouse, or portion thereof, shall not conduct any type of commercial activity except for the following:
1. Leasing of the storage units,
 2. Rental and/or sale of moving supplies,
 3. Rental and/or sale of moving equipment (the rental or sale of any moving trailers, trucks or other vehicles shall only be permitted in districts that also permit Vehicle Rental/Sales/Leasing), and

4. Auctions or other sales of property that occur on a strictly temporary basis.

- B. Sale of Personal Goods:** It shall be unlawful for a lessee of any self-storage warehouse, or portion thereof, to sell or offer for sale, any item of personal property or to conduct any type of commercial activity of any kind whatsoever, except in auctions organized by the owner or operator of the facility that occur on a strictly temporary basis.
- C. Buffering:** Such facilities must be buffered from adjacent properties property with a Type A buffer in accordance with Section 8.7.2.
- D. Accessory Dwellings:** One accessory dwelling unit for a resident manager or security personnel only shall be permitted on the premises in a detached structure. No portion of any self-storage warehouse shall be used, on a temporary or permanent basis, as a dwelling unit.

3.9.6 STORAGE – WAREHOUSE, INDOOR STORAGE [IMX]

- A. Storage within Vehicles:** Storage within motor truck trailers, trailers, mobile homes, or similar structures is prohibited under this section except as temporary storage, less than 30 days, in the rear yard only.
- B. Sale of Goods:** It shall be unlawful for any owner, operator, or lessee of any warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
- C. Dwellings Prohibited:** No portion of any storage warehouse shall be used, on a temporary or permanent basis, as a dwelling.

3.9.7 ARTIST STUDIO/LIGHT MANUFACTURING WORKSHOPS [R/A]

- A. Separation Requirements:** All development, including structures, parking, storage, etc. shall be a minimum of 75 feet from any adjacent property line or right-of-way.
- B. Operations:** All operations and impacts shall be contained entirely within fully enclosed buildings.
- C. Maximum Size:** The maximum gross floor area devoted to the use [the structure(s)] shall not exceed 5,000 square feet.
- D. Employees:** The maximum number of employees shall not exceed three (3).
- E. Buffering:** Such facilities must be buffered from any right-of-way, private drive or adjacent residential use or zone with a Type B buffer in accordance with Section 8.7.2.
- F. Vehicles on Site:** The maximum number of commercial vehicles related to the business shall not exceed two (2).
- G. Waste and Recycling:** All industrial waste and recycling shall be removed from the property to a legal disposal site.
- H. Signage:** Any sign shall meet the requirements of Chapter 11 of this ordinance.

3.10 SUPPLEMENTAL USE STANDARDS – AGRICULTURE

3.10.1 ANIMAL PRODUCTION / POSSESSION [R/A, HI]

- A. Livestock and Poultry in the City Limits**

1. Minimum setback requirements for keeping any horse, mule, pony, cow, sheep, goat, swine or other livestock, including poultry, by means of tether, fence, or other type enclosure shall be as follows:
 - 150 feet from any school, church, restaurant, grocery store, drugstore, dwelling on a different lot, or other retail establishment,
 - 100 feet from any septic tank or private water supply intended for human consumption.
 - 100 feet from any perennial stream,
 - 20 feet from the property line of an adjoining lot.
2. Any property on which livestock or poultry is kept shall meet the following requirements for minimum land area:

Livestock	Minimum required parcel area (for property NOT in a Watershed Area Overlay District)	Minimum required parcel area (for property in a Watershed Area Overlay District)
Cattle or horses	12,000 square feet per head	24,000 square feet per head
Swine	10,000 square feet per head	20,000 square feet per head
Poultry	8,000 square feet per 100 birds	16,000 square feet per 100 birds
Sheep	2,000 square feet per head	4,000 square feet per head

3. Minimum setback requirements for waste lagoons or any other area where animal waste is collected shall be as follows:
 - 2,500 feet from schools, hospitals or churches
 - 1,500 feet from the nearest off-property residence
 - 100 feet from perennial streams
 - 100 feet from property boundaries
 - 100 feet from well or septic tank
4. Waste lagoons shall not be permitted within a flood hazard area.
5. Best management practices shall be applied in using and maintain structures for livestock including stables, so as to eliminate or minimize nuisances and adverse impacts to the maximum extent possible.

3.10.2 BACKYARD PENS/COOPS/BEEKEEPING [MHR, SR4, SR6, ICD, GR6, UR, RMX, NMX, IMX, CCMX]

- A. **Applicability:** These regulations do not pertain to the keeping of dogs or cats as pets.
- B. **Standards for Animals**
 1. **Permitted Animals:** The following animals may be kept in the permitted districts subject to the provisions in this section:
 - a. **Small Animals:** Poultry, rabbits, or other similar small creatures subject to the discretion of the Administrator.
 - b. **Large Animals:** Goats and miniature/pot-bellied pigs.

2. **Prohibited Animals:** Roosters, swine (other than miniature/pot-bellied pigs), and larger animals or livestock including horses, mules, ponies, cows and sheep shall be subject to the provisions for Animal Production/Possession.
3. **Location:** Permitted animals shall only be kept in the rear yard of residential lots.
4. **Enclosure:** All animals shall be kept in a fenced area, or other enclosure, sufficient to prevent their encroachment on neighboring properties.

5. **Number of Animals Allowed**

Lot size	Number of animals allowed
Residential lots (1 acre or less)	Maximum of 10 small animals OR 1 large animal
Residential lots (greater than 1 acre)	Additional animals shall be permitted at the rate of 10 small animals OR 1 large animal per acre.*

** Fractions shall be rounded down to the largest whole number.*

- C. **Standards for Beekeeping:** Bees may be kept in the permitted districts subject to the requirements below:
1. **Hives:** All honey bee colonies shall be kept in hives with movable frames, which shall be kept in sound and usable condition.
 2. **Fencing of Flyways:** Fencing shall be required for any colony that is situated within 25 feet of an adjacent developed property, as measured from the nearest point on the hive to the property line. No fencing is required when the adjacent property is undeveloped. In such instances the beekeeper shall do one of the following:
 - a. Establish and maintain a flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet in each direction so that bees are forced to fly at least 6 feet above ground level over the property lines in the vicinity of the apiary; or
 - b. Locate the hive so that it is at least 8 feet above the ground level at the property line.
 3. **Water:** Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact.
 4. **General Maintenance:** Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
 5. **Queens:** In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
 6. **Colony Densities**

- a. Where any hive is located within 200 feet of an adjacent property, one colony shall be permitted for every 1,500 square feet of lot area, up to a maximum of 20 colonies.
- b. Where all hives are located at least 200 feet from any adjacent property, there shall be no limit to the number of colonies.
- c. For each 2 colonies permitted under colony densities, there may be maintained upon the same tract, 1 nucleus colony in a hive structure not exceeding one standard 9.625-inch depth 10-frame hive body as required from time to time for the management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired

3.11 SUPPLEMENTAL USE STANDARDS – INFRASTRUCTURE

3.11.1 WIRELESS COMMUNICATIONS FACILITY [ALL DISTRICTS]

- A. **Scope:** This section shall regulate all communications broadcasting, towers, support structures, antennas, broadcast receiving facilities and equipment, and any combination thereof, except the following:
 - 1. Television sets.
 - 2. AM and FM radio receivers.
 - 3. Amateur (HAM) radio receivers and transmitters.
 - 4. Citizen band (CB) radio receivers and transmitters, cellular telephones, pagers, and similar personal communication devices.
 - 5. Facilities which qualify as accessory structures as per Section 4.5.5.
- B. **Permitted Locations:** The following wireless telecommunications facilities are permitted, as outlined in the table below, provided they meet the supplemental use standards in this section.

Height of Proposed Facility	Use Allowance	Permitted Districts	Other Permitted Locations (in any district)	Additional Standards
60 ft or less	PS	NC, GC, HC, ICD, LI, HI, NMX, IMX, and CCMX Districts	Government facilities; Public parks and utility structures; Within any building or structure whose primary purpose is not to support communications equipment, such that the facility is completely concealed.	Setbacks shall be the same as for any principal or accessory structure in the district.
More than 60 ft	PS	n/a	Government facilities; Public parks and utility structures; Within any building or structure whose primary purpose is not to support communications equipment, such that the facility is completely concealed.	n/a
	PS	NC, GC, HC, ICD, LI, HI,	n/a	The facility shall be camouflaged in a manner so as

		NMX, IMX, and CCMX Districts	to reflect the characteristics of the neighborhood or its environs as approved by the Wilson Appearance Commission.
	SUP		The facility shall be located no closer than 1,500 feet from any public park.

- C. Prohibited Locations:** Wireless Telecommunications Facilities shall not be permitted within 500 feet of any residential use.
- D. Co-Location:** Co-location is an arrangement whereby more than 1 user occupies a single tower or structure. In order to maximize the use of towers and to reduce the number of towers needed to serve the community, the following co-location requirements shall apply to all users, except accessory uses to a residence.
 - 1. Co-location on a previously-approved tower is permitted without an additional Special Use Permit provided that all conditions of the previously-approved permit are complied with.
 - 2. Co-location on a building or substantial structure, such as a water tower or telephone pole, shall effect a waiver of any Special Use Permit requirement, but all other applicable provisions of this section, and the ordinance, shall be met and be approved by the technical review committee (TRC). The TRC may require that a Special Use Permit application be filed if it is in doubt as to whether or not a given proposal is in keeping with the spirit of the ordinance. In an effort to further the purpose stated above, the city encourages co-location on its facilities.
 - 3. Where a new tower is proposed, documentation shall be required to substantiate why the proposed antenna(s) and/or equipment cannot be accommodated on a previously-approved tower due to 1 or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of previously approved towers, considering their existing and planned use, and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or
 - b. The planned equipment would cause RF interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost; or
 - c. Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present user(s); or
 - d. Other reasons which make it impractical to place the planned equipment on previously approved towers. Such reasons shall be explained and documented in detail.
 - 4. Where a new tower is proposed and sufficient reasons for a new tower exist, favorable consideration will be given to towers designed to accommodate other future users. Documentation shall be required describing the capacity of the proposed tower in terms of today's technology (including the number and type of antennas that it can accommodate). Approval of such new tower will be conditioned on space being made available to such fixture users at a

reasonable fee and any necessary costs of adapting the facilities to the proposed future use.

5. Where a new tower is proposed and sufficient reasons for a new tower exist and the tower will not be designed to accommodate other future users, documentation justifying the proposal shall be required.
6. For any proposed new tower, favorable consideration will be given to those that locate in close proximity to other towers and/or locate in areas where the tower and any accessory buildings can be screened by existing vegetation, land forms, or structures.

E. Setbacks: The minimum tower setback from any property line shall be:

1. Equal to the height of the tower; or
2. Equal to the maximum fall distance for an engineer-certified installation; published engineering data for a particular model of tower will be acceptable to substantiate a setback less than the height of the tower if the building inspector can easily determine that the tower has been installed in accordance with such data, otherwise a professional engineer must certify that the tower is installed as required; or
3. For towers not exceeding 80 feet in height:
 - a. Equal to the engineer-approved guy point distances for guy-wire-supported towers, or
 - b. Equal to $\frac{1}{2}$ the tower height for self-supporting towers; or
4. For a steel monopole tower with a base diameter greater than or equal to 1 foot, equal to $\frac{1}{2}$ of the height of the tower, provided that a professional engineer certifies that the tower is of sufficient strength to withstand hurricane-force winds of a velocity that have occurred, or can be expected to occur, in the area, and that should winds of greater velocity occur, the design of the tower is such as to bend rather than fall; provided that in no case shall a tower in excess of 150 feet in height be setback less than 50 feet from any property line. This requirement shall not apply to communications equipment co-located on facilities located in the public right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met. Accessory buildings and structures on lots shall meet the setback requirements for same in their district

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

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

H. Lighting: Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other federal or state authority, and in no case

shall exceed the required minimum. Every effort should be made to obtain waivers to FAA coloring and lighting requirements if such waivers would not affect aircraft safety. To the extent allowed by the FAA, strobes shall not be used for night time lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to construction of the tower, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

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

- J. **Screening:** Where the tower is not an accessory use and the site abuts or is visible from residentially-developed land, residential zoning districts, or a street designated as a major thoroughfare by the current Wilson Thoroughfare Map/Plan, except for fence and wall entrances, the security fencing described in provision C.3, above, shall be screened with healthy plants which possess growth characteristics of such a nature as to produce within 5 years a planting screen not less than 6 feet high that will obscure objects behind the screen at a distance of 50 feet. This planting screen shall be installed within 1 year of construction of the security fencing and shall be maintained as required herein for the life of the tower. Alternatives may be permitted by the Board of Adjustment based on security or other reasons without the necessity of following the variance procedure. This screening is required in addition to any other screening required by other sections of the UDO. The Board of Adjustment may impose this requirement on accessory uses when appropriate. This requirement shall not apply to communications equipment co-located on facilities located in the public right-of-way (such as telephone poles and light standards) or electric power company easements as long as all other applicable requirements of the ordinance are met

- K. **Design**
 - 1. Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques should be evaluated, taking into consideration the site as built.
 - 2. Freestanding towers shall be screened, constructed and/or colored to blend, as much as possible, with the area and the background against which they are most commonly seen.
 - 3. The Board of Adjustment may specify the type of construction (monopole versus lattice, etc.) as a requirement of the Special Use Permit in cases where they determine that a particular type of construction is better suited for a particular area for safety and/or aesthetic reasons.
 - 4. Towers and antennas on a building or substantial structure shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

5. Where an antenna or antennas are co-located on a structure such as a light standard, telephone pole, fence pole, etc., the height of the structure supporting the antenna(s) shall not exceed the average height of similar structures in the vicinity by more than 10%.

L. Accessory Buildings, Structures, and Uses:

1. These are subject to applicable district requirements.
2. Outside storage in conjunction with these uses is permitted only in the LI and HI districts.

M. Annual Inspection: Towers over 200 feet in height shall be inspected annually by a qualified person, and any recommended repairs shall be made. At a minimum, the inspection shall cover the following:

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

A copy of the inspection report and listing of subsequent repairs made, if any, shall be filed with the development services department.

N. Health Issues: Section 704(a) of the (federal) Telecommunications Act of 1996 expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC) regulations concerning such emissions.

- Note also that the level of RF radiation emitted from low power mobile radio service relay transmissions has been determined to be far below the level now known to cause negative health effects. The levels have been determined to be only a small fraction of the radiation the public is exposed to on a daily basis. The FCC has adopted the American National Standards Institute (ANSI) standards for RF emissions. In the immediate vicinity (within 50 feet) of a low power mobile radio service transmission tower, the power density has been determined to be no more than 1/150 of the ANSI exposure standards. This level is well below the most restrictive exposure standards in effect across the country, which are 1/5 of the ANSI Standards. As the distance from the antenna increases, the power level decreases by an inverse squared factor. Microwave relay antennas utilize very low levels of power. The power density emitted is typically no greater than 1/500,000 of the ANSI exposure standard at the tower base. Therefore, based on the above, there are no expected negative health effects from exposure to a low power mobile radio service telecommunications facility.

- O. Electromagnetic Interference:** Because of the frequencies assigned to the low power mobile radio service providers by the FCC and the relatively low power output by lower power mobile radio service facilities, possible interference to household appliances such as radios, television and cordless telephones for nearby residents will be minimal. The FCC has established regulations governing interference that state it is the responsibility of the carrier to promptly resolve any electromagnetic interference problems created.
- P. Historic Districts:** Facilities located within any historic district overlay zone as established by Section 2.8.2 shall comply with all appropriate requirements and procedures of that section.
- Q. Site Plan:** A site plan demonstrating compliance with these regulations and meeting the requirements of Chapter 15 must be submitted to, reviewed and approved by the TRC.
- R. Building Permit:** A building permit is required.

3.12 TEMPORARY USE STANDARDS [ALL DISTRICTS]

3.12.1 GENERAL STANDARDS/PERMITS REQUIREMENT

All permitted temporary uses listed in this section require a Temporary Use Permit that shall be reviewed and issued by the Administrator subject to the following requirements:

- A. Separation Requirement:** Except for yard sales, Christmas tree sales and produce stands, no temporary use shall be located closer than 100 feet to a dwelling unit unless the owners of such properties provide written consent of the temporary use to the administrator.
- B.** Plans for security and safety must be provided for civic/cultural events.
- C.** The sponsor, owner, or manager of any temporary use shall be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or use.
- D.** No more than 1 temporary use shall be permitted per lot at any given time.
- E. Exemption for Annual Fairs on County, City, or School Property:** Fairs or other special recreational or entertainment events which usually occur on an annual basis and are held in the following locations shall be allowed at these locations and are hereby exempt from the provisions of this section.
 - 1. Wilson County Fairgrounds,
 - 2. Public parks, if authorized by the Recreation Director or City Manager; and
 - 3. School or college grounds, if authorized by the School Superintendent or College President.

3.12.2 TEMPORARY USES ALLOWED IN ALL DISTRICTS

Use	Maximum Duration for Each Use or Event (per site)	Permitted Location(s)
Yard or garage sales	2 days – 6 days per year maximum	Any lot with an occupied residential dwelling – No temporary use permit required
Civic/cultural events (sponsored by a governmental agency, non-profit group or religious institution)	30 days per year maximum – no renewal for 3 months	All districts
Christmas tree and ornament sales	45 consecutive days – no renewal within 1 year	All districts
Farmers' markets and produce stands	No maximum duration – annual renewal required	All districts
Temporary uses associated with construction (including contractor's office, equipment/storage sheds, security watchman temporary office/residence, and mobile office space for displaced workers during construction)	During construction period, 1 year permit – annual renewal if warranted	All districts, subject to requirements in 3.12.4.A
Temporary real estate office	See 3.12.4.C below	All districts, subject to requirements in 3.12.4.C
Temporary relocation mobile homes for displaced residents	1 years, except by extension of Planning and Design Review Board	Within a designated redevelopment or a disaster area, subject to requirements in 3.12.4.D
Temporary use recreational vehicle or travel trailer	1 year – up to 1 year extension when authorized by the Administrator	All districts, subject to requirements in 3.12.4.E

3.12.3 TEMPORARY USES ALLOWED IN MIXED-USE/COMMERCIAL DISTRICTS

For the purpose of interpreting this section Mixed-Use/Commercial Districts shall include R/A, NC, GC, HC, ICD, LI, HI, NMX, IMX, and CCMX.

Use	Maximum Duration for Each Use or Event (per site)	Permitted Districts
Circuses or carnivals	14 days per year	Mixed-Use/Commercial Districts
Religious services and similar types of events	30 days – no renewal within 3 months	Mixed-Use/Commercial Districts
Annual fairs, festivals or similar types of events	14 days – no renewal within 1 year	Mixed-Use/Commercial Districts
Special recreational or entertainment events	1 day – no renewal within 1 month	Mixed-Use/Commercial Districts
Outdoor bazaars and tent sales	3 days – no renewal within 6 months	Mixed-Use/Commercial Districts
Special fund raising sales for nonprofit organizations	3 days – no renewal within 1 month	Mixed-Use/Commercial Districts
Temporary food vendors on private property	90 days – no renewal within 1 month	Mixed-Use/Commercial Districts
Special sales or seasonal flea markets*	5 days – no renewal within 6 months	Mixed-Use/Commercial Districts
Weekend flea markets**	Fridays, Saturdays and Sundays only – annual renewal required	HC, LI and IMX districts only

** When conducted exclusively as part of the permanent business or industrial use on the same lot a Temporary Use Permit is not required. See additional standards in Section 3.12.4.B*

*** See additional standards in Section 3.12.4.C.*

3.12.4 TEMPORARY USES WITH SPECIFIC REQUIREMENTS

A. Temporary Uses Associated with Construction

1. A contractor's office, equipment/storage sheds, security watchman's office/residence and/or mobile office space for displaced workers may be placed in any district temporarily on the site of construction for a development for which a Certificate of Zoning Compliance has been issued.
2. Temporary offices for displaced office workers shall be allowed only on the construction site and for the specific purpose of providing temporary relocation office space required during construction activities involving renovation, expansion or reconstruction of an existing facility.
3. Such uses shall be located at least 5 feet from other structures and 15 feet from adjacent property lines.
4. Placement of such a temporary use is limited to a period of time determined by an estimated project completion date with the option of an extension of up to 1 year as if approved by the Administrator. All temporary construction buildings and trailers shall be placed on the site no earlier than 90 days prior to construction and shall be completely removed from the site within 30 days of issuance of a certificate of occupancy or completion of the project, whichever comes first.

B. Special Sales or Seasonal Flea Markets

1. **Exemption:** When such uses are conducted exclusively as part of a business or industrial use on their lot, parking area or private sidewalk, a temporary use

permit is not required. Such uses shall not be limited in length of time that they may be conducted except that they shall only be conducted on an occasional or seasonal basis. The standards given below for such uses shall still apply.

2. Such uses shall be conducted or authorized by an existing permanent business or industrial use which is in a permanent structure.
3. Such uses shall only be allowed on the lot with the permanent business or industrial use, except as provided in 4 below.
4. Such uses may be allowed on parking areas on the same lot as the permanent business or industrial use, or on abutting property with parking areas that serve the permanent business or industrial use. Such uses on public parking lots require approval as set forth in Article VI in Chapter 34 of the City Code.
5. Such uses may be conducted within the front yard and may include the occasional use of temporary tents, other similar structures, or vehicles used for purposes of displaying and selling merchandise, including utility or truck trailers or trucks.

C. Weekend Flea Markets

1. All such uses shall be located at least 250 feet from any MHR, SR4, SR6, GR6, and/or UR district, however, this requirement shall not apply to properties located across streets/highways of 4 or more lanes or across railroad rights-of-way.
2. Other uses to be housed within the confines of the flea market (such as restaurants, amusements, storage, etc.) must comply with the district requirements for those uses.
3. Such uses may include the use of temporary tents, tables, other similar temporary structures, and/or vehicles used for purposes of displaying and selling merchandise, including trucks or utility/truck trailers. Temporary tents, tables, etc., shall be removed from the site after the close of business for the weekend.
4. Permanent accessory structures shall be limited to office and bathroom facilities.
5. No structures of any type shall be located closer than the established setbacks for the district.
6. No vehicles shall be parked closer than 5 feet to any adjoining property line.
7. There is no minimum parking requirement, but adequate turf or surfaced parking must be provided on site, except in the IMX district.
8. Outdoor trash and recycling facilities shall be provided as otherwise required by ordinance.
9. The site shall be maintained in a clean and orderly fashion at all times. Dumpsters and other waste containers must be emptied when full, during operating hours, and at least once a week.
10. No overnight camping shall be permitted on the flea market site.
11. An annual temporary use permit is required.

D. Temporary Real Estate Office

1. A construction trailer, temporary modular unit or model dwelling unit may be used as a real estate sales office in a new residential development of 20 or more units or lots in a residential subdivision.

2. Temporary real estate offices in a construction trailer, temporary modular unit, or model dwelling unit shall be allowed in any new construction project in any district, provided that such structure shall be used for the sale of units within that project only.
3. Only 1 such temporary structure per builder or developer shall be allowed for use as a real estate sales office.
4. Temporary real estate offices in construction trailers or temporary modular units may remain on the site for no more than 1 year or until 80% of the units for the project are completed, whichever occurs first.

E. Temporary Relocation Mobile Homes for Displaced Residents: Residents displaced as a result of a natural or manmade disaster, or a publicly-sponsored redevelopment project in a neighborhood or area, shall be allowed provided they meet the following requirements:

1. Temporary mobile homes may occupy designated disaster areas or redevelopment project areas only. Mobile homes shall only be allowed to occupy redevelopment project areas, as designated by City Council, following an advertised public hearing.
2. The mobile homes shall be permitted for not more than 2 years, except by extension of time by the Planning and Design Review Board.
3. The mobile homes shall be properly installed according to state requirements and connected with public utilities as set forth in City of Wilson ordinances.
4. The mobile homes shall be located at least 10 feet from one another or other structures.
5. Each mobile home unit shall be accessible to public service and emergency vehicles as determined and approved by the Administrator.
6. Adequate provision shall be made for parking and waste management in compliance with city ordinances and policies.

F. Temporary Recreational Vehicle or Travel Trailer

1. This use is for a single temporary recreational vehicle or travel trailer (RV) located on a residential site during construction/rehabilitation of the principal building when occupied by owners of the site. This is an administratively-issued temporary use permit.
2. An active building permit for the principal building on the property is a prerequisite for a permit to conduct this temporary use. Progress towards completion of the project is essential in order to continue to hold this permit, and lack thereof over a period of 3 months or more shall be sufficient grounds for revocation of this temporary use permit.
3. The RV may be used for dwelling purposes including, but not limited to, sleeping and major cooking activities.
4. The initial permit shall cover one year (unless revoked for reasons stated above). A one-year extension may be authorized by the Administrator when circumstances merit same.
5. The RV shall be located completely on private property and shall not impede access by emergency vehicles to the property or any adjoining properties.
6. The RV shall be occupied by the owner of record of the property on which it is located.

7. Use of city utilities and disposal of waste generated by the RV shall comply with all applicable city ordinances and policies.

3.12.5 TEMPORARY USES NOT LISTED

If a Temporary Use Permit is sought for a use other than a specific use listed in the table above, the Administrator shall have the authority to determine which of the use categories above most closely resembles the use or activity in question. In the event that a particular use is not listed, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Administrator shall determine whether a materially similar use exists in this section. Should the Administrator determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Administrator's decision shall be recorded in writing. Should the Administrator determine that a materially similar use does not exist, this section may be amended to establish a specific listing for the use in question through the text amendment process established in Section 15.14

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