

Article XI.
Additional Conditions for Certain Uses.

Note: These conditions apply only to uses “Permitted with Conditions” or by “Conditional Use Permit” in the applicable zoning district as shown in Section 6.7., Table of Uses.

11.1 AGRICULTURAL USES

11.1-1 Agricultural Industry.

(A) There shall be a separation of no less than two hundred fifty feet between structures housing the agricultural industry and the closest point of any property located in a residential district or developed for residential or mixed use purposes.

(B) The use shall be located on a lot containing no less than six acres.

(C) Agricultural uses shall maintain a minimum ten foot vegetated buffer, or equivalent control as determined by the soil and water conservation commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.

11.1-2 Agriculture Implement Sales and Service.

(A) Outdoor storage of implements and equipment shall be located in the rear or side yard only.

(B) Outdoor storage shall be screened with opaque fencing or appropriate vegetation.

11.1-3 Livestock Sales and Auctions.

(A) There shall be a separation of no less than one hundred feet between structures housing the sale or auction and/or storage of livestock and the closest point of any property located in a residential district or developed for residential or mixed use purposes.

(B) The use shall be located on a lot containing no less than six acres.

(C) Sales and auctions shall maintain a minimum ten foot vegetated buffer, or equivalent control as determined by the soil and water conservation commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.

11.2 COMMERCIAL USES

11.2-1 Adult Establishments.

(A) No adult establishment shall be located within one thousand five hundred feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.

(B) No adult establishment shall be located within one thousand five hundred feet(determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.

(C) No more than one adult establishment may be located within the same structure.

(D) Mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

(E) Patrons of adult establishments shall be separated from entertainers, performers or entertainment employees by a minimum of six feet.

(F) All performers or entertainment employees of adult establishments shall perform on an elevated stage or platform, elevated from the main floor by at least three feet.

(G) No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

(H) Only one flat wall sign announcing the establishment's name is permitted per adult use. The sign cannot exceed one square foot for each foot of linear building frontage.

(I) All windows, doors, entries and the like for all adult uses shall be so located, covered, screened or otherwise treated that any view of the interior of the establishment are not possible from any public or semipublic area, street or way.

(J) No adult use, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) a.m. and six o'clock (6:00) a.m. on weekdays and Saturdays, and one o'clock (1:00) a.m. and one o'clock (1:00) p.m. on Sundays.

(K) No patron or employee parking shall be allowed in the rear yard of the property.

(L) Side and rear yards shall be buffered with a opaque vegetative screen at least six feet in height and with a minimum buffer width of twenty (20) feet regardless of the adjoining use or adjoining zoning district.

11.2-2 Amusements, Commercial, Outdoor.

(A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential or mixed use district;

(B) No permanently established amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within two hundred feet of the closest point of any abutting property located in a residential district;

(C) Hours of operation shall be no earlier than 8:00 a.m. and no later than 12:00 midnight.

11.2-3 Bed and Breakfast Establishments.

(A) The bed and breakfast facility shall be compatible in scale of structure and scale of development with residential structures in the neighborhood in which it is located. The principal use of such dwelling structures is residential. The exterior of the structure shall be harmonious with surrounding properties. The bed and breakfast use shall be operated in a primary, single-family residential structure and not in any accessory structure.

(B) The operation shall be conducted by persons who own and reside within the dwelling unit. It shall be permissible to employ the equivalent of one (1) full-time person to assist in the operation.

(C) The use shall be located in a structure that was originally constructed as a dwelling.

(D) The structure must contain at least one (1) full bathroom for the exclusive use of the owner and other members of the immediate household, plus a minimum of one (1) private bathroom for every two guest bedrooms. Each full, discrete bathroom must include a minimum of a water closet, a lavatory and a bath or shower and meet current building code requirements.

(E) The rental of rooms shall be on a daily or weekly basis to tourists, vacationers or similar transients. The rental period shall not exceed fourteen (14) consecutive days in any thirty-day period.

(F) There shall be no cooking facilities or kitchen-type appliances in the rental dwelling rooms. Only a breakfast meal may be provided in a common area by the owner of the facility. It is intended by this subsection that meals may be provided only to registered guests of the facility. No meals shall be served to the general public.

(G) Smoke alarms shall be installed in all rental rooms and in common areas.

(H) The total rented dwelling rooms shall be a minimum of three (3) and not exceed eight (8). The total occupancy, including the owner(s), shall not exceed ten (10) persons. Each room must have access to a hall or exterior door

(I) Parking shall be provided on the parcel on the basis of one (1) space per rental dwelling room in addition to two (2) spaces for the owner(s). Such parking areas shall be maintained in a dust-free, rut-free condition and shall be visually screened with a vegetated buffer if adjacent to an existing residential structure or a vacant lot on which a residential structure can be built. Parking shall not be permitted in front yards.

(J) Events conducted for compensation (ex. Weddings, receptions, and parties) shall be permitted only if there is sufficient overflow parking available on site or off-street

parking is available. Overflow parking does not have to be paved or graveled but must be on a suitable, even surface.

(K) Only one 12 sq. ft. sign is allowed on the lot advertising the bed and breakfast. If freestanding, the sign can only be 4 feet in height and must be earth-tone in color and composition and be made of wood.

(L) No display of goods, products, services, or other advertising shall be visible from outside the building

(M) No dwelling may be used as a bed and breakfast unless and until it shall have been permitted by the Wilkes County Health Department.

(N) Lighting of the premises shall be harmonious with surrounding property. Lighting shall not create glare or interfere with the reasonable enjoyment of adjacent properties.

(O) Noise generated within the structure shall not exceed a volume normally associated with residential occupancy. Between 9:00 p.m. and 6:00 a.m., noise originating within the structure shall not be audible beyond the property lines.

(P) The Town shall issue a permit if all the requirements of this subsection and other applicable provisions of the Town Code have been met. The permit shall remain in effect for a period of one (1) year and may be suspended or revoked if a violation of standards is found. The permit shall be renewed each year, upon request, by the Planning Director unless it is determined that the use of the dwelling is not in compliance with the Town Code. The use of the building as a bed and breakfast shall cease if the permit is not kept in effect.

(Q) There shall be no other bed and breakfast inn within 600 feet of the property measured in horizontal distance (straight line). This distance requirement may be reduced by the approving authority with a determination that public health, safety and welfare shall be preserved.

(R) No alcoholic beverages shall be served on the premises to paying guests.

11.2-4 Car Wash, Automatic.

(A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

(C) Car washes accessory to a principal use shall be located in the side or rear yard only.

(D) All ports or bays must be perpendicular to an adjoining road or right-of-way

11.2-5 Car Wash, Industrial.

(A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

(C) Car washes accessory to a principal use shall be located in the rear yard only.

11.2-6 Car Wash, Self-Service.

(A) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(B) Car washes, vacuums, and similar service devices shall be a minimum of twenty feet from the nearest portion of an adjacent residential zoning district or residential use.

(C) All ports or bays must be perpendicular to an adjoining road or right-of-way

11.2-7 Clubs, Private.

(A) Private clubs shall be open to members of the club and their guests only.

(B) Hours of operation shall be no earlier than 8:00 a.m. and no later than 1:00a.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

(C) Outdoor seating areas for private clubs shall not be permitted within two hundred fifty feet of a residential use or a residentially zoned lot.

(D) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than one hundred feet from any point of the property containing the club.

11.2-8 Convenience Store.

(A) No outdoor sales, storage or display of goods shall be allowed with the exception of live plants.

11.2-9 Electronic Gaming Operations.

(A) The days and hours of operation shall be between:

- (1) Monday through Thursday: 7:00 am to 11:00 pm
- (2) Friday through Saturday: 7:00 am to 12:00 midnight
- (3) Sunday: 1:00 pm to 8:00 pm

(B) No play on any game shall be allowed during the times when the electronic gaming operations are required to remain closed.

- (C) All electronic gaming operations shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.
- (D) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.
- (E) No loud noises shall be allowed to emanate beyond the licensed premises.
- (F) No one under the age of 18 years of age shall work, play or participate in electronic gaming operations.
- (G) The maximum number of machines/terminals/computers for any electronic gaming operations business is twenty (20).
- (H) No alcoholic beverages shall be served or consumed on the premises of the electronic gaming operation.
- (I) No electronic gaming operation shall be located within one thousand five hundred feet (determined by a straight line and not a street distance) of any point on the closest property line of any church, school, day care, public park, or playground as measured by a horizontal, straight line distance from the close point on the closest boundary line of the property occupied by the electronic gaming operation.
- (J) No electronic gaming operation shall be located within five hundred feet (determined by a straight line and not a street distance) of any other electronic gaming operation as measured by a horizontal, straight line distance from the closest building occupied by each.

11.2-10 Flea Markets.

- (A) All structures associated with the market shall be at least three hundred linear feet from any lot located in a residential district.
- (B) Side and rear yards shall be buffered with an opaque vegetative screen at least six (6) feet in height and with a minimum buffer width of ten (10) feet regardless of the adjoining use or adjoining zoning district.
- (C) All flea markets shall be serviced by an operable onsite restroom.
- (D) Hours of operation shall be limited to weekends no earlier than 7:00 a.m. and no later than 5:00 p.m. when abutting a residential use or residential district.
- (E) Overnight storage of all merchandise shall be indoors.

(F) The premises shall be kept maintained and clear of debris and trash.

(G) No on-street parking is permitted.

(H) Parking spaces and aisles shall be adequately delineated and separated from the vendor areas to ensure safe circulation. Parking shall be in accordance with Section 8.4.

(I) Noise must be limited to such a level as to not disturb neighbors and be in accordance with all Town of North Wilkesboro ordinances and regulations.

(J) There shall be a designated onsite supervisor responsible for supervising all flea market activity.

11.2-11 Fuel Dealers.

(A) All storage tanks, pumping equipment, loading and unloading must be located in the rear yard and in a fenced area.

(B) All tanks and structures can not be within 100 feet of a residentially zoned lot.

11.2-12 Gasoline Station, Neighborhood.

(A) Hours of operation shall be no earlier than 6:00 a.m. and no later than midnight when this use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.

(B) Any accessory motor vehicle repair service shall store any wrecked, partially dismantled, or inoperative vehicles located on-site in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this article for outdoor storage.

(C) The overnight storage of all merchandise and vehicles shall be indoors and all repair work and similar activities shall be conducted entirely within enclosed structures.

(D) All fuel pumps shall be located a minimum of twenty feet from any adjacent property line.

(E) All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps and canopies located in side yards shall be on the side of the principle structure located away from the street intersection.

(F) In NB zones, no outdoor sales, storage or display of goods shall be allowed with the exception of live plants.

11.2-13 Home Occupations.

- (A) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- (B) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
- (C) The use may not employ any person who is not a resident of the dwelling.
- (D) A home occupation housed within the dwelling shall occupy no more than twenty-five percent of the total floor area of the dwelling.
- (E) There shall be no visible outside display of stock in trade which is sold on the premises.
- (F) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation.
- (G) Operation of the home occupation shall not be evident from any dwelling on an adjacent lot, nor from a street.
- (H) Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
- (I) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
- (J) Home occupations which draw clients to the dwelling on a regular basis shall be limited to 2 clients at one time.
- (K) Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts and shall have a secured work area.
- (L) No advertising signs or signs that would be considered nonresidential in nature shall be permitted.

11.2-14 Junk yard.

- (A) No stacking of vehicles shall be allowed.
- (B) The entire perimeter of the junkyard shall be enclosed by an opaque fence or vegetative screen at least six feet in height.
- (C) The lot containing the junkyard must be a minimum of five acres.

(D) When lots are adjacent to residentially zoned lots or residential uses, a minimum setback of seventy five feet.

11.2-15 Kennel.

(A) Any structure which houses animals which is not fully enclosed shall be located at least one hundred feet from any lot line and two hundred fifty feet from a residential or mixed use district.

(B) Any run located partially or wholly outdoors shall be located at least one hundred feet from any lot line and two hundred fifty feet from a residential or mixed-use district.

(C) A maximum of twelve dogs shall be permitted in outside runs.

11.2-16 Motor Vehicle Storage Yard.

(A) A motor vehicle storage yard created or expanded after the adoption date of this article shall have an enclosed storage area not exceeding one acre.

(B) No repair work shall be done on motor vehicles while stored in the storage yard. No parts or other articles may be removed from the vehicles except for security purposes, nor shall any parts or articles be sold. The sale of whole vehicles shall be permitted only to satisfy a mechanic's lien or by order of a law enforcement agency.

(C) Fencing shall be set back a minimum of ten feet from public street rights-of-way.

(D) Vertical stacking of motor vehicles is prohibited.

(E) Any gasoline, oil, or other materials spilled or collected on site shall be contained and disposed of in accordance with state and federal laws.

(F) Tractor-trailers, tankers and/or any vehicle carrying a hazardous material shall be stored only in motor vehicle storage yards located in the LI or GI districts. A motor vehicle storage yard which stores a tanker which has contained a hazardous substance shall be enclosed by a minimum six-foot high fence which shall be locked during non-operating hours. In addition, a spill containment structure certified by a registered professional engineer as being adequate for spill containment is required. No tanker shall be stored closer than three hundred feet from any residential zoning district or lot containing a legal conforming residential use.

11.2-17 Nursery, Lawn and Garden Supply Store, Retail.

(A) Up to two storage containers/trailers are permitted to be placed on the lot.

(B) Where permitted as a principal use on a lot, the area of storage for live plants shall be no closer than ten feet from an abutting street right-of-way, and the area of storage for all other items shall be no closer than forty feet from an abutting street right-of-way.

11.2-18 Outdoor Display and Sales of Merchandise.

All display and sales of merchandise shall be conducted completely within enclosed buildings, except where expressly permitted below:

(A) *Outdoor seating for restaurants, provided that such:*

- (1) Shall not be located in any street right-of-way where handicap access, pedestrian and/or vehicular movement is inhibited;
- (2) Shall be permitted only along the business tenant bay or storefront façade; and
- (3) Shall not block the entrance to the business or building.

(B) *Outdoor display or sales of merchandise accessory to a principal use, provided that:*

- (1) Shall not be located in any street right-of-way where handicap access, pedestrian and/or vehicular movement is inhibited;
- (2) Shall be located against the building façade;
- (3) Shall be permitted only along the business tenant bay or store front façade;
- (4) Shall not block the entrance to the business or building;
- (5) Shall not exceed ten percent of the gross floor area of each non-related and separately operated use;
- (6) Shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day.

11.2-19 Outdoor Storage.

(A) Items must be placed within an enclosed building or approved outdoor storage area at the end of each business day.

(B) Up to two storage trailers are permitted to be placed on a single lot or in conjunction with a single principal use.

(C) Only vehicles and equipment awaiting or in process of repair which are not visibly damaged or are not used or intended to be used as “parts” vehicles shall be permitted.

(D) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any front yard abutting a street.

(E) Where permitted as a principal use on a lot, the area of storage shall be no closer than twenty-five feet from an abutting street right-of-way.

(F) All areas established for outdoor storage, including security fencing of such areas, shall be screened from view from the public street(s) and from all abutting properties by a opaque or vegetative screen at least six-feet.

11.2-20 Parking Lot or Deck.

Parking lots and decks not accessory to a building on the same development site shall meet all requirements elsewhere herein for such uses, except that:

(A) Parking lots, as a principle use, within residential districts shall only service uses allowed within residential zoning districts.

(B) Parking lots in residential districts shall maintain a minimum 5-foot buffer from all shared property lines that directly adjoin residential uses or zones wherein a vegetative screen shall be planted that is 3-4 at planting and 6 feet in height at maturity and provides full screening of the lot from adjoining property owners around the shared property line.

(C) Where the property line fronts a road right-of-way in residential districts, the screen must be a minimum of 3 feet in height and no more than 6 feet at maturity and shall be planted up to the property line along the applicable perimeter.

(D) Parking lots in all nonresidential areas must meet screening and landscaping requirements as given in Article IX.

(E) Parking decks shall, to the maximum extent practicable, meet the design standards for buildings.

11.2-21 Raceways and Drag Strips.

(A) The use shall be located on a lot of at least thirty-five acres.

(B) Vehicular access to the use shall be provided only by way of a major or minor arterial.

(C) A minimum separation of one hundred feet, fully vegetated, shall be provided between the fenced use area and any abutting property line.

(D) Existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.

(E) Hours of operation shall be no earlier than 8:00 a.m., Monday to Saturday, or 12:00 p.m., Sunday; and no later than 11:00 p.m.

11.2-22 Retail, Non-store.

(A) All deliveries by truck must be made between the hours of 8:00AM and 5:00PM.

11.2-23 Riding Stables.

(A) Lots shall maintain a fence around the entire perimeter of the lot housing the stable.

(B) All buildings and animal waste storage shall be fifty feet from any property line.

11.2-24 Shooting Range, Outdoor.

(A) All new shooting ranges shall be designed, constructed, and operated in strict compliance the National Rifle Association (NRA) standards specified in “The NRA Range Sourcebook”. In addition, construction standards shall comply with all appurtenant North Carolina Building and Fire Codes.

(B) All shooting stations on a range facility shall be located a minimum of one hundred fifty (150) feet from any property line.

(C) Warning signs meeting NRA guidelines for shooting ranges shall be posted at one hundred foot intervals along the entire perimeter of the range facility.

(D) All outdoor shooting ranges stations shall be located at least 500 feet from any occupied dwelling, excluding those dwellings occupied by the range owner and staff of the range.

(E) Hours of operation shall be during daylight hours and not before noon on Sundays.

(F) The permittee shall carry a minimum of \$500,000 general liability insurance. Such insurance shall name the Town as an additional insured party and shall save and hold the Town, its elected and appointed officials and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a person or group’s members or employees or third parties on account of any property damage arising out of use of the range, or in any way arising out of the acts or omissions of the permittee, his/her group, club or its agents or representatives. The Town shall be notified of any policy changes or lapses in coverage.

11.3 INDUSTRIAL USES

11.3-1 Abattoirs.

(A) All activities associated with the slaughtering of animals shall be screened from public view.

(B) There shall be a separation of no less than fifty feet between structures housing the slaughtering activity and/or the storage of animals and the closest point of any property located in a residential district or developed for residential or mixed use purposes.

11.3-2 Auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards.

(A) A minimum of two (2) acres for the site shall be provided.

(B) The site shall be completely enclosed by a solid or opaque fence in conjunction with required landscape materials. The fencing shall extend from the surface of the ground to a uniform minimum height of at least six (6) feet from the ground at any given point. All business activity, including storage of vehicles or other materials, shall be conducted within the fenced area.

(C) No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9:00 P.M. and 7:00 A.M.

(D) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

11.3-3 Building contractors, heavy.

(A) All outdoor storage of equipment and building materials shall be kept at least fifty linear feet from any adjacent residential use and shall be located in a side or rear yard only and shall be screened for public view.

11.3-4 Landfill, land clearing and inert debris.

(A) Any on-site LCID landfill must comply with the standards of the State of North Carolina.

(B) An LCID landfill can not be the principle use of the lot.

(C) Any such landfill must be closed in an approved fashion within six months of completion of construction or within twelve months of cessation of construction, if the development project has not been completed.

(D) The location of any such landfill must be indicated on the preliminary subdivision plan and the final subdivision plat, if applicable. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence of the landfill recorded as part of the deed for the lot or parcel.

(E) No portion of any such landfill may be located within fifty feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.

11.3-5 Quarries or other extractive industries.

(A) Operations Affected by Regulations. Mining operations which affect more than one (1) acre of land, including borrow pits which disturb more than one (1) acre of land at any one time, shall meet the following regulations:

(B) Dimensional Requirements. Dimensional requirements for mining operations are specified below. Buildings shall meet the setback and other dimensional requirements of the underlying zoning district.

Dimensional Requirements for Mining Operations - Required Minimum Distance from any Public Right-of-Way or from Property that is Adjacent to:

Mining Activity	GI Zoning District
Any extraction area, road, or pit.	50 feet

Any crushing of rock, processing of stone, gravel, or other material.	100 feet
Any blasting.	200 feet

(C) Easements. No excavation shall take place within easements for underground transmission lines for oil, natural gas, or other potentially hazardous material.

(D) Fencing. Any excavation to a depth greater than five (5) feet shall be fenced. However, no fencing shall be required on any property where such fencing would be impracticable, as determined by the Zoning Administrator, by reason of location of such property in a floodplain.

(E) Hours of Operation. Quarry drilling, blasting, and crushing, except in cases of emergency involving safety on the site, shall not be operated on Sunday and may not be operated earlier than 7:00 A.M. nor later than 6:00 P.M. on any other day.

(F) Access. The site of the mining operation shall have direct access onto a major or minor thoroughfare. Any road which the mining operation accesses may be required to be improved to necessary industrial capacity as a condition of approval.

(G) Spillage and Effluent. The loading of trucks shall be accomplished in such a way as to prevent spillage on roads. The effluent of extraction or processing going into streams must comply with requirements of State law.

(H) Flooding. Whenever a mining operation would in the course of its operation create a flooding hazard, the operator, before commencing any such excavation, and at such other times during the excavation as may be necessary, shall erect such dikes, barriers, or other structures as will afford the same protection as if no excavation were made. No mining operation shall impede the flow of any watercourse.

(I) Operational Statement. The petitioner will file an operational statement with the Zoning Administrator which shall include the following:

- (1) The approximate date to begin operation and its expected duration;
- (2) Estimated type and volume of extraction;
- (3) Description of method of operation, including the disposition of topsoil, overburden, and by-products;
- (4) Description of equipment to be used in the extraction process; and
- (5) Any phasing of the operation and the relationship of the various phases.

(J) Temporary or Permanent Discontinuance of Operations. Notice of intent to discontinue temporarily a mining operation shall be filed with the Zoning Administrator

in advance of such temporary discontinuance. Notice of intent to discontinue permanently a mining operation shall be filed with the Zoning Administrator not less than three (3) months in advance.

(K) Maintenance. During any period that a mining operation is discontinued temporarily, the site, along with all structures, machinery, and fencing, shall be properly maintained in a safe and orderly condition.

(L) Reuse or Rehabilitation of Site. Notice of permanent discontinuance of mining operation shall include a plan for reuse or rehabilitation of the site. Except where redevelopment for another permitted use is in progress on the site of a discontinued mining operation, the last operator shall perform the following within one year:

(1) Buildings and Equipment. All buildings and equipment shall be removed;

(2) Materials. All nonregulated waste piles, overburden, and other materials shall be graded so that the material assumes its natural angle of repose. These materials shall be planted with vegetation so as to prevent erosion;

(3) Walls. Any quarry walls shall be cleared of loose materials;

(4) Water Collection and Drainage. Any excavation shall be so graded as to provide for natural drainage; if the collection of water in an excavation is unavoidable, the area shall be fenced.

(M) Other Requirements. The operator of any mining operation shall file with the Zoning Administrator, in addition to any exhibits required elsewhere in this Ordinance, evidence of ownership or control of property, plans for rehabilitation, and notices of intent, as required herein. The Zoning Administrator shall inspect the premises annually to determine that all specific conditions are being met. Violation of the requirements herein shall make the operator liable to the penalties set forth in this Ordinance.

(N) Sand Dredging Operations. In addition to complying with the applicable provisions of this section, sand dredging operations shall be conducted in a manner which does not result in the erosion of the banks of a stream.

11.3-6 Solar Farms

(A) The solar farm shall conform to the NAICS 221119 description of a ground mounted solar powered energy system.

(B) Height – Solar power electric generation structures shall not exceed a height of 25 feet.

(C) Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located.

(D) Visibility – Active solar systems shall be screened from routine view from public rights-of-way or adjacent residentially-zoned property.

11.3-7 Storage and salvage yard.

(A) No dismantling, disassembling, salvaging, wrecking, or processing operation on the premises shall be carried on between the hours of 9:00 p.m. and 7:00 a.m.

(B) Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with state and federal laws.

(C) All activities associated with storage, wrecking, or processing shall be fully screened from public view.

11.3-8 Terminal, freight.

(A) The area designated for truck parking shall be located no closer than forty feet from an abutting street right-of-way.

(B) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen, wherever security fencing is desired, it shall be placed on the interior side of the screening materials.

(C) The use shall be located on or have direct access to a major or minor arterial; truck terminals shall not be sited such that collector streets are regularly traversed to access the larger capacity road.

11.3-9 Tire recapping shops.

(A) Up to two storage trailers are permitted in conjunction with the use.

(B) The area of storage shall not be placed in any front yard or side yard abutting a street.

(C) The area of storage shall be no closer than forty feet from an abutting street right-of-way.

(D) All areas established for outdoor storage, including security fencing of such areas, shall be screened from view from any adjacent residential use or residentially zoned lot by a minimum of six feet in height opaque screen.

11.3-10 Warehousing (excluding self-storage).

(A) All warehousing operations shall be served directly off a major or minor arterial.

11.3-11 Warehousing, self storage.

(A) The only commercial uses permitted on the site of a self-service storage facility use shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate or process goods; service or repair vehicles, small engines or electrical equipment, or to conduct similar

repair activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on the site;

(B) A security or caretaker quarters use may be established on the site of a self-storage facility;

(C) Individual storage bays or private postal boxes within a self service storage facility use shall not be considered premises for the purpose of assigning a legal address;

(D) Except as provided in this section, all property stored on the site of a self-service storage facility use shall be entirely within enclosed buildings;

(E) Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by persons for their personal use shall be permitted within a self service storage facility use, provided that the following standards are met:

1. The storage shall occur only within a designated area. The designated area shall be clearly delineated;
2. The storage area shall not exceed 25 percent of the buildable area of the site;
3. The storage area shall be entirely screened from view from adjacent residential areas and public roads by a building and/or solid fencing with landscaping on the outside of the fence;
4. Storage shall not occur within the area set aside for minimum building setbacks;
5. No dry stacking of boats shall be permitted on site; and
6. No vehicle maintenance, washing or repair shall be permitted.

(F) The minimum lot size for a self-service storage facility shall be three acres. No variance or other relief shall be granted from this standard;

(G) The development shall not encroach into any buffer required by this Ordinance; the minimum required setback from any property line shall be the greater of any required buffer or setback (Sec. 8.2.6(B)).

(H) If separate structures are constructed, there shall be a minimum separation of 10 feet between the buildings within the facility;

(I) The maximum size of a storage bay shall be 450 square feet;

(J) With the exception of a structure used as a security or caretaker quarters, the maximum height of a self-service storage facility use shall be 20 feet. In addition, a parapet wall shall be constructed to screen roof-mounted heating and air conditioning and

other equipment, if any. The combined height of the building and the parapet wall shall not exceed 25 feet;

(K) The following on-site circulation standards shall apply:

1. Interior parking shall be provided in the form of aiseways adjacent to the storage bays. These aiseways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of these aiseways shall be 21 feet if only one-way traffic is permitted, and 30 feet if two-way traffic is permitted;
2. The one-or two-way traffic flow patterns in aiseways shall be clearly marked. Marking shall consist at a minimum of use of standard directional signage and painted lane markings with arrows;
3. Appropriate access and circulation by vehicles and emergency equipment shall be ensured through the design of internal turning radii of aiseways.

(L) Outdoor lighting shall be the minimum necessary to discourage vandalism and theft. If a facility abuts a residential district, outdoor lighting fixtures shall be no more than 15 feet in height;

(M) No exterior loudspeakers or paging equipment shall be permitted on the site;

(N) Storage bay doors shall not face any abutting property located in a residential district, nor shall they be visible from any public road; and

(O) The exterior facades of all structures shall receive uniform architectural treatment, including masonry, stucco, and painting of surfaces only. No metals facades shall be allowed.

11.3-12 Waste transfer station.

(A) Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.

(B) The area of active use must be enclosed by a fence, not easily climbable, from six to seven feet in height, and the fence must be located at least twenty feet from the public street right-of-way and one hundred feet from abutting property lines.

(C) A minimum separation of one hundred feet, fully vegetated, shall be provided between the fenced use area and any abutting property line; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year round opaque buffer from abutting properties.

(D) The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid (opaque) fence, planted on the exterior side with a semi-opaque vegetative

screen with expected height of at least eight feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence.

(E) The active use areas of the site shall be separated by one hundred feet from all public streets.

(F) That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen.

(G) No active area will be located within one hundred feet of any property line or within two hundred feet of abutting property located in a residential district or developed for residential, institutional, or mixed use.

(H) Vehicular access to the proposed use will not be provided by a minor collector or neighborhood street, and access roads to the site will connect directly to a designated arterial.

11.4 GOVERNMENT AND INSTITUTIONAL USES.

11.4-1 Child care institution.

(A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed if no other is provided. On corner or through lots, a minimum twenty-foot setback as measured from the abutting street right-of-way line shall be required.

(B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.

(C) Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.

(D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

11.4-2 Church or religious institution, community scale.

(A) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.

(B) Convents, rectories, parsonages, or similar uses may be placed on the site as accessory uses.

(C) Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the

principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.

(D) Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:

(1) No merchandise or merchandise display shall be visible from outside the building;

(2) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.

(E) Except as noted in section (C) above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.

(F) Direct access to the site shall be provided by a major or minor thoroughfare.

(G) The minimum site area shall be three acres.

11.4-3 Civic, fraternal, cultural, and community facilities not otherwise listed; Club or lodge, private non-profit

(A) Such use has direct access to an arterial or collector street.

(B) No active part of the site (buildings, parking, recreational areas, etc.) are permitted within fifty feet of an adjacent single family residential use.

(C) An auditorium or assembly hall is only permitted provided that:

(1) Such use is permitted as a principle use in the district; or

(2) Such use is limited to a seating capacity of no more than one hundred fifty people.

11.4-4 College or university.

(A) Schools shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated by the school(s).

(B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.

11.4-5 Community center.

(A) Any community center having a seating capacity in excess of five hundred persons shall have direct access to a major or minor arterial.

11.4-6 Correctional institution.

(A) The principal structure and any accessory use or structure (excluding property boundary fencing) shall be located at least five hundred feet from any property located in a residential district or mixed-use district.

(B) Security fencing shall be provided an opaque screen on the exterior of fencing wherever it is adjacent to a street or property in a residential or mixed-use district.

(C) The use shall be located on a lot of at least ten acres if the facility has beds for more than one hundred inmates.

(D) The use will be located on a lot of at least five acres if the facility has beds for one hundred or fewer inmates.

11.4-7 Daycare center.

(A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed if no other is provided. On corner or through lots, a minimum twenty-foot setback as measured from the abutting street right-of-way line shall be required.

(B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.

(C) Outdoor activities are limited to the fenced area between 8:00 a.m. and 10:00 p.m.

(D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate on-site turnaround area shall be provided for all loading/unloading and parking spaces.

11.4-8 Daycare, large and small home.

(A) A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling. All building and lot standards for residential dwellings shall be maintained.

(B) No outdoor play shall be permitted after dark and care shall not be provided on a twenty-four hour basis.

(C) The facility shall be staffed by persons residing in the dwelling in which the day care is located except that up to one non-resident may report to work at a daycare home.

(D) The day care shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character. Signage is not allowed.

(E) The owner of the daycare home shall reside on premises.

11.4-9 Group care facility.

(A) Management. If not State licensed, the Group Care Facility A or B shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, on-premises management/supervisory personnel, and admission standards that allow only residents that have a commitment and desire to adjust to society and are not dangerous to others as defined in State law.

(B) Heated Building Area. A minimum of 250 hundred (250) square feet of heated building area shall be provided per resident.

(C) Spacing Requirement. A Group Care Facility may not be located within a distance of one-half (1/2) mile feet from any other Group Care Facility. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Group Care Facility is to be located to the nearest point of the lot line of another Group Care Facility.

11.4-10 Group home A or B.

(A) The zoning lot on which the group home or care facility is proposed shall not be located within a one-half mile radius of a zoning lot containing another such facility.

11.4-11 Nursing care institutions and congregate care facilities.

(A) Any facility which is licensed to have more than fifty residents shall maintain a side setback of at least twenty feet and a rear setback of at least forty feet when the side or rear yard is in or abuts a residential district.

(B) Driveway access to accessory structures shall be through the main entrance to the facility.

(C) Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.

(D) Any portion of a building, which contains living areas, shall be set back a minimum of fifteen feet from internal driveways and parking areas. This standard shall only apply to the living areas of buildings which contain a mixture of uses such as offices, storage and living areas.

(E) No single building shall be greater than 40,000 square feet if located within five hundred feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

(F) Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding, not intended to mimic traditional wood siding used on residential structures, or unfinished concrete block be permitted.

11.4-12 Progressive care community.

(A) Accessory buildings shall only include accessory dwellings containing no more than four dwelling units, recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings, the use of which shall be for congregate or nursing care.

(B) Driveway access to accessory structures shall be through the main entrance to the community.

(C) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.

(D) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.

(E) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the progressive care community.

(F) Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors. Acceptable materials for additions and new construction include wood, brick, stone, stucco, vinyl, and similar materials designed to give the exterior a residential appearance. Under no circumstances shall metal siding not intended to mimic traditional wood siding, or unfinished concrete block be permitted.

(G) No single building shall be greater than 40,000 square feet if located within five hundred feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.

(H) No site shall have a density greater than ten units per acre for accessory residential dwellings. For the purposes of calculating density all land lying underneath and within twenty feet of any congregate care or nursing care facility and all loading/unloading, garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.

(I) A minimum of five acres shall be required. All land used for the progressive care community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually and functionally divide the development, including, but not limited to, preventing the free flow of pedestrian and vehicular traffic.

(J) All structures are limited in occupancy to persons aged sixty-two years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.

11.4-13 Schools, elementary and secondary, including school stadiums (public).

(A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(B) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.

(C) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).

(D) Schools with an anticipated enrollment of 500 or more students shall be on a lot which abuts an arterial, and primary vehicular access shall be provided from the arterial.

11.4-14 Schools, vocational, private, or professional.

(A) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).

(B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.

(C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.

(D) Truck driving schools with outdoor maneuvering areas shall be allowed in the LI districts only.

11.4-15 Utilities, above ground.

(A) Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, shall be installed underground, unless subsurface conditions make underground installation not possible or practical.

(B) Facilities used for the operation of aboveground utilities shall, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.

(C) Areas around water towers, water and wastewater treatment facilities, substations, and power plants shall be enclosed by a fence, not easily climbable, at least six feet in height. The fence shall be planted, on the exterior side, with a semi-opaque vegetative screen with expected height of at least six feet at maturity.

11.5 PROFESSIONAL OFFICE AND MEDICAL USES. RESERVED

11.6 RECREATIONAL USES.

11.6-1 Arenas.

(A) The facility shall have direct access to a major arterial.

(B) All facilities shall be located at least one hundred linear feet from any lot line and three hundred linear feet from a residential district.

11.6-2 Golf course and driving range.

(A) Hours of operation of public or private golf courses and driving ranges will be no earlier than 6:00 a.m. and no later than 11:00p.m. for uses located in or abutting a residential district.

11.6-3 Recreation services, indoor and outdoor.

(A) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.

(B) Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum three feet in height at maturity and six feet on center at installation.

(C) Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.

(D) Outdoor speaker systems shall not be permitted.

(E) Hours of operation shall be no earlier than 6:00 a.m. and no later than 11:00p.m.

11.6-4 Recreational vehicle park.

(A) Density. The maximum density of any recreational park shall be fifteen (15) recreational vehicle spaces per acre.

(B) Park Size. The minimum contiguous area of any recreational vehicle park shall be five (5) acres.

(C) Site Area. The minimum area devoted to each recreational vehicle space shall be one thousand five hundred (1,500) square feet.

(D) Vegetative Buffer. A twenty (20) foot wide vegetative buffer composed primarily of evergreen trees to shield the park and/or campground from view shall be required on the perimeter of a recreational vehicle park and campground including adjacent to any public rights-of-way.

(E) Setbacks. All recreational vehicle spaces shall be located a minimum of fifty (50) feet from all adjacent property lines and public rights-of-way.

(F) Access. Recreational vehicle parks shall have direct access to a major or minor thoroughfare. Recreational vehicle spaces shall only have direct access to an internal private street which accesses a public street. No recreational vehicle space shall have direct vehicular access to a public street.

(G) Floodplains. No recreational vehicle sites shall be located in the floodplain.

(H) Landscaping. Each recreational vehicle space shall have a planting area containing at least one deciduous or evergreen tree with a minimum height of eight (8) feet and a diameter of two (2) inches measured six (6) feet above ground level at the time of installation. Each planting area shall be a minimum of one hundred fifty (150) feet with a minimum radius of seven (7) feet. The use of existing trees when possible to meet these landscaping requirements is encouraged.

(I) Sanitary Facilities, Sewage and Garbage Disposal. Adequate sanitary facilities, sewage and garbage disposal shall be provided and shall conform with all applicable codes.

(J) Length of Stay. No recreational vehicle shall be used as a permanent place of residence. Occupancy extending beyond three (3) months in any twelve (12) month period shall be presumed to be permanent occupancy and is prohibited in a recreational vehicle park.

(K) Accessory Uses. Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, other uses may be permitted as accessory uses in the district where such uses are not allowed as principal uses, subject to the following restrictions:

(1) Size. Such establishments and the parking areas related to their operations shall not occupy more than five percent (5%) of the gross area of the park.

(2) Clientele. Such establishments shall be restricted in their use to the occupants of the park.

(3) Visibility. Such establishments shall present no visible evidence from any street outside the park of a commercial nature which would attract customers other than occupants of the park.

(4) Access. Such establishments shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

(5) Manufactured Homes. No manufactured home may be parked or stored in a recreational vehicle park, except that one manufactured home may be located within the park for the exclusive use as the principal dwelling unit for the park manager or operator.

11.6-5 Swimming Pool (Private).

(A) Private swimming pools are permitted as accessory uses in designated zoning districts.

(B) Outdoor, underground swimming pools shall be enclosed by a fence or equal enclosure not less than four feet in height. All gates or doors shall have self-closing and self-latching devices. However, this fencing requirement is not applicable in cases where the owner's lot or premises is completely enclosed by a fence.

(C) Pools, not including paved areas around the pool perimeter, shall maintain a setback of 5 feet from any property line.

(D) Seasonal, temporary, inflatable pools are exempt from these requirements.

(E) Permanent, above-ground pools must be fully screened with opaque fencing from view of the street and/or abutting properties and must meet setbacks as stated in (C) above.

11.6-6 Swimming Pool (Public).

(A) No construction at the pool site, including, without limiting the foregoing, paved parking areas and aprons or other paved areas adjacent to the pool, shall be closer to any adjoining property owner or to any adjacent street than ten feet,

(B) Each such pool shall be constructed in compliance with all lawful requirements imposed by the town, the state or any other appropriate governmental agency relating to the establishment and maintenance of watersheds and relating to the control of pollution and sedimentation,

(C) Each such pool shall be served by the town water and sewer system,

(D) Each such pool site shall have buffer consisting of natural growth as listed in the table of permitted uses. In addition, the pool must be surrounded by a fence at least four (4) feet in height.

(E) Each such pool shall cease all operations no later than 10:00 p.m. on any night,

(F) No commercial sales of any type shall be allowed at the pool site,

(G) The bylaws or other governing document for the operation of the pool site shall provide that the pool will be operated at all times without liability or responsibility upon the town and that, in the event of the cessation of operation of the pool, the town shall have no obligation regarding the continued maintenance or operation of the same,

(H) The plans for all pool sites shall be submitted to the Town Planning Board for approval prior to construction, and all such sites shall be subject to the approval of the Planning Board, consistent with the requirements of this subsection.

11.7 RESIDENTIAL USES.

11.7-1 Accessory dwelling unit-attached, detached

An accessory dwelling may be attached, within, or separate from the principal dwelling.

(A) Only one accessory dwelling is allowed per residential lot of record in conjunction with the principle structure.

(B) The property shall retain a single family appearance from the street.

(C) Mobile and certified modular homes can not serve to meet the requirements of this use.

(D) The accessory dwelling can not have a separate water and power meter. The structure must be connected to the same power and water system as the principle structure.

(E) The accessory dwelling must meet the setback requirements of the underlying zone.

(F) The owner of the property must occupy either the principle or the accessory dwelling.

(G) A detached accessory dwelling shall be housed in a building not exceeding six hundred fifty square feet of first floor area (maximum footprint) and shall not exceed one story; the structure may be a dwelling only or may combine a dwelling with a garage, workshop, studio, or similar accessory use not to exceed two stories including the accessory use.

(H) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.

(I) A detached accessory dwelling shall be located in the rear yard.

(K) The principal use of the lot shall be residential and the principal structure on the lot shall be a residential building (single family, duplex, multi-family, or townhouse).

(L) In NB and CBD districts, the accessory dwelling unit can not be street or ground level. The ground level is determined where the primary front façade of the building is facing the street or right-of-way.

(M) In R10 districts, lots must have an additional 5,000 sq. ft. of lot area in addition to the minimum 10,000 sq. ft. required for a detached accessory dwelling unit.

11.7-2 Boarding or rooming house for up to 2 boarders

(A) The house shall be the permanent residence of the owner of the establishment.

(B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.

(C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

11.7-3 Cluster subdivisions

(A) All lots within the development shall be accessed solely by interior streets, except that lots used for permitted non-residential uses may have driveway access to adjacent streets if approved by the town.

(B) No non-residential use in the development shall be permitted within one hundred fifty feet of the perimeter of the development site unless the adjacent zoning district permits such use.

(C) The overall density of the cluster subdivision shall not exceed that of an un-clustered subdivision. Land “saved” by clustering shall be dedicated for open space either to the Town of North Wilkesboro, an approved homeowners’ association, or non-profit entity.

11.7-4 Dormitory.

(A) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.

(B) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

11.7-5 Manufactured home, Class A or Class B.

(A) All homes shall be oriented to insure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the Zoning Administrator.

(B) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set

by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturers' specifications.

(C) The towing tongue shall be removed, under skirted or screened with shrubbery. Such shrubbery shall be of a height to insure a total visual barrier of the towing apparatus and maintained.

11.7-6 Manufactured home, temporary

(A) Temporary manufactured homes shall only be permitted for reasons of personal hardship defined as:

(1) A short-term medical emergency within the immediate family.

(2) Cases of fire or destruction of a primary residence requiring temporary relocation.

(B) Homes shall be permitted for a period not to exceed twelve months.

(C) All homes shall be placed on the lot in harmony with existing site-built structures.

(D) All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry, concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturers' specifications.

(E) The towing tongue shall be removed, under skirted or screened with shrubbery. Such shrubbery shall be of a height to insure a total visual barrier of the towing apparatus and maintained.

(F) The home shall be placed in a side or rear yard only but shall not be located in a side yard that abuts a public street. The home shall meet all setbacks for accessory structures in the district where located.

11.7-7 Manufactured home park.

(A) In General.

1. All parks must be under unified development control and ownership.

2. All parks containing over twenty (20) homes shall provide a resident manager or contracted management company who can be reached during normal business hours.

(B) Minimum Park Area. Manufactured home parks shall:

1. be located on a minimum two-acre tract (with a minimum of three manufactured home spaces at first occupancy) and shall not exceed four homes per gross acre.

2. specifically designate a passive recreational area equaling at least two hundred square feet per home space in parks containing ten or more home spaces.

(C) Minimum Home Spacing. A manufactured home shall be sited so that:

1. it is located at least twenty feet from adjacent homes; and

2. a minimum ten-foot setback from all interior roads is maintained.

3. home spaces shall be properly staked.

(D) Signs and Markers.

1. Each manufactured home park shall have located at its entrance, perpendicular to the public road, a permanent non-lighted sign not to exceed sixteen square feet and not less than twelve square feet, indicating the park name in a minimum of six-inch letters on both sides of the sign.

2. Each proposed home space in a manufactured home park shall be clearly marked by a permanent home space number sign or marker. The home space number shall be of a size (numbers shall be at least three inches high), reflectivity and color, and in a location which is readily identifiable by emergency personnel and inspectors. All home space numbers shall be consistent within a park and must be approved by the town.

(E) Design Standards for Sites and Homes.

1. All homes shall have their entire perimeter enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by the State of North Carolina regulations for manufactured/mobile homes. Examples of commonly recognized building materials suitable for use as underpinning shall include, but not be limited to, the following list: brick masonry; concrete block masonry; natural or synthetic stone masonry; or vinyl. Assemblies, products and materials manufactured expressly for the purpose of underpinning shall be installed in accordance with the manufacturer's specifications.

2. The towing tongue shall be removed, under skirted, or screened with shrubbery. Such shrubbery shall be of a height to insure a total visual barrier of the towing apparatus and maintained.

(F) Utilities and Roadways.

1. The site proposed shall have an accessible, adequate, safe and potable supply of water capable of furnishing a minimum of six gallons per minute at a minimum pressure of twenty pounds per square inch per mobile home space. Where a public supply of water of such quality is available, connection shall be made thereto and its supply shall be used exclusively. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the county health officer.

2. All water piping shall be constructed and maintained in accordance with state and local laws; the water piping system shall not be connected with nonpotable or questionable water supplies, nor subject to the hazards of back-flow or back-siphonage.

3. Individual water service connections shall be provided for direct use at each mobile home space and shall be so constructed that they will not be damaged by the parking of mobile homes.

4. Where an individual water system is used to serve the mobile home park, with water obtained from wells, such system shall have been approved by the county health officer and shall have been drilled or driven. Springs or other sources of supply shall not be used, except after approval by the county health officer.

5. Every well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of one hundred feet shall be maintained between the water supply and any sewage disposal facility.

6. The site proposed shall provide sewage disposal which shall comply with state and local plumbing laws and regulations.

7. Each mobile home space shall be provided with at least a four inch sewer connection. The sewer connection shall be provided with suitable fittings, so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connections shall be so constructed that they can be closed when not linked to a mobile home.

8. Sewer lines shall be constructed in accordance with recommendations and standards of the public works department. All sewer lines shall be adequately vented and shall be laid with sufficient earth cover to prevent breakage from traffic.

9. Where the sewer lines of the mobile home park are not connected to a public sewer, a sewage-treatment plant or septic tank and field system approved by the county health officer shall be provided. The effluent of a sewage treatment plant

shall not be discharged into any waters of the state, except with prior approval of the appropriate state authority and the county health officer.

10. The disposal plant shall be located where it will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any properties in the vicinity. The approval of the county health officer shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to construction.

11. All roadways intended for public dedication and acceptance must be built to standards specified in the Town's Subdivision Ordinance.

12. All private roadways in the park must be at least 24 feet wide. In addition, all private drives must be kept in good condition; free of potholes, ruts, and other driving hazards.

13. All utilities must be underground.

(G) Refuse and Garbage.

1) The site proposed shall provide racks or holders for all refuse containers. Racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. There shall be one rack or holder to each mobile home space of a sufficient size to accommodate a refuse container of thirty two gallon maximum capacity. The developer should provide for garbage pick-up at least once a week.

2) All common dumpsters must be screened from view with vegetation or appropriate fencing.

11.7-8 Manufactured home subdivision.

(A) All lots shall be arranged and all homes oriented to insure that the longer side is parallel, or as close as possible to the centerline of the public roadway, unless otherwise approved by the Zoning Administrator.

(B) Only Class A manufactured homes are permitted in manufactured home subdivisions.

11.7-9 Residential building, duplex.

Duplexes are permitted on corner or through lots in R20 and R6 districts according to the following standards:

(A) The entrances to each unit may face different streets.

(B) The dwelling shall meet the minimum front yard setback from both streets upon which a unit faces.

(C) The lot shall have at least one and one-half times the minimum lot area, if any, for the district in which it is located.

(D) Structures originally constructed as single-family homes may not be converted to duplex dwellings.

11.7-10 Residential building, multi-family; townhouse

(A) *Standards for multi-family and townhouse developments in all districts.*

(1) Primary access to the development site shall be from a state or town-maintained street. The developer may be required to provide turn lanes and other off-site transportation improvements to insure safe and adequate access.

(2) When located within one hundred feet of a parcel zoned R20, R10, or R6 but not MF-CD, the design and appearance of multi-family dwellings must have similar massing, height, roof pitch, and architectural features; including front porches; cornice lines; horizontal lines of windows; and architectural embellishments such as shutters, dormers, belvederes, chimneys, etc., to create to the maximum extent practicable the appearance of single-family dwellings.

(3) On small infill development sites in the R20, R10, and R6 districts, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to building design, setbacks, driveway and garage design and location, porches, and sidewalks.

(4) Site designs shall create a sense of “neighborhood” which includes:

a) An internal vehicular circulation system reflective of a single-family residential street system shall be used, as opposed to looped systems, whenever practicable, whenever the proposed development includes private streets or drives.

b) Buildings shall be sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots.

c) Parking lots shall be located behind buildings or screened from view from internal streets, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street or where such parking area will directly abut a property line exterior to the development site when located in the R20, R10 or R6 districts.

d) Walkways shall connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.

e) Plazas, clubhouses, pools, and recreational facilities shall be centrally located, when provided.

(5) Building designs that create variety and do not look monotonous if replicated throughout the development shall be required. Such designs shall include the following:

- a) Side and rear building elevations, garages, carports, and all accessory structures shall have the same level of design, aesthetic quality, and architectural detailing.
- b) Porches, varied rooflines, and varied façade depths shall be provided to create variety and individuality of each dwelling within the building.
- c) Windows and projecting wall surfaces shall be used to breakup larger wall surfaces, establish visual interest and provide visibility of the street and other public spaces encouraging social interaction.
- d) Protective entry courts, common vestibules, covered breezeways, or enclosed stair halls shall be used to reduce the number of visible doors, unless designed in a row house or townhouse manner oriented toward the street.
- e) Garages shall be designed to be integrated with the building design, or sited so as to avoid long monotonous rows of garage doors and building walls. Garages shall be oriented so that they do not visually dominate the building façade or the streetscape.

(B) Standards for multi-family and townhouse developments located within the MF-CD district.

(1) Open space shall account for a minimum of twenty-five percent of the total land area of the development site. (Note: Watershed regulations may require more pervious coverage.) For the purpose of this article, open space may include wooded areas, yards, playgrounds, and other active recreation space.

(2) Private active recreation space shall be provided for all complexes containing more than twenty dwelling units at the rate of one hundred square feet per dwelling unit. Such space may also count towards the unobstructed open space requirements outlined in Section (C) below. Recreation space shall be designed to reduce any impact of night lighting or noise on nearby dwelling units located on or adjacent to the site. Said areas shall be developed and maintained in a neat and orderly condition in order to provide a safe, healthful, and attractive living environment. Common recreational areas shall be easily accessible by pedestrian walkways so they can be conveniently and safely reached and used. Furthermore, common recreational areas shall be constructed on substantially flat (no more than five percent grade) land which is well drained and otherwise capable of serving the purposes intended. No streets, access easements, rights-of-way, parking areas, or required buffer shall be used or counted towards the required recreational space.

(C) Standards for duplex and townhouse developments located within the R20 and R6 districts.

- (1) All buildings shall be constructed to mimic single family or duplex residential dwellings in design, materials, and orientation to the street to the maximum extent practicable.
- (2) No more than four units per building shall be permitted.
- (3) The entrances to each unit in the building may face different streets.
- (4) The building shall meet the minimum front yard setback from each street upon which a unit faces and shall meet all other applicable setbacks for the district in which it is located.
- (5) The lot shall have at least one and one-half times the minimum lot area, if any, for the district.
- (6) Any front or side yard off street parking shall be designed in scale and appearance to mimic parking for single family or duplex residential dwellings.
- (7) Common parking facilities shall be screened from the property line exterior to the development site and shall not be visible to adjacent single-family parcels. Such parking facilities shall not be designed for more than twelve parking spaces and shall not be closer than one hundred feet to another such parking facility.

11.8 SERVICE USES.

11.8-1 Cemetery.

(A) Tombstones, crypts, monuments and mausoleums must be located at least twenty-five feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least twenty feet from any side or rear lot lines in cemeteries (or cemetery expansions).

(B) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty feet from any side lot line abutting a residential district and forty feet from any such rear lot line.

(C) Notwithstanding any other provisions of this article, a minimum of three acres shall be needed for any cemetery being developed as a principal use.

11.8-2 Columbaria.

(A) Columbaria structures shall be permitted as part of a cemetery and shall meet the conditions of use for a cemetery as defined in 11.8-1(A), (B), (C).

(B) Columbaria structures shall be permitted as accessory uses to a church (by definition) and shall meet the following requirements:

- (1) Columbaria structures shall not significantly change the exterior appearance of the site visible from public right-of-ways and adjacent properties. Columbaria structures shall be constructed with minimum impact to surrounding areas.
- (2) Columbaria structures or area of interment shall not constitute a significant portion of the site.
- (3) Columbaria structures shall meet the setbacks of the underlying zoning district.
- (4) Columbaria structures shall not exceed five feet in height.
- (5) A buffer shall be required to screen incompatible uses from one another. The Planning Director will have the authority to waive this requirement.

11.9 MISCELLANEOUS USES.

11.9-1 Fairgrounds.

- (A) Direct access to the site shall be provided by a major or minor arterial.
- (B) For outdoor flea markets only, the lot shall be at least three hundred linear feet from any lot located in a residential district.

11.9-2 Heliport.

- (A) Non-emergency use (i.e., uses other than for public safety or medical purposes) of private heliports between the hours of 10:00 p.m. and 6:00a.m. is prohibited.
- (B) Landing pads for on-grade heliports shall be set back a minimum of one hundred feet from any property line and four hundred feet from buildings used for residential purposes, public or private schools, hospitals, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated helistops.
- (C) The helistop or heliport landing area shall be constructed of a material free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.
- (D) Lighting is to be provided according to federal aviation administration requirements and is to be oriented as much as possible away from adjacent uses.
- (E) An on-ground helistop shall be surrounded by a fence or other barrier which prohibits access except at controlled access points. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

11.9-3 POD's or temporary storage units

(A) POD's or temporary storage units placed on sites for a period of time less than 7 days shall not require a permit.

(B) A temporary permit may be issued by the Zoning Administrator allowing a storage trailer to be placed on the property of a residence or business for the sole purpose of storing household or business goods provided that:

- (1) the residence or business is undergoing remodeling or moving to another location;
- (2) the storage trailer may not be used for living quarters;
- (3) the portable storage units are no larger than to sixteen (16) feet in length, eight (8) feet in width, and eight (8) feet in height;
- (4) the site shall have no more than two (2) storage units; and
- (5) the permit may not be issued for a period longer than three (3) months but may be extended by the written approval of the Planning Board if valid reasons are given to merit such an extension.

(last amended 1/6/2010)