

ARTICLE 11. DEVELOPMENT REGULATIONS FOR SPECIFIC USES

Table of Contents

11.1 Applicability..... 2

11.2 Conflict with Other Regulations. 3

11.3 Standards for All Uses. 3

11.4 Standards for Specific Uses. 3

 11.4.1. Accessory Uses and Structures 3

 11.4.2. Adult Bookstore, Adult Theater, Adult Massage Parlor and Other Related
 Businesses..... 5

 11.4.3. Agricultural Uses..... 6

 11.4.4. Amusements and Water Parks. 10

 11.4.5. Animal Outdoor Kennels/Boarding and Grooming Facilities..... 10

 11.4.6. Athletic Fields: 10

 11.4.7. Automated Teller Machines (ATMs):..... 11

 11.4.8. Automobile Rental/Leasing/Sales: 11

 11.4.9. Automobile Repair/Towing Services: 12

 11.4.10. Battery Charging/Battery Exchange Station. 13

 11.4.11. Batting Cages: 14

 11.4.12. Bed and Breakfast Home: 14

 11.4.13. Billiard and Pool Halls/Arcades/Game Rooms:..... 15

 11.4.14. Boarding or Rooming House:..... 16

 11.4.15. Boat Sales: (See also Marinas) 17

 11.4.16. Building Supply Sales: 18

 11.4.17. Campgrounds: 18

 11.4.18. Car Washes: 30

 11.4.19. Cemeteries/Columbarium/Mausoleums:..... 31

 11.4.20. Churches and Other Places of Worship: 31

 11.4.21. Clubs, Meeting and Assembly Halls, Lodges:..... 31

 11.4.22. Communication Tower Under 50 Feet In Height:..... 32

 11.4.23. Convenience Stores (with or without gas pumps): 33

 11.4.24. Day Care Center – ADULT (More than eight persons). 34

 11.4.25. Day Care Center – CHILD (More than eight children):..... 35

 11.4.26. Day Care Home - CHILD (no more than eight children):..... 37

 11.4.27. Day Care Home - ADULT (no more than eight adults):..... 37

 11.4.28. Drive-Thru/Drive-In Facilities..... 38

 11.4.29. Equestrian Facilities/Stables..... 38

 11.4.30. Event Venue, Outdoor. 39

 11.4.31. Family Care Home..... 40

 11.4.32. Flea Markets- Indoor. 41

 11.4.33. Food Trucks..... 42

 11.4.34. Fuel Oil Sales..... 43

 11.4.35. Gas Stations/Automobile Service Stations. 44

 11.4.36. Go-Cart Raceway/Track. 44

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.37. Golf Course – Public or Private. 45
11.4.38. Golf Driving Ranges – Public or Private. 46
11.4.39. Hazardous Chemicals Storage. 46
11.4.40. Home Occupations. 47
11.4.41. Hotels, Motels, & Inns. 48
11.4.42. Ice Vending Machines, unmanned. 48
11.4.43. Junkyards/Salvage Yards/ Automobile Graveyards. 49
11.4.44. Manufactured Home, Class A. 49
11.4.45. Manufactured Homes. Class B. 50
11.4.46. Manufactured Homes, Class C. 50
11.4.47. Manufactured Home Park. 51
11.4.48. Marina. 55
11.4.49. Microbrewery/Distillery. 58
11.4.50. Mining, Quarrying, Sand Pits, and Mineral Extraction. 58
11.4.51. Multifamily Dwellings/Apartments/Condominiums/Townhouses. 59
59
11.4.52. Open Air Markets (including farmer’s markets & produce markets). 61
11.4.53. Outside Sales. 61
11.4.54. Radio, TV or Communication Tower Over 50’ /Amateur Radio Antennas. 62
11.4.55. Recreational or Retreat Facility - Private. 63
11.4.56. Recreational Vehicle Sales. 64
11.4.57. Recycling Collection Station/Drop-Off Locations. 64
11.4.58. Satellite Dish Antenna. 65
11.4.59. Small-Scale Wind Turbines. 65
11.4.60. Self-Service Storage (Mini-Warehouses). 66
11.4.61. Shooting Range Facilities. 68
11.4.62. Solar Collectors. 71
11.4.63. Solar Energy System (Solar Farm). 72
11.4.64. Swim and Tennis Club. 78
11.4.65. Swimming Pools, public and private. 78
11.4.66. Tattoo/Body Piercing Parlor. 79
11.4.67. Telecommunications Facilities (Cell Towers). 79
11.4.68. Temporary Uses and Structures. 101
11.4.69. Theater, Outdoor. 111
11.4.70. Tourist Cottages. 112
11.4.71. Waste Transfer/Material Recovery Facilities. 113
11.4.72. Wind Farm. 114

11.1 APPLICABILITY.

11.1.1. The additional regulations listed herein are additional to other requirements in this Ordinance. They apply to specific uses which may be constructed, continued and/or expanded provided that they meet these additional regulations. These additional regulations are meant to ensure the compatibility of the use so that other, different uses may be located in proximity without resulting in adverse effects to either use.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.1.2. These supplemental development regulations are permitted in accordance with N.C.G.S. Chapter 160D as follows: "A local government may regulate the uses and areas set forth in this Article in zoning regulations pursuant to Article 7 of this Chapter, a unified development ordinance, or in separate development regulations authorized by this Article. This shall not be deemed to expand, diminish, or alter the scope of authority granted pursuant to those Articles. In all instances, the substance of the local government regulation shall be consistent with the provisions in this Article. The provisions of this Chapter apply to any regulation adopted pursuant to this Article that substantially affects land use and development."

Statutory Reference – NCGS 160D-901.

11.1.3. Uses listed in the Table of Uses which are designated by "S" require the approval of a Special Use Permit.

11.2 CONFLICT WITH OTHER REGULATIONS.

11.2.1. 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 may be found, the use listings found in **Section 8.10** shall control.

11.2.2. Should any conflict arise between definitions contained in *Article 2, Interpretations and Definitions* of this Ordinance and the definitions included below, the more restrictive shall apply.

11.3 STANDARDS FOR ALL USES.

The following rules apply to all development standards and uses listed below:

11.3.1. Property Separation. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed use is to be located to the lot line of the closest use (or zoned property) from which the proposed use is to be separated.

11.3.2. Use Separation. All measurements shall be made by drawing straight lines from the nearest point on the wall of a proposed or existing principal building or edge of a proposed use to the nearest point on the wall of the principal building from which the subject building is to be separated, unless otherwise specified.

(Ord. 12/1/1997; 7/8/2014, 11.1.2.)

11.4 STANDARDS FOR SPECIFIC USES.

11.4.1. Accessory Uses and Structures.

(a) **Where Permitted:** All residential districts and B District.

(b) **Definition: Accessory Use, Accessory Structure.** A use or structure customarily incidental and subordinate to the principal use or structure and located on the same lot with such principal use or structure. Some examples of accessory structures and uses include but are not limited to free standing carports, detached garages, storage buildings and detached mother-in-law suites or

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

granny pods. Manufactured homes, tractor-trailers or containers are not considered accessory uses or structures. Accessory structures with any side dimension greater than 12 feet require a Building Permit from the Bladen County Building Inspections Department and must meet the technical provisions of the current North Carolina Residential Code.

(c) Residential Districts:

(1) Location:

- (i) In all residential zoning districts, accessory structures and uses may be placed in back of, on the side of, or in front of the principal structure on the lot but must meet the setback requirements for the zoning district.
- (ii) No accessory structure or building except utility substations shall be erected in any easement.
- (iii) On any lot in residential zoning districts, all accessory structures and uses shall be at least seventy-five (75) feet from the center line of the street, five (5) feet from any other building on the same lot, and at least twelve (12) feet from any buildings used for human habitation on adjoining lots. No accessory structure or use except utility substations shall be erected in any easement.

(2) Setbacks: All parts of the building, including the footings and posts that support a shed style roof, shall comply with the side and rear line setback requirements of the district in which the accessory building is to be located. In the case of a corner lot, where the rear or side line abuts another streets or alleyway, the street-side setback must be equal to or greater than the front yard minimum setback for the district.

(3) Height Restrictions: The height of all accessory structures and buildings shall conform to the height limitations of the zoning district in which it is located.

(4) Lot Coverage: Accessory structures to a residential use shall not have a ground floor area which exceeds 50 percent of the ground floor area of the principal building.

(5) Expansion of Non-Conforming Use Not Permitted: If a property is nonconforming under the zoning ordinance, then the addition of an accessory use or structure must not violate and restriction concerning the expansion or change involving the nonconforming features of the site.

(6) Limitation on Number of Accessory Buildings: In all residential zones there shall be no more than two (2) detached accessory structures per lot. The architectural design of the building shall be similar to that of the principal dwelling. No accessory building that involves or requires any construction features which are commercial or industrial in nature or character shall be permitted.

(d) Non-Residential Districts.

(1) Location: In nonresidential zoning districts, accessory buildings and structures may be located in front of the principal structure but in no case may they encroach in the front building setback. No accessory structure or use except utility substations shall be erected in any easement.

(2) Setbacks: All parts of the building, including the footings and roof overhang, shall comply with the side and rear line setback requirements of the district in which the accessory building is to be located.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (3) Height Restrictions: The height of all accessory structures and buildings shall conform to the height limitations of the zoning district in which it is located.
- (4) Expansion of Non-Conforming Use Not Permitted: If a property is nonconforming under the zoning ordinance, then the addition of an accessory use or structure must not violate any restriction concerning the expansion or change involving the nonconforming features of the site.

11.4.2. Adult Bookstore, Adult Theater, Adult Massage Parlor and Other Related Businesses.

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Defined:** As included in Article 2 of this Ordinance, an Adult Establishment/Sexually-Oriented Business means any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. 14-202.10. This includes, but it not limited to, adult bookstores, adult motion picture theaters, adult mini motion picture theaters, adult live entertainments, or massage businesses.

Statutory Reference – NCGS 160D-902.

- (c) **Use Separation:**
 - (1) No adult bookstore, adult theater or adult massage parlor shall be located within 1,200 feet of any other adult bookstore, adult theater, or adult massage parlor.
 - (2) No establishment shall be located within 500 feet of a church, elementary school, public park or residentially-zoned property.
 - (3) No sexually oriented business may remain open at any time between the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, or during the period from eleven o'clock (11:00) P.M. Saturday until eight o'clock (8:00) A.M. Monday.
- (d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (e) **Annual Report Required:** Permittees shall, annually on or before September 1st of each year, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11.1.3.)

11.4.3. Agricultural Uses.

Special Use Permit Required

- (a) **Where Permitted:** RA District.
- (b) **Defined:** *Agricultural Uses include uses in connection with a Bona Fide Farm.* Bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- (1) A farm sales tax exemption certificate issued by the Department of Revenue.
- (2) A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- (3) A copy of the farm owner’s or operator’s Schedule F from the owner’s or operator’s most recent federal income tax return.
- (4) A forest management plan.

Statutory Reference – NCGS 160D-903(a).

- (c) **Agricultural Areas in the Extraterritorial Jurisdiction Are Exempt from Zoning Regulations:** Property that is located in a municipality’s extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the municipality’s zoning regulation. As used in this subsection, “property” means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes shall become subject to exercise of the municipality’s extraterritorial planning and development regulation jurisdiction. For purposes of complying with state or federal law, property that is exempt from the exercise of municipal_extraterritorial planning and development regulation shall be subject to the county’s floodplain regulation or all floodplain regulation provisions of the county’s planning and development ordinance.

Statutory Reference – NCGS 160D-903(c).

(d) Production - Livestock

- (1) *Where Required:* RA district inside the corporate limits only. (Cities may regulate agricultural operations through zoning within their corporate limits)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (2) **Minimum Area:** 50 Acres
- (3) **Setbacks:** All structures, buildings or enclosed areas used for housing of poultry, hogs, cattle, or other livestock or animals being bred shall be set back a minimum of 1,500 feet from all property lines or the minimum setback established by State regulations, whichever is greater.
- (4) **Operation:** Any violation of state regulations concerning the operation of the animal feeder/breeder operation shall be considered a violation of this Ordinance.
- (5) **Noise:** Mechanical equipment producing noise or sound in excess of 70 decibels shall be located no closer than 1,000 feet to the nearest residence.
- (6) **Screening:** All structures, buildings, or enclosed areas used to house animals being bred shall be screened from the view of adjoining residentially used or zoned properties with natural or planted vegetation or a combination of vegetation, fences, walls, and berms.
- (7) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (8) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (i) the name, business address, and contact information of the owners of the property;
 - (ii) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (iii) owners of the property;
 - (iv) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11.1.4.)

(e) Production – Crops.

- (1) **Where Required:** RA district inside the corporate limits only. (Cities may regulate agricultural operations through zoning within their corporate limits)
- (2) When located within 500 feet of residential uses, urban agriculture uses shall strictly adhere to USDA pesticide application standards for farming operations proximate to residential areas and noise-producing outdoor activities such as field cultivation and harvesting shall be limited to the hours between 8:00 AM and 6:00 PM seven days a week.

(f) Agritourism Uses.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (1) **Where Required:** RA District inside corporate limits only.
- (2) **Defined.** Agritourism means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for Agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Statutory Reference – NCGS 160D-903(a).

- (3) **Bona Fide Farm Purpose.** A building or structure that is used for Agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3.

Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable zoning and development regulation ordinances section in effect on the date the property no longer meets the requirements of this subsection.

Statutory Reference – NCGS 160D-903(a).

- (4) **Regulation of Use.**
 - (i) Location.
 - a. Agricultural tourism uses shall be operated by the property owner in association with a voluntary agricultural district of a minimum of twenty (20) contiguous acres of land in single ownership.
 - b. When the farm loses its voluntary agricultural district status the agricultural tourism use shall be discontinued.
 - (ii) Setbacks.
 - a. Any activity, structure, building, parking, or storage area(s) associated with a restaurant (without drive through service) or retail store use shall observe a minimum one hundred fifty (150) foot setback from all adjacent property lines and street rights-of-way.
 - b. All other agricultural tourism uses shall observe a minimum seventy-five (75) foot setback from all adjacent property lines and street rights-of-way.
 - (iii) Restaurant (Without Drive-Through Service).
 - a. Any restaurant (without drive-through service) shall have a maximum seating capacity of one hundred fifty (150) persons with County Fire Department approval.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(iv) Retail Store.

- a. Any retail store shall have a maximum gross floor area of one thousand five hundred (1,500) square feet.

(v) Parking.

- a. The Zoning Administrator may allow alternative compliance for Off-Street Parking and Loading, as warranted.
- b. The landscape requirements of this Ordinance shall not apply.

(vi) Outdoor Special Events.

- a. Only one type of outdoor special event shall occur at any one time.
- b. Outdoor special events are allowed up to six (6) times per month for three (3) consecutive days each.
- c. Outdoor special events shall accommodate a maximum of five hundred (500) people at any one time.
- d. Any structure associated with an outdoor special event shall be setback a minimum of one hundred fifty (150) feet from all adjacent property lines and street rights-of-way.
- e. Any parking or other activity associated with an outdoor special event shall be setback a minimum of seventy-five (75) feet from all adjacent property lines and street rights-of-way.

(5) Building Code.

All applicable building code requirements shall apply to buildings used in conjunction with any agricultural tourism use.

(g) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

(h) **Annual Report Required:** Permittees shall, annually on or before September 1st of each year, provide the following information to the Town on a form provided by the Town:

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11.1.4.)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.4. Amusements and Water Parks.

- (a) **Where Permitted:** RA and B Districts.
- (b) **Minimum Area:** Minimum lot area shall be 5 acres.
- (c) **Property Separation:** No buildings or structures, temporary or otherwise, shall be located within 50 feet of any property line.
- (d) **Security Fencing:** Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the park activities.
- (e) **Use Separation:** No amusement equipment, machinery or mechanical device of any kind may be operated within 200 feet of any residentially-used or zoned property.

11.4.5. Animal Outdoor Kennels/Boarding and Grooming Facilities.

- (a) **Where Permitted:** RA and B Districts.
- (b) **Limitation for B District:** No outside kennels shall be permitted in the B District.
- (c) **Location:** Outside kennels shall be located only in a side or rear yard and shall be set back a minimum of fifty (50) feet from an adjoining street right-of-way or property line.
- (d) **Noise:** Noise must be mitigated so as not to create a public nuisance for adjoining properties and must comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors during the daytime during hours of operation.
- (e) **Exterior Enclosures:** Exterior enclosures and runs must provide protection against weather extremes. Floors of runs must be made of impervious material to permit proper cleaning and disinfecting. All exterior enclosures must be surrounded by an eight (8) foot high solid continuous wall and door(s).
- (f) **Sanitation:** All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.

(Ord. 12/1/1997; 7/8/2014, 11.1.25.)

11.4.6. Athletic Fields:

Special Use Permit Required

- (a) **Where Permitted:** RA, R-1, R-1A, and R-2 districts.
- (b) **Access:** All athletic fields shall have vehicular access to a collector or higher capacity street.
- (c) **Screening:** Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Article 10, Part C.
- (d) **Lighting:** Lighting of fields shall be positioned as to limit impact on neighboring residential properties.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (e) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (f) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.5.)

11.4.7. Automated Teller Machines (ATMs):

- (a) **Where Permitted:** B District.
- (b) **Signage:** Signage shall be limited to no more than ten percent of the building facade up to eight square feet and limited to two signs.
- (c) **Lighting:** Lighting provided shall be per the specifications of **Article 10, Part D**.
- (d) **Appearance:** Any ATM, whether a part of another facility or as a standalone use, shall be integrated as part of the development with similar building materials and design. Metal siding is not permitted.
- (e) **Paved Access Required:** All ATMs will have paved access.

11.4.8. Automobile Rental/Leasing/Sales:

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Storage:** All materials, merchandise, or repair and servicing equipment shall be contained within a building.
- (c) **Outdoor Work:** No outdoor work shall be performed except in areas designated on an approved site plan. Outdoor work areas shall be screened with fences, walls and/or landscaping to minimize on-site and off-site noise, glare, odor, or other impacts. Chain link fencing shall be prohibited. Screening shall be a minimum of eight (8) feet in height and shall be opaque.
- (d) **Traffic Hazard:** Service and customer vehicles parked on the premises shall not create traffic hazards or interfere with the vehicular maneuvering area necessary to enter or exit the site.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (e) **Vehicle Storage:** Vertical stacking of vehicles is prohibited.
- (f) **Space for Rental/Lease/Sale Vehicles.** No more than fifty (50%) of the lot area shall be available to park vehicles for rent/lease or sale.
- (g) Additional buffering and screening may be required when such use is located in proximity to residential or retail commercial uses.
- (h) Outdoor paging systems utilizing loudspeakers are prohibited adjacent to residential zoning or uses.
- (i) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (j) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.9. Automobile Repair/Towing Services:

- (a) **Where Permitted:** B district.
- (b) **Maximum Built-Upon Area:** Outdoor storage areas and all other built-upon areas shall not exceed 24 percent of the lot area.
- (c) **Operation:** No outdoor disassembly or salvaging shall be permitted.
- (d) **Storage:** All materials, merchandise, or repair and servicing equipment shall be contained within a building.
- (e) **Outdoor Work:** No outdoor work shall be performed except in areas designated on an approved site plan. Outdoor work areas shall be screened with fences, walls and/or landscaping to minimize on-site and off-site noise, glare, odor, or other impacts. Chain link fencing shall be prohibited. Screening shall be a minimum of eight (8) feet in height and shall be opaque.
- (f) **Traffic Hazard:** Service and customer vehicles parked on the premises shall not create traffic hazards or interfere with the vehicular maneuvering area necessary to enter or exit the site.
- (g) **Vehicle Storage:** Vertical stacking of vehicles is prohibited.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (h) **Buffering:** Additional buffering and screening may be required when such use is located in proximity to residential or retail commercial uses.
- (i) **Paging System:** Outdoor paging systems utilizing loudspeakers are prohibited adjacent to residential zoning or uses.
- (j) **Dust:** All unpaved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
- (k) **Violation of Abandoned Vehicles and Auto Junkyard Ordinance:** The open storage of one (1) or more wrecked or inoperable vehicles or parts of one (1) or more vehicles for ten (10) days or more shall be deemed a junkyard. An unlicensed vehicle stored for ten (10) days or more shall be deemed an inoperable vehicle.

(Ord. 12/1/1997; 7/8/2014, 11-1.6.)

11.4.10. Battery Charging/Battery Exchange Station.

- (a) **Where Permitted:** R-2 and B
- (b) **Requirements:** Battery charging stations and battery exchange stations shall be permitted subject to the following requirements:
 - (1) Electric vehicle charging stations should be reserved for parking and charging of electric vehicles only.
 - (2) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - (3) **Battery Charging Stations.** For land use compatibility purposes, the charging activity should be proportionate to the associated permitted use. Electric vehicle charging station(s) shall be permitted in a single- or multi-family garage designed to service the occupants of the home/dwelling unit as an accessory use. Accessory single-family charging stations shall not exceed residential building code electrical limitations. Whereas, charging station(s) installed in a parking lot for non-single-family residential use are expected to have intensive use and will be permitted to have multiple “rapid charging stations” to serve expected demand.
 - (4) **Battery Exchange Stations.** Exchange stations are permitted in any commercial or industrial zoning district, provided, however, all other requirements for the building or space the use occupies are satisfied, including but not limited to the Zoning Ordinance, fire code, and building code requirements. This use is specifically prohibited in exclusively residential or conservation/recreation zoning districts.
- (c) **Design Criteria for Commercial and Multi-Family Development.** The following criteria shall be applied to electric charging facilities.
 - (a) **Number Required.** This is an optional improvement. No minimum number of stalls applies. Provided, if electric vehicle stalls are reserved for electric vehicles, care should be taken to ensure enough spots are available for all of a site’s parking needs.
 - (b) **Location.** Location and provision of electric vehicle parking will vary based on the design and use of the primary parking lot, keeping in mind flexibility will be needed in various parking lot layout options.
 - (c) **Avoid Conflict with Handicap Spots.** Stalls should generally not be located adjacent to

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

handicap spots unless designed for handicapped use.

- (d) Signage to Identify. Each charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations should be included if time limits or tow away provisions are to be enforced by the owner.
- (e) Notification of Station Specifics. Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.
- (f) Lighting. Where charging station equipment is installed, adequate site lighting should also be provided unless charging is for daytime purposes only.
- (g) Maintenance. Charging station equipment should be maintained in all respects, including the functioning of the charging equipment.
- (h) Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility.

11.4.11. Batting Cages:

- (a) **Where Permitted:** B District.
- (b) **Security Fencing:** Fencing, netting or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

(Ord. 12/1/1997; 7/8/2014, 11-1.7.)

11.4.12. Bed and Breakfast Home:

Special Use Permit Required

- (a) **Where Permitted:** R-2 and B Districts.
- (b) **Use Separation:** No such facility shall locate within 400 feet of another bed and breakfast located within a R-2 zoning district and within 100 feet of another bed and breakfast in a B zoning district.
- (c) **Operation:**
 - (1) An owner/manager of a bed and breakfast home shall reside on the property.
 - (2) The use shall be located in a structure which was originally constructed as a dwelling.
 - (3) Activities and functions at the bed and breakfast home are to be provided for overnight guests only and shall be limited to breakfast and an afternoon and/or evening refreshment. Rooms shall not be equipped with cooking facilities.
- (d) **Signs:** There shall be no exterior advertising except that which is permitted for a home occupation.
- (e) **Parking:** Parking shall not be permitted in the front yard and shall be screened from adjacent uses by an approved buffer.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(f) Submittals with Zoning Permit Application:

- (1) A floor plan of the building, including each lodging unit or dwelling unit shall be submitted indicating ingress and egress from each unit. Each lodging or dwelling unit shall have direct access to a hall or exterior door. If structural alterations to an existing structure are required, a complete description of the nature and extent of the alterations and new construction shall be submitted with the application.
 - (2) A statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed use shall be submitted with the application.
 - (3) A statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures shall be submitted with the application.
 - (4) Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Chief and the applicant shall submit documentation of site approval to the Zoning Administrator prior to commencing the operation.
- (g) **Outdoor Events.** Outdoor events (e.g., weddings, receptions, parties) or similar activities conducted for compensation shall be permitted only if there is sufficient overflow parking available on site.
- (h) **Review by Fire Inspector.** Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Inspector and the applicant shall submit documentation of site approval to the Zoning Administrator prior to commencing the operation.
- (i) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (j) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
- (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.8.)

11.4.13. Billiard and Pool Halls/Arcades/Game Rooms:

Special Use Permit Required

(a) **Where Permitted:** B District.

(b) **Size limit:** Maximum building size of fifteen thousand (15,000) sq. ft.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (c) **Signs:** No flashing lights on signs.
- (d) **Hours of Operation:** No operation between 12:00 am and eight (8) am.
- (e) **Noise:** Must comply with the Town’s Noise Ordinance.
- (f) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (g) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee’s or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.14. Boarding or Rooming House:

- (a) **Where Permitted:** RA, R-2 and B Districts. Special Use Permit Required
- (b) **Maximum Number of Rooms:** 6
- (c) **Operation:**
 - (1) An owner/manager of a boarding or rooming house shall reside on the property.
 - (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.
 - (4) Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.
 - (5) Occupancy at the boarding or rooming house are to be provided for overnight guests only.
- (d) **Parking:** Parking shall not be permitted in the front yard and shall be screened from adjacent uses by an approved buffer.
- (e) **Signs:** There shall be no exterior advertising except that which is permitted for a home occupation.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(f) Submittals with Zoning Permit Application:

- (1) A floor plan of the building, including each lodging unit or dwelling unit shall be submitted indicating ingress and egress from each unit. Each lodging or dwelling unit shall have direct access to a hall or exterior door. If structural alterations to an existing structure are required, a complete description of the nature and extent of the alterations and new construction shall be submitted with the application.
- (2) A statement from the appropriate public service agencies concerning the method and adequacy of water supply and wastewater treatment for the proposed use shall be submitted with the application.
- (3) A statement from the appropriate public service agencies concerning the provision of fire, police and rescue protection to the site and structures shall be submitted with the application.

(g) **Fire Inspection:** Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Inspector and the applicant shall submit documentation of site approval to the Zoning Administrator prior to commencing the operation.

(h) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 6.5**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

(i) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.15. Boat Sales: (See also Marinas)

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Setbacks:** Boats and other vessels located on a sales lot shall be set back a minimum of 20 feet from street rights-of-way and property lines.
- (c) **Street Access:** Principal access must be from a collector or higher capacity street.
- (d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in **Section 13.4**. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

to another enumerated use requiring or for which a special use permit has been previously issued.

(e) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee’s or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.9.)

Special Use Permit Required

11.4.16. Building Supply Sales:

- (a) **Where Permitted:** B District.
- (b) **Screening:** All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
- (c) **Security Fencing:** Security fencing, a minimum 6 feet in height, shall be provided around all outside storage areas.
- (d) **Dust:** All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

(Ord. 12/1/1997; 7/8/2014, 11-1.10.)

11.4.17. Campgrounds:

Special Use Permit Required

- (a) **Where Required:** B District
- (b) **Purpose:** The purpose of campground resort regulations is to insure that each new or enlarged campground resort provides the necessary facilities, sites, amenities, and other requirements in the interest of preserving the public safety, health, and general welfare, and that such developments provide a quality camping opportunity for visitors to the County. The regulations within this Section are designed to accomplish the following specific objectives:
 - (1) To further the orderly layout of campground resorts;
 - (2) To secure safety from fire, panic, and other dangers;
 - (3) To provide adequate light and air; and
 - (4) To ensure that facilities for transportation, parking, water, sewage, and recreation are

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

provided for campground resort visitors.

(c) **Definitions.** When used in this Section, the following words and phrases shall have the meaning given here. The term "shall" is mandatory and words used in the singular include the plural and those in the present include the future tense.

- (1) Campsite Space. A space designed and promoted for the purpose of locating a unit to be utilized for camping. Such units shall include the following: recreational vehicles including a travel trailer, camping trailer, truck camper, and motor home camping unit and tents.
- (2) Developer. Any person, firm, trust, partnership, association or corporation engaged in development, or proposed development of a campground resort.
- (3) Facility. A structure that is an amenity within a campground resort set aside or otherwise made available to campers for their use and enjoyment of the campground, and includes camping units, swimming pools, tennis courts, recreational buildings, boat docks, restrooms, showers, laundry rooms, trading posts or grocery stores.
- (4) Freestanding sign. A sign wholly supported by a sign structure in the ground.
- (5) Gray water. Disposal water from sinks, showers, and toilets.
- (6) Length. The distance measured from the tip of the hitch to the part farthest to the rear of a recreational vehicle (as defined in NC State Building Code Volume II—Plumbing, Appendix B, 1996 edition or the most recent edition).
- (7) Open Space. Any land or area, common or restricted, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils, wetlands, beaches, or tidal marshes; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities, as approved by the Board of Commissioners.
- (8) Private Street. A vehicular travel way not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system; a roadway within a private property and is privately owned and maintained
- (9) Public Sewer. A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district.
- (10) Public Street. A dedicated public right-of-way for vehicular traffic which 1) has been accepted by the Town of White Lake or the NCDOT for maintenance; or 2) is not yet accepted but in which the roadway design and construction have been approved under public standards for vehicular traffic.
- (11) Public Water. A system which provides distribution of potable water for more than one property and is owned and operated by a government organization or utility district.
- (12) Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motive power or is mounted on, or towed by, another vehicle. Examples of recreational vehicles include camper trailers, fifth-wheel trailers, motor homes, travel trailers and truck campers. (NCGS Chapter 20. Motor Vehicles, Article 1. Division of Motor Vehicles

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

Section 20-4.01. Definitions) This term shall not include a manufactured home as defined in G.S. 143-143.9(6).

A recreational vehicle is: (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal projection; (3) Designed to be self-propelled or permanently towable by a passenger motor vehicle or a light-duty truck or designed to be carried on a pickup truck; and (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

- (13) Resort Campground. A campground resort is a designated place where campsite spaces are located for temporary occupancy by camping units on a temporary basis for recreation, education or vacation purposes, as approved by the Board of Commissioners. Campground and campground resorts shall be used synonymously throughout this Ordinance.
- (14) Service Building. A building housing toilet and bathing facilities for men and women, with laundry tray as defined in NC State Building Code.
- (15) Setbacks. The distance between a structure and the internal boundary line (i.e. campsite space line) or external boundary line.
- (16) Shelter. A camping unit that provides cover or protection, as from the weather. The Board of Commissioners may require that shelters include bathroom, kitchen, and sleeping amenities among other amenities.
- (17) Structure. Any piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground.
- (18) Surveyor. A qualified land surveyor or engineer registered and currently licensed to practice surveying in the State of North Carolina.
- (19) Tent. A portable cover of canvas, plastic, or skins stretched over a supporting framework of poles with ropes and pegs.
- (20) Van. An enclosed boxlike motor vehicle having rear or side doors and side panels.
- (21) Wastewater System. A complete system of sewage collection, treatment and disposal, including approved privies, septic tank systems, incinerators, composting toilets, recycling toilets, mechanical aeration systems, or other such systems approved by the Board of Commissioners. The sewage system shall be public or private or a combination of both.
- (22) Water Supply System. A system for the provision of water for human consumption through pipes or other constructed conveyances.

- (d) **Permits Required**. No person, firm or corporation shall construct a new Resort Campground or alter or expand an existing campground unless such person, firm or corporation holds a valid Special Use Permit and a Zoning Permit issued by the Town. All recreational vehicles and tents must be placed individually on approved campsite spaces where all design standards and utilities have been completed and a certificate of compliance has been issued.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(e) **General Requirements.** The following standards shall apply to all campgrounds containing two or more campsites, including sites for tents and recreational vehicles (RVs).

- (1) Design Compatible with Natural Features. The campground shall be designed in a manner which is compatible with the natural features and topography of the tract undergoing development, and in a manner which provides safe, healthful and convenient camping facilities for campground users consistent with minimum land disturbance.
- (2) Size. All proposed campgrounds shall be a minimum of three acres in size and contain a minimum of five (5) camper spaces. See **Section 12.6.5.** for further requirements of design.
- (3) Density. Density shall not exceed 15 sites per acre.
- (4) Space for Recreational Use. A minimum of ten (10) percent of the total land area shall be devoted to accessible common open space for recreational use. These areas shall be separate from camper spaces, and shall be grouped and suitable for active and passive recreation and shall be reasonably located for safe and convenient access to campground residents.
- (5) Open Space. A minimum of 10% of the total land area shall be devoted to open space.
- (6) Limit on Recreational Vehicles per Campsite Space. No more than one (1) recreational vehicle may be parked on any one (1) space. Recreational vehicles shall not be permitted on parcels, lots, or other areas not approved through these regulations.
- (7) Campgrounds with Mixed Uses. Campgrounds may be developed to provide more than one type of camping site in the same area. When uses are mixed, the highest, or strictest, standards shall apply to development of the entire campground with the exception of walk-in camping areas in a campground designed for mixed uses. In such a development, walk-in camping shall be separated from other types of campsites so that campfire smoke or noise will not constitute a nuisance to other campers.
- (8) Drainage and Stormwater. All campsites shall be well drained and stormwater shall be conveyed to approved treatment and detention facilities.
- (9) Service Unit Required. Pursuant to the N.C. State Building Code, each campground shall have at least one (1) service unit to provide necessary sanitation and laundry tray. This structure may also contain a retail sales counter and/or coin-operated machine for the campground residents use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area. All service buildings shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be ADA accessible and conveniently located. All buildings and structures shall be constructed in accordance with the N.C. State Building Code, and all applicable requirements of the Marion City Code.
- (10) Swimming Pools and Bathing Areas. No swimming pool or bathing area shall be

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

installed, altered, improved, or used without compliance with applicable Bladen County Health Department regulations and approvals.

- (11) Refuse Collection. The campground owner/operator is responsible for providing a central location for refuse collection and shall adequately screen and buffer such location from campground residents and campsites. Storage, collection and disposal of refuse shall be managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards, or air pollution. The location of on-site refuse facilities and collection schedule shall be approved by the White Lake Public Works Department prior to zoning approval.
- (12) Manufactured Homes. It shall be unlawful to park or store a manufactured home in a campground. However, one (1) manufactured home or other permanent residence may be allowed within the campground to be used by persons responsible for the operation and/or maintenance of the campground. If a campground is to contain manufactured homes in addition to campsites, these shall be permitted separately under the Manufactured Home Park regulations contained in this ordinance.
- (13) Junked Recreational Vehicles and Automobiles Prohibited. Junked, wrecked or inoperable recreational vehicles or vehicles and automobiles of any kind are prohibited in campgrounds.
- (14) Fire prevention and Protection. The application for a special use permit shall include a plan for fire prevention and protection to be reviewed by the fire marshal. The applicant shall be provided with a copy of the fire marshal's comments and recommendations and shall address those at the hearing on the special use permit application.
- (15) Storage of RVs. Storage of all types of recreational vehicles within campgrounds shall be limited to no more than one stored RV per ten RV sites. Such storage area shall be buffered and screened, preferably by vegetation, from the campground or outside areas.
- (16) Number of Days Permitted to Camp. With the exception of campers who work for the campground, camping shall be restricted to a period of no more than 90 consecutive days within any one-year period. Tent camping shall be limited to a period of 30 consecutive days within a 60-day period.
- (17) Access to Wastewater and Drinking Water for All Campsites. Each campground shall have reasonable access to a source of potable water and adequate wastewater disposal approved by the applicable health authority and building codes.
- (18) Overflow Parking Area. All campsites shall be limited to a total of one non-RV parking space. An additional area for parking of such vehicles shall be provided equal to one parking place for every ten campsites. Such parking area can be surfaced with gravel. At no time shall parking be permitted on access roads to the campground.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (19) Insect Control. Owners of such parks shall be responsible for adequate insect control in the camping area such as the periodic spraying for mosquitoes.
- (20) Lighting. Cut-off, overnight lighting for all bathhouses and centralized water sources shall be required. Reflectors denoting paths to above mentioned structures are recommended. Other minimal lighting should be installed as needed for the safety and comfort of campground residents.
- (21) Flood Plains. Campgrounds proposed to be developed in whole or in part in flood plains shall demonstrate compliance with the Flood Damage Prevention Regulations of the Town Code.
- (22) Emergency Evacuation. The application for a special use permit shall contain an emergency evacuation plan which is adequate to protect the safety of those utilizing the campground.
- (23) Animals. Animals traveling with campers shall be kept on a leash or tethered within their campsite at all times.

(f) Design Standards.

- (1) Minimum Space Design and Regulations. The following minimum space requirements also takes into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air, etc.
 - (i) Minimum campsite space size is 800 square feet; however, the minimum space for RVs over 320 square feet shall be 1000 square feet.
 - (ii) Minimum campsite space width is 20 feet.
 - (iii) No camping unit or permanent structure shall be within 10 feet of any internal boundary line.
 - (iv) Each camping unit or permanent structure shall be located at least thirty (30) feet from the edge of any external property line or publicly-maintained street or road.
 - (v) In the location and spacing of campsites, there shall be a minimum of 12 feet between RVs and/or structures.
 - (vi) Each campsite shall contain a stabilized vehicular parking pad of packed gravel, marl, paving or other suitable material for one vehicle.
 - (vii) Each campsite space may provide a fire pit or ring if burning is permitted within campground. No trash burning is allowed other than in fire pit or ring and no burning other than paper and wood is allowed. Fires shall be extinguished before leaving or retiring.
 - (viii) Permanently affixed picnic tables may be provided at campsites spaces.
 - (ix) Room additions, porches, and storage units of any kind are not allowed in

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

campsite spaces. Porches may be provided in association with shelters.

- (x) Only one recreational vehicle per camper accommodating space is allowed.
- (xi) Each campsite space shall be left in a clean, neat condition by the campsite user.
- (xii) All campsites shall be located on sites with elevations that are not susceptible to flooding. The campsites shall be graded to prevent any water from ponding or accumulating within the park. Each campsite shall be properly graded to obtain a reasonably flat site and to provide adequate drainage away from the space.
- (xiii) Campsites Marked. Each campsite space shall be marked with permanent markers to clearly show the corners of the space. Such permanent markers shall be established by a registered surveyor.
- (xiv) Campsites Numbered. Each campsite space shall be identified by a permanent number which shall not be changed. The appropriate number of each campsite space shall be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood, metal, or any permanent post or object and conspicuously located on the lot.

(2) Parking Requirements.

- (i) A minimum of one auto parking space shall be provided inside the area of each campsite. Required parking spaces may be included within the minimum required space area for each camper space.
- (ii) One additional auto parking space shall be provided for each five campsites, to be located elsewhere in the park. A minimum of nine feet by 19 feet shall be allowed for each additional parking space.
- (iii) Additional parking space shall not be provided on interior roads. All interior streets shall be free of parked vehicles at all times.
- (iv) Parking areas shall be constructed and surfaced as determined adequate by the Town.
- (v) Parking areas shall be well drained to prevent ponding or accumulation of water within the campground. Drainage shall be approved by the Town.

(3) Street Requirements.

- (i) Public Street Access. No campsite space within a campground resort shall directly access a road from the exterior [of] the campground. Access to all structures within the campground shall be made using internal streets. All campground entrances/driveways shall be approved by the North Carolina Department of Transportation as required by NC state law.
- (ii) Internal, Private Street Requirements. One-way and/or two-way streets shall be used throughout the campground.
 - a. Two-way streets shall have minimum right-of-way width of fifty (50) feet

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(where necessary for adequate drainage, additional right-of-way may be required) and a minimum travel way width of twenty (20) feet or the minimum width, as required in the Town of White Lake Subdivision Ordinance, whichever is more restrictive. Such streets shall be well maintained and clearly identified. All streets within the campground shall be privately owned and maintained unless approved by NCDOT.

- b. One-way streets are not subject to the requirements listed above. Such streets shall provide for the adequate access of emergency vehicles. Private street plans shall be approved by the Town of White Lake.
- c. All internal streets that dead-end shall be provided with a permanent turnaround of forty (40) feet in diameter or provide a turn-around designed for emergency vehicles within one hundred (100) feet of the end of the street as specified in the Subdivision Ordinance.
- d. All internal streets within the resort campground shall be equipped with adequate and necessary drainage facilities, as determined by the Town.
- e. Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground if not approved by NCDOT. Streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump shall be placed along the street. These requirements are subject to inspection anytime by the Town.

(4) Landscaping, Screening and Buffering.

- (i) The resort campground shall be adequately screened with ten (10) feet vegetation and/or natural features around its exterior boundary lines. This strip shall be free of all encroachment by buildings, parking areas or other type of impervious coverage. No designated campsite spaces shall include any areas required for buffering in accordance with this Ordinance.
- (ii) Large trash receptacles, pump-out facilities, dumping stations, and maintenance areas shall be screened from the public view.
- (iii) All areas not used for camping spaces, motor vehicle parking, traffic circulation, service or community buildings, or approved recreational area shall be completely and permanently landscaped or maintain existing natural vegetation. The landscaping shall be maintained in good condition.
- (iv) A walkway shall be available from the parking area, facilities, and similar amenities to each campsite space. The North Carolina Accessibility Code shall be met and approved by the Town.
- (v) Where greenway or trail systems exist within 1,000 feet of a campground the developer shall connect to such system unless this requirement is waived by the Board of Commissioners.

(5) Signs.

- (i) Signs may be placed within campground for purposes of public direction and

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

safety.

- (ii) One freestanding sign for the purpose of advertising the campground shall be constructed at the entrance(s) of the campground and shall comply with the sign regulations contained in this Ordinance.
- (iii) There shall be a maximum of three off-premise signs which must comply with the regulations contained in this Ordinance.

(6) Utility Requirements.

- (i) Water System. An accessible, adequate, safe and potable supply of water shall be provided in each campground. Where a public water supply is available and if the water system is installed in accordance with minimum county standards, per campground owner approval, the developer could dedicate the system to the Town to operate. When a public water supply is not available, a private water supply may be developed and its supply used exclusively in accordance with local and state regulations and standards of the Division of Environmental Management, NC Department of Environment, Health, and Natural Resources codified in 15A NCAC 2C. Siting well locations should be discussed with the Bladen County Health Department.
 - a. All piping fixtures or devices used in the installation of drainage and water supply systems for campgrounds, or parts thereof, shall conform to the quality and weights of materials required by the Standard Plumbing Code.
 - b. All plumbing fixtures, piping, drains, appurtenances and appliances designed and used in campground drainage, water supply system, and service connections shall be installed in conformance with the Standard Plumbing Code.
- (ii) Wastewater System. Adequate and safe wastewater disposal systems shall be provided in all campgrounds. Connection to the Town's wastewater system is preferred. If not feasibly available, as determined by the Town, a private sewage system complying with the requirements of the North Carolina Department of Environmental Quality (NCDEQ) shall be provided to serve the resort campground.
 - a. Wastewater dumping stations (holding tanks) shall be approved by the Town of White Lake and the Bladen County Health Department. Each campground shall provide sewage dumping stations which are not equipped with individual sewer and water connections.
 - b. No method of sewage disposal shall be installed, altered, or used without the approval of the Town of White Lake. All sewage wastes from each campground, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water using appliances not herein mentioned, shall be piped into an approved sewage disposal system.
 - c. All regulations defined in Appendix B Travel Trailers and Travel Trailer Parks of the NC State Building Code, Volume II—Plumbing, shall be met and approved by the Town for all campgrounds.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(g) Operational Requirements.

- (1) Responsible Party. The person to whom a permit for a campground is issued shall be the party responsible to comply with the conditions of the operating permit and shall operate the resort campground in compliance with this section and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition. Failure to comply with this section may result in revocation of the zoning permit by the Zoning Administrator.
- (2) Permanent Occupancy of Recreational Vehicles Prohibited. Recreational Vehicles shall not be accepted as permanent dwelling structures and shall not have any permanent (hard) wiring, permanent plumbing, or permanent mechanical connections. The power supply is installed in accordance with Section 552-43 of the 1999 NEC. Section 552-43(a) is given below:
 - (i) **Feeder**. The power supply to the recreational vehicle shall be a feeder assembly consisting of not more than one listed 30-ampere or 50-ampere recreational vehicle power-supply cord with an integrally molded or securely attached cap, or a permanently installed feeder.
- (3) Manager on-duty 24-7. A manager/attendant must be on duty within the campground at all times.
- (4) Registration Records. Every campground owner or operator shall maintain an accurate register containing a record of all occupants in the campground. The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:
 - (i) Name and permanent address of the occupants of each space.
 - (ii) Campsite space number and/or appropriate quarter within a shelter.
 - (iii) Date when occupancy within the campground begins and date when occupancy within the campground ceases.
 - (iv) Upon request, park records shall be made available to the Town.
 - (v) **Time of Stay Each Year**. No recreational vehicle or park tenant shall stay a length of time which exceeds 60 days of the time during which the resort campground is approved to operate.
- (5) Inspections.
 - (i) Any representative acting in official capacity on behalf of the Town of White Lake as determined by Town, is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Article. It shall be the duty of the owners of campgrounds to give the Town free access to such premises for inspections.
 - (ii) The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (iii) The campground owner shall notify campground visitors of all applicable provisions of this Article and inform them of their responsibilities under this

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

Article.

(h) Resort Campground Plan Submission and Approval Process.

- (1) Site Plan and Zoning Permit Required. Prior to the construction of a campground or the expansion of an existing campground, the developer shall secure approval of the final campground site plan and zoning permit. In addition to these requirements, the site plan shall include:
 - (i) Total number of campsite spaces, if any, proposed within shelters.
 - (ii) Proposed campsite spaces well defined, indicating accurate dimensions, site numbers, and campsite space use, such as "RV campsite space," "shelter campsite space," etc.
 - (iii) Landscaping and buffering.
 - (iv) Sign locations, setbacks and dimensions.
 - (v) Location and dimension of parking areas.
 - (vi) Any other special features of the campground determined by the Zoning Administrator.
- (2) Protective Covenants Required. The applicant will also submit a draft of the proposed protective covenants whereby the owner proposes to regulate land use and otherwise protect the proposed campground and a draft of any proposed incorporation agreement and a draft of any bylaws or easement declarations concerning maintenance of recreational and other common facilities.
- (3) Special Use Permit Required. Before beginning any construction or expansion of an existing campground, the developer shall secure an approved Special Use Permit in compliance with the requirements outlined in this Ordinance.

(i) Requirements for Existing Campgrounds.

- (1) Determination of Existing Use.
 - (i) All campgrounds, which legally existed prior to the date of this Ordinance, and which have submitted complete site plans as outlined in **Section 11.4.17(h)(1)** for the existing campground to the Zoning Administrator for review, shall be considered an "existing use" if:
 - (a) Site plans are submitted to the department no later than **July 1, 2022**; and
 - (b) The Zoning Administrator issues a letter to the campground resort owner indicating that the campground legally an "existing use."
 - (ii) If it is determined by the Zoning Administrator that the campground does meet the above criteria, the Zoning Administrator shall submit the letter, mentioned above, to the campground owner. At that time, only that portion of the campground identified in the site plan, will then be considered an "existing use."

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (iii) Only those campgrounds that retain the confirmation letter will be considered an "existing use."
- (iv) The "existing use" campgrounds are to be allowed to remain as they are represented within the accepted site plan on only that portion of the property designated. If the use is vacated for over (1) one year the "existing use" designation shall be voided, and any new use of the property shall conform to the requirements of this Article.
- (v) The "existing use" may be sold or transferred to new owners. The new owners will maintain the same rights as the previous owners.
- (vi) Any expansion of an existing resort campground must meet the requirements for new campgrounds outlined in above. If the expansion is 50 percent or more of existing area, the total campground must be brought up to new requirements.

(2) Operational Requirements.

- (i) Responsible Party. The person to whom a permit for a campground is issued shall be the party responsible to comply with the conditions of the operating permit and shall operate the resort campground in compliance with this section and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition. Failure to comply with this section may result in revocation of the zoning permit by the Zoning Administrator.
- (ii) Permanent Occupancy of Recreational Vehicles Prohibited. Recreational Vehicles shall not be accepted as permanent dwelling structures and cannot have any permanent (hard) wiring, permanent plumbing, or permanent mechanical connections. The power supply is installed in accordance with Section 552-43 of the 1999 NEC. Section 552-43(a) is given below or any update to same:
 - (a) **Feeder.** The power supply to the recreational vehicle shall be a feeder assembly consisting of not more than one listed 30-ampere or 50-ampere recreational vehicle power-supply cord with an integrally molded or securely attached cap, or a permanently installed feeder.
- (iii) Manager on-duty 24-7. A manager/attendant must be on duty within the campground at all times.
- (iv) Registration Records. Every campground owner or operator shall maintain an accurate register containing a record of all occupants in the campground. The register shall be available for inspection at all times by authorized county representatives. The register shall contain the following information:
 - (a) Name and permanent address of the occupants of each space.
 - (b) Campsite space number and/or appropriate quarter within a shelter.
 - (c) Date when occupancy within the campground begins and date when occupancy within the campground ceases.
 - (d) Upon request, park records shall be made available to the Town.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(e) **Time of Stay Each Year.** No recreational vehicle or park tenant shall stay a length of time which exceeds 60 days of the time during which the resort campground is approved to operate.

(v) Inspections.

(a) Any representative acting in official capacity on behalf of the Town of White Lake as determined by Town, is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Article. It shall be the duty of the owners of campgrounds to give the Town free access to such premises for inspections.

(b) The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.

(c) The campground owner shall notify campground visitors of all applicable provisions of this Article and inform them of their responsibilities under this Article.

(j) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

(k) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing under to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.34.)

11.4.18. Car Washes:

(a) **Where Permitted:** B District.

(b) **Staffing:** Zoning Permit applications for car washes shall include a plan for staffing of the facility in a manner that will assure that the facility shall be well-maintained, with provisions for the

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

regular collection of litter and debris during each day of operation, for regular care of the landscaping, for adequate protection of the equipment and structures from vandalism, and for the protection and safety of the customers.

- (c) **Drainage:** All proposals for car wash facilities shall demonstrate the provision of adequate drainage systems in accordance with plans, policies and regulations of the Town.
- (d) The outdoor service area of a car wash (such as vacuum cleaners) shall be placed in the rear yard only and screened from view from the public street(s).

11.4.19. Cemeteries/Columbarium/Mausoleums:

- (a) **Where Permitted:** RA and B Districts.
- (b) **North Carolina Cemetery Act:** All cemeteries shall meet the requirements set forth by the North Carolina Cemetery Act, and if applicable, shall obtain a license from the North Carolina Cemetery Commission.
- (c) **Minimum Lot Size:** A minimum of three (3) contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a church.
- (d) **Setbacks:** The minimum setback for structures, graves and burial plots from any exterior property line shall to 50 feet.
- (e) **Cemeteries as an Accessory Use to a Church. Cemeteries,** including a columbarium, located on the same property as a church shall be subject to the following criteria:
 - (1) The cemetery shall not encroach on any yard setbacks.
 - (2) A site plan shall be submitted in accordance with the requirements of this Ordinance.

11.4.20. Churches and Other Places of Worship:

- (a) **Where Permitted:** All districts.
- (b) **Location:** Church facilities located on sites of 3 acres or more shall have direct vehicular access to a collector or higher capacity street.
- (c) **Screening and Buffering:** All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the ordinance on buffers.

(Ord. 12/1/1997; 7/8/2014, 11-1.12.)

11.4.21. Clubs, Meeting and Assembly Halls, Lodges:

- (a) **Where Permitted:** RA District.
- (b) **Access to Streets:** Clubs shall have direct access to a collector or higher capacity street.
- (c) **Screening and Buffering:** All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the

Special Use Permit Required

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

requirements of this Ordinance.

- (d) **Pools:** Private non-profit clubs having only one operating swimming pool with bathhouse facilities and open only during the swimming season are exempt from the minimum lot area requirements if all activities and facilities (other than parking) are located no closer than fifty (50) feet to any property line. There shall be provided in any swimming pool water area at a depth of five (5) feet or less in the ratio of 7.2 square feet per member (or family). Water areas not deeper than five (5) feet shall not be included as a part of the minimum pool area to satisfy this requirement. Adjacent to swimming pools there shall be provided paved patio area(s) in the ratio of two (2) square feet of paving for each square foot of water area that is five (5) feet or less in depth.
- (e) **Setbacks:** No improvements, structures, sidewalks or play areas or equipment shall be closer than fifty (50) feet to any adjoining property lines. Parking areas may be permitted within twenty (20) feet of an adjoining property line if the abovementioned twenty (20) foot strip is used for plantings designed to grow at least six (6) feet high.
- (f) **Lighting:** Lights shall be located and shielded so as not to adversely affect adjacent property.
- (g) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (h) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.13.)

11.4.22. Communication Tower Under 50 Feet In Height:

Special Use Permit Required

- (a) **Where Permitted:** RA, R-1A, R-2 and B Districts.
- (b) **Location:** Towers shall not be placed in any front yard or side yard. All supporting cables shall be contained on the property.
- (c) **Special Use Permit Required:** The use listed above shall be subject to special use permit procedures and requirements of this Ordinance when located in a residential district. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (d) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
- (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.14.)

11.4.23. Convenience Stores (with or without gas pumps):

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Hours of Operation:** Hours of operation shall be limited to 6:00 a.m. to midnight.
- (c) **Delivery Hours:** Delivery hours shall be restricted to 7:00 a.m. to 9:00 p.m.
- (d) **Lighting:** No site or building lighting shall fall onto adjacent residentially zoned property.
- (e) **Screening:** Outdoor storage and vending must be screened from view from the public right-of-way with either a masonry wall or wooden fence enclosure.
- (f) **Payphones:** Payphones are not permitted on the exterior of the building.
- (g) **Minimum Lot Size:** A minimum lot size of 20,000 square feet shall be provided. If the rental of trucks, trailers, etc. is proposed as an accessory use, the minimum lot size required shall be increased by 10,000 square feet. The site plan shall indicate the area to be used for display. Spaces for rental vehicles and accessories shall be in addition to any parking spaces required for operation of other operations. Rental activities shall not occupy more than 50 percent of the lot area.
- (h) **Street Access:** The lot shall front on a collector or arterial street and have direct access to this street.
- (i) **Driveways:** Driveway Permits shall be approved by NCDOT for access to State roads. Driveways shall not be located within 300 feet of any intersecting street or within 750 feet of driveways intersecting the same street and serving another existing or approved convenience store. These distances shall be measured centerline to centerline.
- (j) **Storage of Garbage and Refuse:** All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than 20 feet from any adjacent property lines.
- (k) **Setbacks:** No portion of any building or associated equipment shall be closer than 25 feet to any property line.
- (l) **Canopies:** Pump canopies must be located at least 50 feet from any interior side or rear property line that adjoins residentially developed property.
- (m) **Special Use Permit Required:** The use listed above shall be subject to special use permit procedures and requirements of this Ordinance when located in a residential district. This

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

- (n) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee’s or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.24. Day Care Center – ADULT (More than eight persons).

Special Use Permit Required

- (a) **Where Permitted:** RA, R-2, and B Districts.
- (b) **State Requirements:** The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state, and local laws, including, but not limited to, any licensing requirement.
- (c) **Signs:** In any residential district and in the HD and HD-MU districts, all signs shall be non-illuminated and shall not exceed four (4) square feet in area.
- (d) **Drop Off/Pick Up Area:** An off-street drop-off/pick-up area meeting the standards of this ordinance shall be provided.
- (e) **Minimum Lot Size:** The minimum lot size shall be three thousand (3,000) square feet.
- (f) **Fencing:** The entire play area at a adult day care center or home shall be enclosed by a fence having a minimum height of at least four (4) feet and constructed in such a manner that maximum safety to the adults is ensured.
- (g) **Minimum Space Per Participant:** Adult day care centers shall have forty (40) square feet of indoor space for each participant in the portion of the building used for adult day care, excluding hallways, offices, and restrooms.
- (h) **Proximity to Other Care Centers:** In any residential district, whether contiguous or not, adult day care centers shall not be located closer than a one-half-mile radius from any existing permitted adult day care center in a residential district. This separation requirement does not apply to day care centers that are accessory to community centers, private recreation centers, religious institutions and primary and secondary schools located in any residential district. The distance between the proposed use and the existing permitted adult day care center shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line of the lot on which the existing permitted use is located.
- (i) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

- (j) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.16.)

11.4.25. Day Care Center – CHILD (More than eight children):

Special Use Permit Required

- (a) **Where Permitted:** RA, R-1, R-1A and R-2 Districts.
- (b) **State Requirements:** The construction and operation of such facilities shall comply with the provisions of the General Statutes of the State of North Carolina and any other applicable federal, state, and local laws, including, but not limited to, any licensing requirement.
- (c) **Signs:** In any residential district, all signs shall be non-illuminated and shall not exceed four (4) square feet in area.
- (d) **Drop Off/Pick Up Area:** An off-street drop-off/pick-up area meeting the standards of this ordinance shall be provided.
- (e) **Minimum Lot Size:** The minimum lot size shall be three thousand (3,000) square feet.
- (f) **Outdoor Play Area:**
 - (1) **Centers with 6-29 Children:** Child day care centers licensed for six (6) to twenty-nine (29) children, inclusive, shall have seventy-five (75) square feet per child of outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at seventy-five (75) square feet per child.
 - (2) **Centers with 30 or More Children:** Child day care centers licensed for thirty (30) or more children shall have seventy-five (75) square feet per child of outdoor play area for at least one-half (½) of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area must be enough to accommodate at least thirty (30) children. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at seventy-five (75) square feet per child.
 - (3) Outdoor play space may not include driveways, parking areas, or land otherwise unsuitable for children's play space.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (4) Outdoor play space may not be in the established front yard.
- (5) Outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods.
- (6) The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.
- (g) **Street Access:** Centers on a site greater than 3 acres shall have access to a collector or thoroughfare street.
- (h) **Hours:** The Special Use Permit shall establish the hours of operation.
- (i) **Parking for Employees:** Parking for employees must be off-street and the minimum number of paved off-street parking spaces shall be two spaces plus one for each employee.
- (j) **Off-Street Loading and Unloading:** In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers.
- (k) **Proximity to Other Care Centers:** In any residential district, whether contiguous or not, child day care centers shall not be located closer than a one-half-mile radius from any existing permitted child day care center in a residential district. This separation requirement does not apply to day care centers that are accessory to community centers, private recreation centers, religious institutions and primary and secondary schools located in any residential district. The distance between the proposed use and the existing permitted child day care center shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line of the lot on which the existing permitted use is located.
- (l) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (m) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.16.)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.26. Day Care Home - CHILD (no more than eight children):

- (a) **Where Permitted:** RA, R-1, R-1A, R-2 Districts.
- (b) **Application:** A Child Day Care Home is limited to no more than eight children being cared for at any one time. Of those eight children, no more than five children may be of pre-school age. Pre-school age children are children who have not yet reached an age to attend school (i.e. kindergarten). Child Day Care Homes providing service to three or less children or providing care less than four hours per day and who are otherwise not subject to the regulation of the North Carolina Department of Health and Human Services Division of Child Development or other licensing agencies, are still subject to the regulations contained herein.
- (c) **Residency Requirement:** The primary care provider must reside in the Child Day Care Home. No additional employees are permitted in the operation of the Child Day Care Home with the exception of a substitute who provides care during planned absences of the primary caregiver, as allowed by the North Carolina Department of Health and Human Services Division of Child Development.
- (d) **Fencing:** All rear yards for a Child Day Care Home shall be fenced or walled. The minimum height for such walls or fences shall be four feet.
- (e) **Restrictions on Use of Yard Area:** All equipment pertaining to the operation of a Child Day Care Home, to include toys, shall be stored in the rear yard. Front yards shall not be used as playground areas.
- (f) **Building and Fire Inspections Required:** A building inspection and a fire safety inspection shall be completed for all Child Day Care Homes prior to zoning approval by the Town.
- (g) **Hours:** Hours of operation for a Child Day Care Homes shall be permitted from 6:00 a.m. until 8:00 p.m.
- (h) **Proximity to Similar Facilities:** A Child Day Care Home, required to be licensed by the State of North Carolina, may not be located within one-quarter mile radius of an existing Child Day Care Home.

(Ord. 12/1/1997; 7/8/2014, 11-1.16.)

11.4.27. Day Care Home - ADULT (no more than eight adults):

- (a) **Where Permitted:** RA, R-1, R-1A, R-2 Districts.
- (b) **Application:** An Adult Day Care Home is limited to no more than eight adults being cared for at any one time.
- (c) **Residency Requirement:** The primary care provider must reside in the Adult Day Care Home. No additional employees are permitted in the operation of the Adult Day Care Home with the exception of a substitute who provides care during planned absences of the primary caregiver.
- (d) **Fencing:** All rear yards for an Adult Day Care Home shall be fenced or walled. The minimum height for such walls or fences shall be four feet.
- (e) **Restrictions on Use of Yard Area:** All equipment pertaining to the operation of an Adult Day Care Home, to include toys, shall be stored in the rear yard. Front yards shall not be used as playground areas.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (f) **Building and Fire Inspections Required:** A building inspection and a fire safety inspection shall be completed for all Adult Day Care Homes prior to zoning approval by the Town.
- (g) **Hours:** Hours of operation for an Adult Day Care Homes shall be permitted from 6:00 a.m. until 8:00 p.m.
- (h) **Proximity to Similar Facilities:** An Adult Day Care Home, required to be licensed by the State of North Carolina, may not be located within one-quarter mile radius of an existing Adult Day Care Home.

(Ord. 12/1/1997; 7/8/2014, 11-1.16.)

11.4.28. Drive-Thru/Drive-In Facilities.

- (a) **Where Permitted:** B District.
- (b) **Access Openings:** Drive-thru windows and services shall be located and accessed only at the side or rear of a building.
- (c) **Circulation:** Vehicle storage/stacking areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street and shall not cause interruption of any public sidewalk or bicycle facility.
- (d) **Screening:** Drive-thru facilities shall be screened from off-site view from a street right-of-way by a buffer with a minimum width of ten feet.
- (e) **Paved Access:** Drive-thru facilities will have paved access going to and from the drive-thru window or service. Areas for drive-thru windows or services must also be paved.
- (f) **Proximity:** No drive-thru window or building may be located within 100 feet of any existing residence.

11.4.29. Equestrian Facilities/Stables.

Special Use Permit Required

- (a) **Where Permitted:** RA District.
- (b) **Minimum Area:** The minimum area required for an equestrian facility is 5 acres.
- (c) **Use Separation:** There shall be a minimum 50-foot distance between manure storage areas, barns or stables and any adjacent residentially-zoned property.
- (d) **Dust:** All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.
- (e) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (f) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (a) the name, business address, and contact information of the owners of the property;

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (b) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (c) owners of the property;
- (d) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.
- (g) Failure of an applicant to comply and/or maintain compliance with the standards outlined above may result in a revocation of the zoning permit and Special Use Permit for the site and/or the denial of future events.

(Ord. 12/1/1997; 7/8/2014, 11-1.17.)

11.4.30. Event Venue, Outdoor.

Special Use Permit Required

- (a) **Where Permitted:** All Residential and B District.
- (b) **Parking:** All parking must be contained on the property or accommodated at an off-site location, and guests shall be shuttled to and from the event. At no time shall event parking be allowed in a public or private right-of-way, except where permanent individually marked parking spaces are located on the street. As part of the SUP proceedings, consideration may be given to the inclusion of non-paved parking facilities for those venues located within a more rural setting where paved parking would detract from the character of the outdoor event space. Similarly, consideration may be given to whether or not bicycle parking facilities are a practical and necessary addition to a given site.
- (c) **Noise and Lighting:** Facilities shall notify the Town at least 48 hours prior to each event, and the event shall comply with the Town Code of Ordinances regarding noise and lighting. The nearby properties must be protected from sound amplification and lighting. Unless otherwise stipulated based upon factors presented at the public hearing, any music or amplified noise activity shall not be audible beyond the boundary of the property after 11:00 p.m. In addition to time periods, the Town Board may impose noise level limitations or prohibit the presence of a permanent stage as a condition of the special use approval.
- (d) **Solid Waste Handling:** All solid waste generated by the event shall be collected and stored on site in commercial grade containers. The container site must be shown on the site plan and surrounded by a 6-foot opaque fence and gate. All waste from the event must be removed from the site within 48 hours of the conclusion of the event.
- (e) **Bathroom Facilities:** Where permanent restroom facilities are not available or insufficient to meet demand, event organizers shall provide temporary restroom facilities based on the rated occupant load or expected attendance at the event in accordance with the standards of the NC Building Code.
- (f) **Crowd Control:** When the attendance at the event is expected to exceed 1,000 people, the event sponsor shall provide crowd managers as outlined in the North Carolina Fire Code.
- (g) **Buffers:** Buffers must be provided between the proposed use and adjacent residential uses. The type and location of buffers shall be determined as part of any Special Use Permit

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

approval. Existing vegetation may count towards buffer requirements. Based upon factors presented at the public hearing, the Town may include a separation requirement between any proposed activity areas and adjacent property owners.

- (h) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (9) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee’s or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.
- (10) Failure of an applicant to comply and/or maintain compliance with the standards outlined above may result in a revocation of the zoning permit and Special Use Permit for the site and/or the denial of future events.

11.4.31. Family Care Home.

Special Use Permit Required in B District

- (a) **Where Permitted:** RA, R-2 and B Districts.
- (b) **Defined:** Family Care Home. A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities. “Person with disabilities” means a person with a temporary or permanent physical, emotional, or mental disability, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS Section 122C-3(11)b.

Statutory Reference – NCGS 160D-907(b).

- (c) **Separation of Uses:** As defined by NC General Statutes Chapter 168-21, family care homes must be located no closer than one-half (1/2) mile from any other family care home. A variance to the 1/2-mile separation requirement may be obtained when the separation is accomplished by man-made features (i.e., railroad yards, freeways) or natural features (i.e., rivers, wetlands) and provides sufficient separation to ameliorate the harmful effects that justified the statutory separation.
 - (1) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts. The Town may not require that a family care home, its owner, or operator obtain, because of the use, a special use permit or variance from any such zoning regulation provided, however, that the

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

Town may prohibit a family care home from being located within a one-half mile radius of an existing family care home.

- (2) A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by the Town for water, sewer, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements.

Statutory Reference – NCGS 160D-907(c) and (d).

- (d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (e) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee’s or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.32. Flea Markets- Indoor.

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Size:** Flea markets shall not exceed one-half (½) acre in size.
- (c) **Days and Hours of Operation:** Days and hours of operation shall be established by the special use permit.
- (d) **Food Sales:** The sale of food for consumption on or off the premises will require approval by the Department of Health.
- (e) **Fencing for Permanent Locations:** Permanent open-air flea markets are required to install and maintain fencing or landscaping along three (3) sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the Zoning Administrator.
- (f) **Buffering:** Screening and buffering of a permanent site when adjacent to residential properties may be required as part of the Special Use Permit.
- (g) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

- (h) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee’s or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.33. Food Trucks.

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Maximum Number of Trucks per Property:**
 - (1) For parcels less than ½ acre in size, only one food truck is allowed on the property at the same time.
 - (2) Properties between ½ acre and 1 acre in size may have two food trucks
 - (3) For parcels over 1 acre in size, a maximum of three food trucks are allowed on the property except for special events.
 - (4) Temporary outdoor seating and set up associated with a food truck is only permitted on lots at least two acres in size or greater.
- (c) **Food Truck Locations, minimum separation:**
 - (1) 100 feet from the front door of any restaurant and/or outdoor dining area.
 - (2) 15 feet from any fire hydrant
 - (3) 15 feet from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit or emergency call box.
 - (4) 50 feet from any residential zoning district.
- (d) **Parking of Food Trucks:** The approved location for food truck parking and any associated outdoor seating, as shown on the zoning permit, must be physically marked. The food truck parking space can be marked with paint, tape or any other easily identifiable material. Food trucks may not be parked in an approved location after the hours of operation specified below.
- (e) **Hours of Operation:**
 - (1) 6 a.m. to 3 a.m. for food trucks in commercial locations.
 - (2) 7 a.m. to 10 p.m. for food trucks located within 150 feet of a residential dwelling.
- (f) **Operational Standards:**
 - (1) No audio amplification
 - (2) No free standing signage

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (3) Town trash receptacles may not be used to dispose trash or waste.
- (4) All areas within 15 feet of the food truck must be kept clean by the food truck vendor.
- (5) Grease and liquid waste shall not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.
- (6) Food trucks are all subject to the Town's noise ordinance.
- (g) **Health Department Requirements:** All mobile food vendors must have permits required by the Bladen County Health Department and/or the applicable health department of the resident county of the mobile food vendor and comply with all regulations of the NC Department of Human Resources, Division of Health Services Health.
- (h) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (i) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.34. Fuel Oil Sales.

- (a) **Where Permitted:** B District.
- (b) **Use Separation:** All storage tanks and loading facilities shall be located at least 200 feet from any property line.
- (c) **Screening:** All outside storage areas shall be completely screened from view from all streets and adjacent residentially zoned property.
- (d) **Security Fencing:** Security fencing, a minimum 6 feet in height, shall be provided around all outside storage areas.
- (e) **Location:** Principal access must be from a collector or higher capacity street.
- (f) **Fire Code:** The use must meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the latest edition of the "Flammable and Combustible Liquids Code, NFPA 30" of the National Fire Protection Association.

(Ord. 12/1/1997; 7/8/2014, 11-1.19.)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.35. Gas Stations/Automobile Service Stations.

- (a) **Where Permitted:** B District.
- (b) **Equipment Storage:** Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.
- (c) **Runoff Protection:** Certification by a NC registered professional engineer is required to ensure the prevention of petroleum and petroleum-related product runoffs into the existing municipal drainage and sanitary sewer systems.
- (d) **Refuse Containers:** All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than twenty (20) feet from any adjacent property lines unless the Zoning Administrator determines that such a setback is not practicable. In such cases, the Zoning Administrator may, as an alternative, require a lesser setback provided sufficient screening or enclosure is installed.
- (e) **Violation of Abandoned Vehicles and Auto Junkyard Ordinance:** The open storage of one (1) or more wrecked or inoperable vehicles or parts of one (1) or more vehicles for ten (10) days or more shall be deemed a junkyard. An unlicensed vehicle stored for ten (10) days or more shall be deemed an inoperable vehicle.

(Ord. 12/1/1997; 7/8/2014, 11-1.41.)

11.4.36. Go-Cart Raceway/Track.

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Use Separation:** No raceway shall be located within 500 feet of any residentially zoned property.
- (c) **Noise:** The facility shall be sited and operated so as to not produce noise or sound which would adversely impact adjoining and surrounding properties.
- (d) **Dust:** All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.
- (e) **Fencing:** Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway.
- (f) **Hours of Operation:** No such facility that adjoins residentially used or zoned property shall conduct business between the hours of 11 p.m. and 8 a.m.
- (g) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (h) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.20.)

11.4.37. Golf Course – Public or Private.

Special Use Permit Required

- (a) **Where Permitted:** All districts.
- (b) **Use Separation:** A fifty-foot minimum distance shall be provided between the clubhouse or other principal building(s) and any adjacent residentially-zoned property.
- (c) **Parking Area:** All parking and loading areas shall be graded and drained so as to dispose of all surface
- (d) Lighting shall be designed and located as to be directed away from residential areas or shielded to protect such areas.
- (e) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (f) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.21.)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.38. Golf Driving Ranges – Public or Private.

Special Use Permit Required

- (a) **Where Permitted:** B District.
- (b) **Buffer:** A 50-foot wide planted buffer shall be observed around the perimeter of the property and shall not be included in the required dimensional area required for the use.
- (c) **Minimum Area:** The minimum lot depth from the tees to the end of the driving area shall be 1,000 feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
- (d) **Security Fencing:** Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.
- (e) **Dimensions:** The depth of a range along a driving axis shall be not less than 350 yards measured from the locations of the tees, and the breadth not less than 200 yards at a distance of 350 yards from the tee.
- (f) **Hours of Operation:** Service to customers shall be halted at dusk. Lighting of the driving and practice range is not permitted.
- (g) **Noise:** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (h) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (i) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.22.)

11.4.39. Hazardous Chemicals Storage.

Special Use Permit Required

- (a) **Where Permitted:** RA and B Districts.
- (b) **Defined:** Materials which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of their toxicity, flammability, or liability to explosion render firefighting abnormally dangerous or difficult; also to materials and formulations which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous or exothermic reactions of

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as corrosive liquids, flammable solids, highly toxic materials, oxidizing materials, poisonous gases, radioactive materials, and unstable chemicals, as defined in Section 20.2 of the *American Insurance Association Fire Prevention Code*.

- (c) **Fire Inspection Required:** Where such materials are stored, an inspection by the Fire Chief of the Town of White Lake is required prior to installation and at regular intervals thereafter as required by the NC Fire Code.
- (d) **Safety and Evacuation Plan Required.** Such plan shall be required to be on file with the Fire Chief.
- (e) **Noise:** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (f) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in the Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (g) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.40. Home Occupations.

- (a) **Where Permitted:** All districts.
- (b) **Defined:** Any profession or occupation carried on entirely within a dwelling providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than 25 percent of the total floor area is used for such purposes, and that there is no outside or window display. No mechanical equipment shall be installed or used other than is normally used for domestic or home occupation purposes.
- (c) **Maximum Area:** The area set aside for a home occupation shall occupy no more than 25 percent of the gross floor area of the dwelling unit or 500 square feet, whichever is less.
- (d) **Outside Storage:** No outside storage or display of items associated with the home occupation is permitted.
- (e) **Limits on Operation:**
 - (1) The home occupation must be conducted entirely within a dwelling unit. It must be a use which is clearly incidental and secondary to the use of the dwelling unit for residential

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

purposes and does not change the character of the residence. Home occupations are not permitted in an accessory structure nor within a manufactured home.

- (2) Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, insurance agency, lawyer, real estate broker, teacher, accountants, child or adult day care (5 or fewer persons), food catering, tailoring, and handcrafting, etc.
- (3) No on-site retail sales, except for goods made on the premises, are allowed.
- (4) No display of products shall be visible from the street.
- (5) Only 1 person may be employed who is not an occupant of the residence.
- (6) Activities shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located.
- (7) Instruction in music, dancing, art, or similar subjects shall be limited to no more than 5 students at one time.

(Ord. 12/1/1997; 7/8/2014, 11-1.24.)

11.4.41. Hotels, Motels, & Inns.

- (a) **Where Permitted:** B District.
- (b) **Street Access:** The lot shall have direct access to an arterial or collector street.
- (c) **Buffering:** A buffer shall be installed along the property line adjacent to residentially zoned or used property as required in this Ordinance.
- (d) **Accessory Uses:** Accessory commercial activities such as restaurants and outdoor recreation facilities such as swimming pools shall meet the requirements for accessory uses in this ordinance provided that they shall not be located along the side of the property that adjoins residentially zoned or used property.

11.4.42. Ice Vending Machines, unmanned.

- (a) **Where Permitted:** RA and B Districts.
- (b) **Signage:** Signage shall be limited to no more than ten percent of the building facade up to eight square feet and limited to two signs.
- (c) **Lighting:** Lighting provided shall be per the specifications of this Ordinance.
- (d) **Appearance:** Any ATM, whether a part of another facility or as a standalone use, shall be integrated as part of the development with similar building materials and design. Metal siding is not permitted.
- (e) **Paved Access Required:** All ATMs will have paved access.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.43. Junkyards/Salvage Yards/ Automobile Graveyards.

Special Use Permit Required

- (a) **Where Permitted:** RA District.
- (b) **Junkyard Control Act:** Junkyards along interstate and primary highways shall meet the requirements of NCGS Chapter 136, Article 12, Junkyard Control Act.
- (c) **Screening:** Automobile graveyards, salvage yards, and similar types of used material industries must be conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height, provided that the Town Board finds that such yard will not have injurious effect on the public interest or welfare. The finished side of the fence shall face the property line.
- (d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (e) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.44. Manufactured Home, Class A.

Special Use Permit Required in the B District

- (a) **Where Permitted:** All Residential Districts and Business District.
- (b) **Defined:** As defined in Article 2 of this ordinance, a Class A manufactured home (typically referred to as a doublewide unit) is one that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and satisfies each of the following additional criteria:
 - (1) The home has a length not exceeding four (4) times its width;
 - (2) The pitch of the home's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
 - (3) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(4) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

(c) A Special Use Permit is required for locating a Manufactured Home Class A in the Business District.

(Ord. 12/1/1997; 7/8/2014, 11-1.42.)

11.4.45. Manufactured Homes. Class B.

Special Use Permit Required in the B District

(a) **Where Permitted:** RA, R-1A, R-2, and B districts.

(b) **Defined:** As defined in Article 2 of this ordinance, a Class B is a manufactured home that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. Class B units are typically referred to as single-wide mobile home units.

(c) **Underpinning:** The area beneath a Class B home must be fully enclosed with durable skirting within 90 days of placement on the lot. The home shall have a continuous and permanent skirting installed of brick, concrete masonry units or an approved corrosive-resistant, non-reflective skirt extending from the bottom of the manufactured home to the ground. Underpinning must be of material that is acceptable for exterior construction, durable and suitable for exterior exposures. Examples of approved building materials suitable for use as underpinning shall include the following: brick, 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 State of North Carolina Regulations for Manufactured Homes and the skirting manufacturer's specifications. Any wood framing used in the support of skirting must be approved pressure-treated wood. Underpinning shall be maintained in a good condition by the owner at all times. Failure to comply with the requirements of this subsection shall result in a violation and subject the owner to the enforcement procedures and penalties delineated in this Ordinance.

(d) A Special Use Permit is required for locating a Manufactured Home Class A in the Business District.

(Ord. 12/1/1997; 7/8/2014, 11-1.26.)

11.4.46. Manufactured Homes, Class C.

(a) **Where Permitted:** Prohibited in all districts.

(b) **Defined:** As defined in Article 2 of this ordinance, a Class C home is any manufactured home that does not meet the definition criteria of a Class A or Class B manufactured home.

(c) **Prohibited:** Manufactured homes meeting this definition shall not be permitted to be brought into and moved within the White Lake Planning and Zoning Jurisdiction.

(Ord. 12/1/1997; 7/8/2014, 11-1.26.)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.47. Manufactured Home Park.

Special Use Permit Required

- (a) **Where Permitted:** RA, R-2, and B districts.
- (b) **General Requirements:**
- (1) Minimum Area: 40,000 square feet.
 - (2) Minimum Number of Manufactured Home Spaces: At least 4 spaces.
 - (3) Sale of Home: Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured home owner shall be allowed to sell the manufactured home in which he resides.
 - (4) Deed Transfer to Lot: The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
 - (5) Prohibited in Floodplain: No manufactured home parks shall be allowed in a floodplain area.
 - (6) Office: Within a manufactured home park, one manufactured home may be used as an administrative office.
 - (7) Site Plan: Site plans for manufactured home parks shall comply with the requirements of this Ordinance.
 - (8) Skirting: The area beneath a manufactured home must be fully enclosed with durable skirting within 90 days of placement in the manufactured home park. Manufactured homes shall have a continuous and permanent skirting installed of brick, cement block or a corrosive-resistant, non-reflective skirting extending from the bottom of the manufactured home to the ground. Said skirt shall be provided with a door for crawl space measuring at least eighteen inches by twenty-four inches and installed in a uniform manner.
 - (9) Convenience Establishments: Convenience establishments of a commercial nature shall be limited to food stores and coin-operated laundromats. These may be permitted in manufactured home parks subject to the following restrictions:
 - (i) Such establishments shall be subordinate to the residential use and character of the park.
 - (ii) Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
 - (iii) Such establishment shall be designed to serve the trade and service needs of the park residents only.
 - (10) Class C Homes: Class C Manufactured homes shall not be permitted to be brought into and moved within the White Lake Planning and Zoning Jurisdiction.
 - (11) Fire Protection: Every manufactured home park shall be equipped at all times with fire extinguishing equipment in good condition, of such size, type, and number and so located as to meet all regulations of the Town Fire Inspector.
 - (12) Emergency Access Telephone: For the purpose of safety and meeting emergencies, one (1) telephone for each 25, or fraction thereof, manufactured home spaces shall continuously be provided to the entire occupancy of the park at convenient locations.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (13) Animal and Pets: No owner or persons in charge of any dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of the manufactured home park and its surrounding area.
- (14) Parking: No automobile parking shall be permitted in areas other than specified parking areas at any time.

(c) Manufactured Home Space Requirements.

- (1) All manufactured homes shall be located on individual manufactured home spaces.
 - (i) Spaces served by municipal water and sewer systems or community water and sewer systems shall have at least 2,500 square feet of lot area.
 - (ii) Spaces served by either a municipal or community sewer system, but not served by a municipal or community water system shall have at least 15,000 square feet of lot area.
 - (iii) Spaces served by a municipal or a community water system but not served by a municipal or a community sewer system shall have at least 15,000 square feet of lot area per manufactured home unit, allowing no more than one manufactured home per septic tank. However, a greater lot area may be required by the Bladen County Health Department in those cases where public water and sewer are not available.
 - (iv) Spaces shall not be less than 100 feet in width at the setback line.
 - (v) An individual manufactured home with neither municipal or community water service nor municipal or community sewer service shall not be permitted within a manufactured home park.
- (2) Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address.
- (3) Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
- (4) Each manufactured home shall be located at least 12 feet from any other manufactured home, or any building within the manufactured home park, at least 12 feet from a side or rear external property line, at least 20 feet from the lake property line, and at least 15 feet from the edge of the right-of-way of any private interior street or public street right-of-way.

(d) Access, Street and Parking Requirements.

- (1) No manufactured home space shall have direct vehicular access to a public street. All manufactured home spaces shall directly abut a private street contained within the park.
- (2) Each manufactured home space shall have vehicular access to a private, interior street that has a minimum width of 15 feet for one-way streets and 25 feet for two-way streets.
- (3) Proper sight lines shall be maintained at all public street intersections in accordance with the current NCDOT requirements for sight clearances.
- (4) New street names shall not duplicate or be similar to existing street names and shall be subject to approval by the Town

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (5) Two automobile parking spaces shall be provided within each manufactured home space. Parking spaces shall not be located within any street in the park.

(e) Utility Requirements.

(1) Water Supply: An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. Where a municipal water supply is available, connection shall be made thereto and its supply used exclusively. When a municipal water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the N.C. Division of Health Services. Placement of water improvements to manufactured home spaces shall comply with the N.C. Building Code for Plumbing.

(2) Sewage Disposal:

(i) Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Where a municipal sewage system is available, connection shall be made thereto and its system used exclusively. Where a municipal sewage system is not available, collection systems and sewage treatment plants complying with the requirements of the N.C. Division of Environmental Management shall be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the N.C. Division of Environmental Management. Placement of sewer improvements to manufactured home spaces shall comply with the N.C. Building Code for Plumbing. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable and approval from the Bladen County Health Department is obtained.

(ii) Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least 4 inches above ground elevation.

(3) Solid Waste Disposal and Sanitation Requirements.

(i) A dumpster or similar container shall be provided to serve all manufactured homes in the park or individual garbage cans that adhere to Town specifications shall be provided for each manufactured home.

(ii) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

(f) **Street Lighting Requirements:** All streets in the manufactured home park shall be adequately illuminated from sunset to sunrise. Lighting shall be in compliance with **Article 10, Part 4 – Outdoor Lighting.**

(g) **Electrical Service Requirements:** Minimum electrical service of 200 ampere, 120/240 volt single-phase shall be provided to each manufactured home space. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

(h) **Screening Requirements:** When a manufactured home park is to be constructed within 50 feet of a recorded residential subdivision not naturally screened with existing vegetation located on the site of the proposed manufactured home park, the owner of the park shall provide and maintain a 5-foot buffer yard along the adjacent boundary. The buffer yard shall be planted in evergreen trees or shrubbery or shall contain solid fencing at least 5 feet in height.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(i) **Recreational Space Requirements:**

- (1) Each manufactured home park shall provide 200 square feet of recreational area for each manufactured home space that is less than 5,000 square feet in area. However, no recreational area required by this subsection shall be less than 2,500 square feet.
- (2) Recreational areas shall not be located in an area utilized for septic tank fields.

(j) **Additions:** Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the N.C. Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a zoning permit is issued by the Town and a building permit is obtained from the County.

(k) **Operations:**

- (1) Operating Permit: Operating permits shall be issued for every manufactured home park. Parks without a current operating permit on file with the Town shall apply for and have such permit in place within 60 days of the date of adoption of this ordinance.
- (2) Management: In each manufactured home park, the manufactured home park operator or duly authorized attendant or caretaker shall be in charge at all time to keep the manufactured home park, its facilities and equipment in a clean, orderly, safe, and sanitary condition. The manufactured home park operator is to be registered with the Zoning Administrator.
- (3) Register of Owners/Users: Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of manufactured homes in the park. The register shall be available for the inspection at all times by the Zoning Inspector. The register shall contain the following information:
 - (i) Name of owner or occupant;
 - (ii) Manufactured home space 911 address;
 - (iii) Make and model;
 - (iv) Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases; and
 - (v) The register shall be submitted to the Town Clerk on or before the last day of January of each year.

(l) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

(m) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

- (a) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.27.)

11.4.48. Marina.

Special Use Permit Required

- (a) **Where Permitted:** B district.
- (b) **Authority:** The Town of White Lake has authority to regulate marinas and other related commercial uses above the mean high water mark along the shoreline of White Lake for all lake front property. Any structure or use that extends beyond the mean high water mark, including but not limited to piers and boat ramps, are regulated by the State of North Carolina through the Department of Environmental Quality as outlined in Title 7, Chapter 13, Subchapter 13C – STATE LAKES REGULATIONS of the North Carolina Administrative Code.
- (c) **Definitions:** As defined in Article 2 of this ordinance:

Abandoned Vessel. A vessel that has been relinquished, left, or given up by the lawful owner without the intention to later resume any right or interest in the vessel. The term "abandoned vessel" does not include a vessel that is left by an owner or agent of the owner with any person or business for the purpose of storage, maintenance, or repair and that is not subsequently reclaimed.

Boat (vessel). A watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, paddle, or other means, which is used to travel from place to place by water. A boat or vessel shall also include any machine designed or intended to travel over water by self-propulsion or while attached to any self-propelled vessel.

Boat Stall. Any structure adjoining or attached to a pier which has the capacity to store one boat;

Boat Ramp. Any permanent or temporary structure which is placed on the floor of a state lake for the purpose of allowing boats to enter or be removed from a state lake; Boat ramp shall not be interpreted to mean boat stall;

Dock or Pier. A platform extending from a shore over water and supported by piles or pillars, used to secure, protect, and provide access to boats, also a wharf or platform for the loading and/or unloading of materials and passengers.

Floating Home. A house built on a floating platform without a means of propulsion.

Junked vessel. An abandoned vessel that also:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move;
- (3) Is more than five years old and worth less than \$500.00; or
- (4) Does not have a current certificate of number or equivalent registration as required by the state under G.S. 75A-4.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

Lake Front Property. Any property adjoining or abutting upon a state lake.

Major Repair. Any activity that could result in deposition of materials or pollution into the shoreline area waters.

Marina. A dock or basin providing secure moorings for pleasure boats and often offering supply, repair, and other facilities. Marinas shall incorporate the following:

- (1) Parking shall be provided in accordance with the requirements of this ordinance.
- (2) Separate male and female restroom facilities shall be provided for the exclusive use of the commercial marina patrons.
- (3) Properly screened and adequately sized solid waste disposal facilities shall be provided for the exclusive use of commercial marina patrons.
- (4) Potable Water Service.
- (5) Electricity.
- (6) Sewer pump out.

Pollution. The presence in the waters of the town of any one or more substances or contaminants which are harmful or injurious to human health or welfare, marine, animal or plant life, or property.

State Lake. The term state lake or state lakes, unless specifically limited shall be deemed to include all property up to the mean high water mark, whether covered by water or not, in White Lake, Singletary Lake, Bay Tree Lake, Jones Lake, Salters Lake, Lake Waccamaw, and Lake Phelps.

(d) **Activities and Possible Uses:** Activities and possible uses on the marina property shall be limited to wet boat storage, drystack boat storage, boat service and repairs, boat accessory sales, marine stores, coffee shop, boat trailer parking areas, automobile parking areas, launching ramps, piers, and boat petroleum service areas subject to the following requirements:

- (1) If drystack boat storage buildings are located as part of the marina, it shall be located no closer than thirty (30) feet from any property line unless such property line abuts the water. The maximum height shall be 20 feet. Also, a buffer shall be required between the building and any adjacent property lines in accordance with these regulations.
- (2) Pump out facilities are required.

(e) **General Regulations:**

- (1) *No junk or abandoned vessels shall be allowed within the shoreline area; notice and seizure of abandoned and/or junk vessels.* It shall be the responsibility of the marina owner to take legal actions to remove the vessel.
- (2) *Repairing, fitting out, etc., of vessels.* Routine maintenance and minor repairs necessary for the preservation of the vessel may be performed within the shoreline area. Major repairs shall not be performed on any vessel within the shoreline area unless permitted by the Town. Routine maintenance and minor repairs are considered to be those which:
 - (i) Do not disturb the public peace and tranquility of any person aboard any boat under the jurisdiction of the town.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (ii) Do not contribute to a disorderly or unsightly appearance during the process of repair or maintenance.
 - (iii) Are capable of accomplishment with hand tools or certain portable power tools normally carried aboard the vessel.
 - (iv) Are confined to the vessel.
- (3) *Marine debris/waste.* The disposal of treated or untreated boat sewage wastes or the introduction of pollution by any means into the waters of the lake is prohibited. The discharge of any waste, garbage, refuse, petroleum product or byproduct, paint, varnish, dead animals, fish, bait, or any other debris is prohibited.
- (4) *Living aboard a boat.* Living aboard a boat, including but not limited to floating homes, is prohibited.
- (f) **Street Access:** The marina shall have access to a collector or higher classified street.
- (g) **Use Separation:** There shall be a minimum 50 feet distance between any buildings, structures, or outdoor use areas associated with the marina and any adjacent residentially used or zoned lot.
- (h) **Dust:** Any unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (i) **Noise:** Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (j) **Screening:** Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of **Article 10, Part 3**.
- (k) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (l) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
- (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.28.)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.49. Microbrewery/Distillery.

- (a) **Where Permitted:** B District.
- (b) **Definition:** As defined in Article 2 of this ordinance, a facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise. Tasting rooms are an accessory use to a microbrewery or distillery.
- (c) **Permitting:** A microbrewery or distillery shall be permitted in accordance with the Table of Permitted Uses, provided it meets the requirements of NCGS 18B-1104 or 18B-1105, respectively.
- (d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (e) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.50. Mining, Quarrying, Sand Pits, and Mineral Extraction.

- (a) **Where Permitted:** RA district.

Special Use Permit Required

- (b) **Use Separation:**

- (1) The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least 300 feet from any property line.
- (2) Where the mining operation is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

- (c) **Hours of Operation:** All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.
- (d) **Mining Permit:** A valid state-issued mining permit must be obtained.
- (e) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

- (f) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
- (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.30.)

11.4.51. Multifamily Dwellings/Apartments/Condominiums/Townhouses

Special Use Permit Required

- (a) **Where Permitted:** R-A, R-2, and B Districts.
- (b) **Units and Minimum Buildable Area:** Multifamily dwellings such as apartments, condominiums, and townhouses shall be constructed on a lot area of at least two acres. Multifamily dwellings means three or more family units.
- (c) **Minimum Dwelling Size:** Multifamily units shall be no less than 1,250 square feet in livable space.
- (d) **Setbacks:** To permit a more flexible placing of the buildings on the land, and to permit the grouping of open space and such accessory facilities as garages or parking spaces, setbacks for individual units are waived. However, the minimum setbacks of the district in which the development is located shall be applicable to the external lot boundaries of the development.
- (e) **Lot Coverage Requirements:** The maximum lot coverage shall comply with this Ordinance.
- (f) **Fire Protection:** Every multifamily development shall be equipped at all times with fire extinguishing equipment in good condition, of such size, type, and number and so located as to meet all regulations of the Town Fire Inspector.
- (g) **Review by Fire Inspector.** Building plans for all building areas intended for public use shall be reviewed and approved by the Fire Inspector and the applicant shall submit documentation of site approval to the Zoning Administrator prior to commencing the operation.
- (h) **Emergency Access Telephone:** For the purpose of safety and meeting emergencies, one (1) telephone for each 25, or fraction thereof, dwellings shall continuously be provided to the entire occupancy of the development at convenient locations.
- (i) **Animal and Pets:** No owner or persons in charge of any dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of the development and its surrounding area.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (j) **Streets:** All dwelling units shall have shared rights of access along private streets and/or along private drives at least twenty-four feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.
- (k) **Parking:** No automobile parking shall be permitted in areas other than specified parking areas at any time. Parking shall be provided in conformance with **Article 10, Part 1 – Off-Street Parking, Stacking and Loading Requirements.**
- (l) **Signs:** Entrance and other signs within the multifamily development shall be in compliance with **Article 10, Part 2 – Signs.**
- (m) **Landscaping, Buffering and Screening:** Shall be in compliance with **Article 10, Part 3 – Landscaping, Buffering and Screening.**
- (n) **Lighting Requirements:** All streets and parking areas within the development shall be adequately illuminated from sunset to sunrise. All lighting shall be in compliance with the requirements of **Article 10, Part 4 – Outdoor Lighting.**
- (o) **Utility Requirements:**
 - (1) Water Supply: Connection to the municipal water supply is required.
 - (2) Sewage Disposal: Connection to the municipal wastewater system is required.
 - (3) Solid Waste Disposal and Sanitation Requirements. Individual garbage cans that adhere to Town specifications shall be provided for each manufactured home.
- (p) **Management:** In each multifamily development, a manager/operator shall be designated and shall be in charge at all time to keep the development, its facilities and equipment in a clean, orderly, safe, and sanitary condition. The manager/operator is to be registered with the Zoning Administrator.
- (q) **Plans and Declarations:** Multifamily developments shall be subject to Major Site Plan as outlined in this Ordinance. In addition, together with the application for zoning permit there shall be submitted a tentative, over-all development plan which shall show:
 - (1) A tabulation of the total number of acres in the proposed project and the percentage thereof designated for each of the proposed dwelling types, off-street parking, streets, parks, schools, and other reservations;
 - (2) A tabulation of over-all density per gross acre;
 - (3) Preliminary plans and elevations of the several dwelling types.
- (r) **Condominiums:** Plans and declarations for condominium developments shall comply with the requirements of the North Carolina Condominium Act (NCGS Chapter 47C).
- (s) **Special Use Permit Required:** The use listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance when located in a residential district. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (t) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.15, 11-1.46.1.)

11.4.52. Open Air Markets (including farmer's markets & produce markets).

(a) **Where Permitted:** RA and B Districts.

(b) **General Regulations:**

- (1) Certain Sales Prohibited. There shall be no sales of fuel and related products, tobacco products, alcoholic beverages, vehicles or related products. Food franchises are prohibited.
- (2) Parking: Open air market uses shall be required to have off-street parking with adequate ingress and egress with an area for turn-around. A minimum of one parking space per 200 square feet of selling and display area shall be provided, with a minimum of two (2) spaces provided. For the purpose of calculating the required number of parking spaces, production facilities, garden plots, planting beds and outdoor storage area opened to the public are excluded. Overflow parking shall, at a minimum, be grass covered.
- (3) Setbacks: There shall be a 20-foot setback between the street right-of-way line and the front of the sales area, excluding production facilities, garden plots, planting beds and outdoor storage areas open to the public. No parking is allowed within the front yard setback or within 20 feet of the edge of roadway, whichever distance is less. Setbacks from side property lines shall be 20 feet. There shall be a rear setback of 40 feet from rear property lines.
- (4) Signs: Seasonal signs are allowed, but cannot be placed anywhere it would create a traffic hazard. All other Town signage regulations may apply. No rotating or flashing lights on advertising signage shall be permitted.
- (5) Lighting: No outdoor lighting shall produce glare beyond the boundary of the property.
- (6) Water Service: Potable water is required on-site.
- (7) Items for sale shall be removed from the site or placed in a secured building at the end of each business day.
- (8) Public Restrooms: Adequate restroom facilities shall be provided. These facilities shall be located a minimum of 50 feet from the street right-of-way and shall meet the side and rear setbacks for the district in which the outdoor market is located.

11.4.53. Outside Sales.

Special Use Permit Required

(a) **Where Permitted:** B District.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(b) **Location:**

- (1) **Outside Primary Structure:** Outside sales must be clearly secondary to the primary use of the associated permanent structure and shall generally be located to the side or rear of the principal structure. Display of merchandise for sale outdoors in the front yard shall not exceed a maximum of 12 feet from the front face of the building.
- (2) **Displays on public sidewalks:** Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such sales may also be subject to other town ordinances.

(c) **Restaurants with Outside Seating/Sales:** Restaurants having outdoor seating (including, but not limited to, seating for dining or listening to live or recorded acoustic or amplified entertainment outside of the building) shall comply with the following standards:

- (1) The outdoor seating area shall be located no closer than 100 feet from any residential zoning district
- (2) The outdoor portions of the restaurant shall not operate after 11:00 p.m.
- (3) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

11.4.54. Radio, TV or Communication Tower Over 50' /Amateur Radio Antennas.

(a) **Where Permitted:** RA and B Districts.

Special Use Permit Required

(b) **Location:** The communication tower shall be a minimum of 100 feet from any residence and shall be located such that all supporting cables and anchors are contained on the property.

(c) **Regulation of Amateur Radio Antennas:**

- (1) **Definition:** As defined in Article 2 of this ordinance, an amateur radio, also known as ham radio, is the use of radio frequency spectrum for purposes of non-commercial exchange of messages, wireless experimentation, self-training, private recreation, radio sport, contesting, and emergency communication.
- (2) **Height Limitation.** The Town may not restrict antennas or antenna support structures of amateur radio operators to heights of 90 feet or lower unless the restriction is necessary to achieve a clearly defined health, safety, or aesthetic objective of the Town.

Statutory Reference – NCGS 160D-905.

(d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

(e) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.54.)

11.4.55. Recreational or Retreat Facility - Private.

- (a) **Where Permitted:** All Residential Districts and B district.
- (b) **Hours:** The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (c) **Noise.** The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (d) **Parking.** Shall comply with the parking regulations of this ordinance. The Board of Commissioners shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (e) **Street Access:** Principal access must be from a collector or higher capacity street for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.
- (f) **Screening:** Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with requirements of this Ordinance.
- (g) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (h) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.35.)

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.56. Recreational Vehicle Sales.

Special Use Permit Required

- (a) **Where Permitted:** B district.
- (b) **Setbacks:** Individual recreational vehicle located on a sales lot shall be set back a minimum of 20 feet from street rights-of-way and property lines.
- (c) **Street Access:** Principal access must be from a collector or higher capacity street.
- (d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (e) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.38 and 11-1.31.)

11.4.57. Recycling Collection Station/Drop-Off Locations.

- (a) **Where Required:** All Residential and B district.
- (b) **Location:** All outdoor storage, collection loading and processing areas must be located a minimum distance of 50 feet from any residentially zoned property.
- (c) **Environmental Hazards:** All establishments shall be located so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
- (d) **Street Access:** Principal access must be from a collector or higher capacity street.
- (e) **Collection Bins:** The collection bin shall be located in or adjacent to an off-street parking area, and shall not occupy more than five percent of the total on-site parking spaces. The mobility of the collection bin shall be retained.
- (f) **Appearance:** The bin and adjacent area shall be maintained in good appearance and free from

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

trash.

- (g) **Hazardous and Biodegradable Wastes.** There shall be no collection or storage of hazardous or biodegradable wastes on the site.

11.4.58. Satellite Dish Antenna.

- (a) **Where Permitted:** All districts.
- (b) **Installation:** All satellite dishes shall be installed in compliance with FCC regulations.
- (c) **Size:** Residential satellite dishes shall not exceed 24" in diameter and nonresidential satellite dishes shall not exceed 36" x 22" (oval). 7.9.3. If possible, satellite dishes shall not be located in a front yard and shall be hidden from view of the public right-of-way.
- (b) **Location:**
 - (1) All supporting cables and anchors shall be contained on the property.
 - (2) In residential districts, satellite dish antennas shall not be located or placed within any street right-of-way building setback or side building setback.

(Ordinance 2014, Section 11-1.40)

Special Use Permit Required

11.4.59. Small-Scale Wind Turbines.

- (a) **Where Required:** RA and B Districts.
- (b) **General Regulations:** Small-scale wind turbines shall comply with the following standards:
 - (1) Turbines shall be limited to a maximum of one turbine per lot.
 - (2) Turbines in residential districts shall be limited to ten kw wind power generation.
 - (3) Turbines in business districts shall be limited to 100 kw wind power generation.
 - (4) Turbines shall not produce noise that measures more than ten decibels above Ambient noise levels as measured at the lot line.
 - (5) Turbines shall be setback from all lot lines a distance equal to the structure's total height.
 - (6) Turbines are exempt from the maximum height standards within the district where located, but in no event shall a turbine's height project more than 25 feet above the highest adjacent habitable structure.
 - (7) Turbines shall not be used to support signage.
 - (8) Turbines shall maintain a flat gray, galvanized, or other non-reflective color.
- (c) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (d) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.60. Self-Service Storage (Mini-Warehouses).

(a) **Where Permitted:** RA, R-2 and B Districts.

(b) **Site Requirements and Operations:**

- (1) The minimum lot area shall be least one acre.
- (2) If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.
- (3) The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage.
- (4) Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial or industrial activity on the site.
- (5) 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.
- (6) No more than one security or caretaker quarters may be developed on the site, and shall be integrated into the building's design.
- (7) Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.
- (8) Hours of public access to a self-storage use abutting a residential zoning district or existing residential use shall be restricted to the hours between 6:00 a.m. and 10:00 p.m.

(c) **Parking and Circulation:**

- (1) Interior parking shall be provided in the form of aiseways adjacent to the storage bays. Aisleways shall be used both for circulation and temporary customer parking while using storage bays. The minimum width of aisleways 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 aisleways shall be clearly marked. Marking shall consist, at a minimum, 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 aisleways.
- (4) All access ways shall be paved with asphalt, concrete, or comparable paving materials.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(d) Building Appearance:

- (1) Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
- (2) With the exception of a structure used as a security guard or caretaker quarters, or the redevelopment of an existing structure, the maximum height of a self-service storage facility shall be 20 feet.
- (3) Outdoor lighting shall be the minimum necessary to discourage vandalism and theft, and shall be provided in accordance with this Ordinance.
- (4) The exterior facades of all structures facing a public street shall be masonry (brick or split-faced CMU).
- (5) Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
- (6) A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the use.
- (7) Perimeter or exterior walls visible from a public street or detached residential dwelling shall not include metal as a primary material.
- (8) All mechanical equipment and dumpsters shall be fully screened from off-site views.

(e) Fencing: All areas adjacent to a street frontage not occupied by a building shall include fencing designed in accordance with the following standards:

- (1) Fences shall be no shorter than six feet or taller than eight feet.
- (2) Fencing shall be masonry, wrought iron, steel, or aluminum and shall be painted or vinyl coated with colors that complement the buildings.
- (3) Chain link fencing is prohibited except where the use abuts lots with a commercial zoning designation, but in no instance shall chain link fencing be visible from a public street.
- (4) Metal fences shall include brick pilasters or supports located with consistent on-center spacing.
- (5) Wooden or chain link entry gates into the use are prohibited.

(f) Open Storage: Open storage of recreational vehicles, travel trailers, 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) No outdoor storage shall be visible from off-site views.
- (2) The storage shall occur only within a designated area, which shall be clearly delineated.
- (3) The size of the storage area shall not exceed 25 percent of the buildable area of the site.
- (4) Outdoor storage areas shall be located to the rear of the principal structure and be

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

screened with a wooden fence or masonry wall at least eight feet high.

- (5) Storage shall not occur within the areas set aside for minimum building setbacks.
- (6) No dry stacking of boats shall be permitted on-site.
- (7) Vehicles shall be allowed on the premises for storage only.

11.4.61. Shooting Range Facilities.

Special Use Permit Required

- (a) **Where Permitted:** RA District.
- (b) **Purpose:** This section is intended to regulate the establishment and operation of shooting range facilities. Such recreational and training complexes, due to their potential noise impacts and safety concerns, merit careful review to minimize adverse effects on adjoining properties. This article does not otherwise apply to the general discharge of firearms or the use of bows and arrows in accordance with all other applicable laws or regulations. Further, the regulations of this article have been made with reasonable consideration among other things, as to the character of the county and its areas and their peculiar suitability for these businesses and recreational facilities.
- (c) **Intent:** It is the intent of this article to accomplish the following:
 - (1) Permitting, registration and compliance. New shooting range facilities shall only be established and operated in accordance with a valid permit issued by the county. In addition, existing ranges shall be registered and shall comply with the provisions of this article within one year.
 - (2) Shot containment. Each shooting range facility shall be designed to contain the bullets, shot or arrows on the range facility within the safety fan zone.
 - (3) Noise mitigation. Each shooting range facility shall be designed to minimize offsite noise impacts generated by the activities conducted on the range facility.
- (d) **Authority and jurisdiction:** The provisions of this article are adopted by the Town board of commissioners under authority granted by the general assembly of the state, **in G.S. 153A-121 and further, G.S. 153A-129.** From and after the effective date hereof, this article shall apply to every building, lot, tract or parcel of land which is currently being used by a private or public shooting range and which may be used in the future for a private or public shooting range, within the Town's planning jurisdiction.
- (e) **Interpretations of terms and definitions:** For the purpose of this article, the following definitions shall apply:
 - (1) Words used in the present tense include the future tense.
 - (2) Words used in the singular number include the plural and words used in the plural number include the singular.
 - (3) The word "firearm" is defined to describe any gun from which a bullet is propelled by means of hot gases generated by burning powder (smokeless or black powder).
 - (4) The word "person" includes an owner, firm, joint venture, association, organization, partnership, corporation, trust and company, as well as an individual.
 - (5) The word "owner" when applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant by entirety of the whole or part of such building

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

or land.

- (6) The word "lot" includes the words "plot" or "parcel."
- (7) The word "building" includes the word "structure."
- (8) The word "shall" is always mandatory and not merely directory.
- (9) The words "located," "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be located, used or occupied."
- (10) The word "dwelling" shall mean a structure or portion thereof which is used exclusively for human habitation.
- (11) The word "shooting range" shall mean a facility designed for the purpose of providing a place on which to discharge firearms. Noncommercial firearms training ranges and complexes operated by and for municipal, county and state law enforcement officers are exempt from this definition. Nonprofit or charitable organizations engaging in fundraising activities by use of a shotgun using number four-shot through number nine-shot for a period not to exceed six consecutive weeks are exempt from this definition. A shotfall zone consisting of 900 feet of unencumbered space shall be required.

(f) Development requirements:

- (1) Compliance. All new shooting facilities shall be designed, constructed and operated in strict compliance with National Rifle Association (herein referred to as the N.R.A.) standards, specifically "The Range Manual, A Guide to Planning and Construction," Section 1: Chapters 1 through 7, Section 2: Chapters 1 through 18, Section 3: Chapters 1 through 12; and Section 4. In addition, construction standards shall comply with all appurtenant North Carolina Building and Fire Codes.
- (2) Setbacks. All outdoor shooting stations on a range facility shall be located a minimum of 150 feet from any property line.
- (3) Warning signs. Warning signs meeting N.R.A. guidelines for shooting ranges shall be posted at 100-foot intervals along the entire perimeter of the shooting range facility.
- (4) Distance from occupied dwelling. All outdoor shooting range 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. A shooting range lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a residence within 500 feet of the shooting station. All outdoor ranges constructed after November 21, 1994, shall be required to be at least 1,000 feet from any occupied dwelling, excluding those dwellings occupied by the owner and staff of the range.

(g) Operational requirements:

- (1) Hours of operation. Outdoor shooting ranges shall be allowed to operate between 8 a.m. and sunset, except that the hours may be extended after sunset for purposes of subdued lighting certification of law enforcement officers, or may be extended for other purposes by notification to the county sheriff's department. On Sundays, outdoor shooting shall not commence before 11:30 a.m. and all outdoor shooting activity shall cease at 6:00 p.m., or at sunset, whichever occurs first.
- (2) Liability insurance. The permittee shall be required to carry a minimum of \$500,000.00 of liability insurance. Such insurance shall name the county as an additional insured party and shall save and hold the county, its elected and appointed officials and employees

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

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 county shall be notified of any policy changes or lapses in coverage.

(h) Procedure for securing approval for new ranges.

- (1) Permit application. An application for a permit to establish and operate a shooting range facility shall be submitted by the legal property owner(s) or owner's agent to the county planning department. Such permit shall be secured prior to issuance of any other building or improvement permit by the county.
- (2) Fees. The application shall be accompanied by an application fee of \$100.00.
- (3) Required information. The applicant shall provide sufficient information as required by these provisions in order to properly evaluate the permit application. In addition, copies of any written agreements from adjoining property owners and a letter from the insurance company to provide liability insurance shall accompany the permit application.
- (4) Site plan. A site plan prepared by a professional engineer and/or a registered land surveyor for the entire range facility which shows the following applicable information drawn to an appropriate scale, shall accompany the permit application:
 - (i) Property lines for any parcel upon which the range facility is to be located, north arrow, plan scale, date and ownership information for the site;
 - (ii) Complete layout of each range, including shooting stations or firing lines, target areas, shotfall zones or safety fans, backstops, berms and baffles, when necessary;
 - (iii) Projected noise contours;
 - (iv) Existing and proposed structures; occupied dwellings within 500 feet; roads, streets or other access areas; buffer areas; and parking areas for the range facility; and
 - (v) Any other appropriate information related to the specific type of range(s) being proposed.
 - (vi) Action. Within 30 working days or at the next regular meeting, whichever is sooner, the planning board shall consider the application for permit and shall take one of the following actions:
 - a. Reject the application as incomplete; or
 - b. Approve the issuance of the permit; or
 - c. Deny the permit request.
 - d. In any case, the written findings to support the action taken shall be provided to the applicant.
- (5) Permit display. Permits shall be kept and displayed in a readily visible location on the shooting range facility and at all times be available for public inspection.
- (6) Permit transferability. A permit issued pursuant to this article may not be transferred to another operator without the written approval and consent of the county planning department.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(7) Changes or expansions. If any shooting range facility is intended to be substantially changed or expanded to include types of ranges, operations or activities not covered by an approved permit or otherwise cause nonconformance with this article, a new permit for the entire facility shall be secured in accordance with all of the provisions of this article.

(i) **Registration and compliance of existing ranges:**

(1) Registration. All existing ranges shall provide a site plan, prepared in accordance with this Ordinance within 90 days after July 13, 2021. No fees will be charged and no permits will be required.

(2) Compliance. Within one year after November 21, 1994, any existing shooting range facility determined not to be in compliance shall be made to obtain a permit and comply with all of the requirements of this article.

(3) Abandonment and discontinuance. When an existing shooting range is discontinued without the intent to reinstate the range use, the property owner shall notify the county of such intent by providing written notice to the planning department.

(j) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

(k) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.62. Solar Collectors.

(a) **Where Permitted:** All Districts.

(b) **Purpose:** The purpose of this section is to provide regulations for the location and screening, where appropriate, of solar collectors.

(c) **Residential Properties:** Except as provided in subsection (c)(2) below, regulations of the Town of White Lake ~~regulation~~ shall not prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property, and no person shall be denied permission by the Town of White Lake to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

residential property. As used in this section, the term “residential property” means property where the predominant use is for residential purposes.

- (1) Screening of Collectors Located on the Ground: Solar collectors which are located on the ground shall be screened in accordance with Article ____; however, said screening shall not have the effect of preventing the reasonable use of a solar collector for a residential property.
- (2) Locations Where Collectors Not Permitted: Solar collectors which would be visible to a person on the ground shall not be located in the following places:
 - (i). On the facade of a structure that faces areas open to common or public access;
 - (ii). On a roof surface that slopes downward toward the same areas open to common or public access that the facade of the structure faces; or
 - (iii). Within the area set off by a line running across the facade of the structure extending to the property boundaries on either side of the facade, and those areas of common or public access faced by the structure.
- (d) **Civil Action**: In any civil action arising under 11.4.66. (c), the court may award costs and reasonable attorneys’ fees to the prevailing party.
- (e) **Ground-Mounted Solar Systems**. Ground-mounted solar collectors (accessory) shall meet the minimum zoning setback for the zoning district in which it is located.
- (f) **Approved Solar Components**. Electric solar system components shall have a UL listing.
- (g) **Compliance with Building and Electrical Codes**. All solar collector systems shall be in conformance with the International Building Code with North Carolina amendments.

Statutory Reference – N.C.G.S. § 160D-913 and 914

11.4.63. Solar Energy System (Solar Farm).

Special Use Permit Required

- (a) **Where Permitted**: RA District.
- (b) **Purpose**: The purpose of this section is to facilitate the construction, installation, and operation of Solar Energy Systems (SESs) in the **Town of White Lake** and its extraterritorial jurisdiction (ETJ) in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this section to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the state's energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its Renewable Portfolio Standard. This section is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.
- (c) **Applicability**. This section applies to the construction of any new SES within the jurisdiction of the Town of White Lake. An SES established prior to the effective date of this section shall remain exempt with the following exceptions:

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (1) Modifications to an existing SES that increases the SES area by more than 5% of the original footprint or changes the solar panel type (e.g., photovoltaic to solar thermal) shall be subjected to this section.
- (2) Maintenance and repair are not subject to this section.
- (3) This section does not supersede regulations from local, state, or federal agencies. Some important examples of such regulations include, but are not limited to:
 - (i) Building/Electrical Permits Required. Nothing in this section modifies already established building standards required to construct a SES.
 - (ii) Onsite Wastewater System Avoidance. Nothing in this section modifies already established Department of Health and Human Services requirements. A SES shall not be constructed over onsite waste water systems (e.g., septic systems) unless approved by the Department of Health and Human Services.
 - (iii) Stormwater Permit Required. Nothing in this section modifies the requirements or exempts any SES of complying with the various stormwater jurisdictions and regulations established by the Department of Environment and Natural Resources. North Carolina statute requires the acquisition of stormwater permits for construction projects that impact stormwater runoff.
 - (iv) Historic Districts. Nothing in this section modifies already established State Historic Preservation Office requirements. May require additional permitting (certificates of appropriateness) to install solar in Historic Districts.

(d) **Parcel Line Setbacks.** The following table provides the Parcel Line setback to ground-mounted SES equipment, excluding any security fencing, poles, and wires necessary to connect to facilities of the electric utility.

Table 11-1

Zoning District	Level 1	Level 2	Level 3		
			Front	Side	Rear
RA- Agricultural Residential	Per Zoning District Requirements ^{2,3}	Per Zoning District Requirements ^{1,2}	N/A	N/A	N/A
R-1			N/A	N/A	N/A
R-1A			N/A	N/A	N/A
R-2			N/A	N/A	N/A
B – Business District			N/A	N/A	N/A

¹ 100-foot setback for SES equipment, excluding any security fencing, to any residential dwelling unit. If the SES is on a working farm where the primary residential structure of the farm is on an adjacent lot, then this 100-foot setback will not apply to this primary residential structure.

² Ground-mounted SES must comply with district front yard limitations and setbacks, or otherwise not impair sight distance for safe access to or from the property or other properties in the vicinity.

³ Level 1 SESs are not subject to screening requirements typically applied to accessory utility

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

systems (HVAC, dumpsters, etc.)

- (e) **Height Limitations.** The height of systems will be measured from the highest natural grade below each solar panel.

Table 11-2

Zoning District	Level 1	Level 2	Level 3
RA- Agricultural Residential	Roof-Mounted: Per Zoning District Requirements	N/A	N/A
R-1		N/A	N/A
R-1A		N/A	N/A
R-2		N/A	N/S
A		N/A	N/A

- (f) **Aviation Notification:** The requirements below apply only to Level 1, 2, & 3 systems over half (1/2) an acre in size:

- (1) A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.

- (i) For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council at least 45 days prior to permit application submission. Proof of delivery of notification and date of delivery shall be submitted with permit application. **Mail to: Commanding General MCIEAST; Attn: Mr. Bill Meier (NC Commanders Council); Marine Corps Installations East G-7 (MCIEAST); PSC Box 20005; Camp Lejeune, NC 28542. Email: Subject: NC Commanders’ Council Notification of Solar Development Project in “Town or County Name” Address: Meier CIV William A [William.meier@mcw.usmc.mil], Ayers CIV Bryan C [bryan.ayers@usmc.mil].** Notification shall include:

- A. Location of SES (i.e., map, coordinates, address, or parcel ID).
- B. Solar technology (i.e., polycrystalline PV, monocrystalline PV, Cadmium Telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.).
- C. Approximate number of solar modules/panels.
- D. System mounting (i.e., fixed-tilt on flat roof, fixed-tilt ground-mount, 1-axis tracking ground-mount, etc.).
- E. The maximum height of the array from the ground or roof surface.
- F. The maximum height of any new utility poles.
- G. Power capacity of the system, in both DC and AC Watts where applicable.
- H. Acreage of array and acreage of total project.
- I. How will the project connect? (i.e., net meter, to existing distribution line, to new distribution line, to transmission line).

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- J. Will a substation be constructed? If so, provide location and size.
 - K. Is the site within five nautical miles of aviation operations? If so, provide the required SGHAT analysis results.
- (2) The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) shall be used to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the Zoning Administrator, shall be sent to the authority indicated below at least forty-five (45) days prior to permit application submission. Proof of delivery of notification and date of delivery shall be submitted with permit application.
- (i) Airport operations at airports in the National Plan of Integrated Airport Systems (NPIAS) within 5 nautical miles of the center of SES: provide required information to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina.
 - (ii) Airport operations at airport not in the NPIAS, including military airports, within 5 nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports.

www.faa.gov/airports/planningcapacity/npias-reports/ (As of October 2016, this is the Memphis ADO)

- (iii) Any applicable SES design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contacts specified in f(1) and (f)(2) for accurate records of the as-built system.
- (g) **Level 1 Solar Energy System Requirements.** Level 1 SESs are a permitted use provided they have a UL listing and meet the applicable height, setback, aviation notification, visibility and related district standards. A site plan shall be submitted to the Zoning Administrator demonstrating compliance with:
- (1) Location of approved solar components and/or the distance to the roof edge and any parapets on the building.
 - (2) Setback and height limitations established per this section.
 - (3) Applicable zoning district requirements such as lot coverage.
 - (4) Applicable solar requirements per this section.
- (h) **Level 2 & 3 Solar Energy System Requirements.** These requirements are in addition to a UL listing, to height, setback, aviation notification, and applicable district standards.
- (1) Site Plan. A site plan shall be submitted to the Zoning Administrator demonstrating compliance with:
 - (i) Setback and height limitations established per this section.
 - (ii) Applicable zoning district requirements such as lot coverage.
 - (iii) Applicable solar requirements per this section.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (2) Minimum six-foot high chain-link fence secured on the top with barbed wire installed around the perimeter of the site.
- (3) Accessibility for emergency services vehicles.
- (4) List of Approved solar components.
- (5) Compliance with International Building Code with North Carolina Amendments.
- (6) Visibility. SESs shall be constructed with buffering as required by the applicable zoning district or development standards.
- (7) Public signage (i.e., advertising, educational, etc.) as permitted by local signage ordinance, including appropriate or required security and safety signage.
- (8) Lighting provided at site shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
- (9) Screening. Solar collectors and associated outside storage shall be completely screened with a vegetative buffer from view from all streets and adjacent residential uses. Required screening shall be at a Type B Planting Yard Rate, except understory-trees may be substituted for canopy tree requirements.
 - (i) Type B Planting Yard. A medium density screen intended to partially block visual contact between uses and create spatial separation. Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area.

Table 11-3

Planting Yard	Minimum Width (feet)	Minimum Average Width (feet)	Maximum Width (feet)	Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Type B	25	30	50	3/100LF	5/100LF	25/100LF

- (i) **Decommissioning.** A Town of White Lake Decommissioning Plan Form signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application.
 - (1) Defined conditions upon which decommissioning will be initiated; end of land lease, no power production for 12 months, and or the system if damaged and will not be repaired or replaced.
 - (2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations to a depth of at least three feet below grade.
 - (3) Restoration of property to condition prior to development of the SES including replacement of top soil removed or eroded.
 - (4) Revegetate any cleared areas with warm season grasses that are native to the region, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (5) Timeframe for completion of decommissioning activities, not to exceed one year from the relevant defined initiation conditions.
- (6) Description and copy of any lease or any other agreement with landowner regarding decommissioning.
- (7) Name and address of person or party responsible for decommissioning.
- (8) Plans and schedule for updating this decommissioning plan. Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Register of Deeds.

(j) **Abandonment.** A SES that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Zoning Administrator of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to development of the SES.

- (1) Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible they must remove the SES and restore the site to its condition prior to development of the SES within three hundred and sixty (360) days of notice by the Zoning Administrator.
- (2) If the responsible party (or parties) fails to comply, the Zoning Administrator may remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a non-hazardous condition.

(k) **Construction Waste Management Plan.** Solar energy is generally considered an environmentally beneficial industry; however, its initial construction can produce large quantities of cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes. Often the waste produced is sent to local landfills or burned on site. For Level 2 and 3 SESs, these additional waste streams can place a burden on existing waste management and landfill resources at a local municipal and county level. A developer of a Solar Plant in North Carolina shall be required to develop a Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Solar Energy System.

- (1) Developer's failure to meet or exceed the provisions of the developer's CWMP shall constitute a violation of this Ordinance.
- (2) Developer shall have fifteen (15) days from written notice of violation in which to cure this violation and make proper notice to the Town of White Lake.
- (3) Developer's failure to cure and notify the Town of White Lake within the said fifteen-day (15) period shall result in a fine of two hundred fifty dollars (\$250). An additional fifty dollars per day will be added for each day there after that the Developer fails to cure or notify the Town of White Lake. A lien will be placed on the property upon which the solar energy system has been constructed for failure to pay by the Developer within thirty (30) days of the issuance of said fine.

(l) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.

- (m) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
- (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.64. Swim and Tennis Club.

- (a) **Where Permitted:** All Districts.
- (b) **Minimum Area:** The minimum area shall be 2 acres; country clubs shall have a minimum of 2 acres in addition to a golf course(s).
- (c) **Use Separation:** There shall be a minimum 50-foot distance between clubhouses, swimming pools, and lighted tennis courts and any adjacent residentially used or zoned property.
- (d) **Hours of Operation:** The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (e) **Noise:** The amount of noise operated shall not disrupt the activities of the adjacent land use.
- (f) **Screening:** Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of **Article 10, Part 3.**

(Ord. 12/1/1997; 7/8/2014, 11-1.43.)

11.4.65. Swimming Pools, public and private.

- (a) **Where Permitted:** All Districts.
- (b) **Applicability:** These regulations shall apply to all public, commercial, or private outdoor swimming pools of three feet or more in depth, either above ground or belowground, and of either permanent or temporary construction.
- (c) **Setbacks:** The setback for an above ground swimming pool from any lot line equals the required setback for accessory structures in the district in which it is located plus one foot for each foot over five of pool height. The additional setback for an in-ground swimming pool shall be at least two (2) feet.
- (d) **Security Fencing:** A fence be erected to a minimum height of four feet to completely enclose all

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

sides of the pool not bounded by a building within ten (10) feet of all pool edges. A self-latching gate of equal height shall be installed and securely fastened when the pool is not in use.

- (e) **Pumps/Mechanical Equipment:** Mechanical equipment may encroach up to five (5) feet into a side or rear yard setback, must be screened from view, and must not be located in a street yard.

(Ord. 12/1/1997; 7/8/2014, 11-1.44.)

11.4.66. Tattoo/Body Piercing Parlor.

- (a) **Where Permitted:** B District.
- (b) **Separation of Uses: Tattoo and body Piercing businesses shall not be located within five hundred (500) feet of the following:**
 - (1) A church, synagogue, or regular place of worship;
 - (2) A public or private elementary or secondary school;
 - (3) A public library;
 - (4) A boundary of any residential district;
 - (5) A publicly owned park or other recreation area or facility;
 - (6) A licensed day care center;
 - (7) An entertainment business that is oriented primarily towards children;
 - (8) Another tattoo or body piercing business.
- (c) **Measurement of Distance:** For the purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where a tattoo parlor is to be conducted, to the nearest property line of the premises of any use listed in subsection (b) above.
- (d) **Co-location:** No more than one (1) tattoo parlor establishment shall be located in the same building or structure or on the same lot. No person shall permit any building, premises, structure, or other facility to contain more than one tattoo parlor.
- (e) **Hours of Operation:** Operation must be limited to 8:00 AM to 8:00 PM.
- (f) **Licensing:** Operation must be fully licensed by the state of North Carolina.

11.4.67. Telecommunications Facilities (Cell Towers).

Special Use Permit Required

- (a) **Purpose and Compliance with Federal Law:**
 - (1) The purpose of this section is to ensure the safe and efficient integration of facilities necessary for the provision of advanced mobile broadband and wireless telecommunications services throughout the Town of White Lake and to ensure the ready availability of reliable wireless service to the public, government agencies, and first responders, with the intention of furthering the public safety and general welfare.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (2) The deployment of wireless infrastructure is critical to ensuring first responders can provide for the health and safety of all residents of North Carolina and that, consistent with section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), create a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures. The following standards shall apply to actions by the Town of White Lake, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility.

Statutory Reference – N.C.G.S. § 160D-930.

- (3) It is also the purpose of this Section to:
 - (i) Ensure access to reliable wireless communications services throughout all areas of White Lake’s jurisdiction;
 - (ii) Encourage the use of existing structures for the collocation of telecommunications facilities;
 - (iii) Encourage the location of support structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
 - (iv) Facilitate the responsible deployment of Telecommunications Facilities in residential areas to ensure comprehensive wireless services across White Lake’s jurisdiction;
 - (v) Minimize the potential adverse effects associated with the construction of wireless support structures through the implementation of reasonable design, landscaping, and construction practices; and
 - (vi) Ensure public health, safety, welfare, and convenience.

(b) Definitions. The following definitions apply in this Part.

- (1) Abandon. Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.
- (2) Antenna. Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.
- (3) Applicable codes. The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.
- (4) Application. A request that is submitted by an applicant for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole, city utility pole, or wireless support facility.
- (4) Base station. A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies, and other associated electronics.
- (5) Building permit. An official administrative authorization issued by the city local government prior to beginning construction consistent with the provisions of G.S. 160D-11-10.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (6) Carrier on Wheels "COW": A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.
- (7) City/Town right-of-way. A right-of-way owned, leased, or operated by a city, including any public street or alley that is not a part of the State highway system.
- (8) City/Town utility pole. A pole owned by a city in the city right-of-way that provides lighting, traffic control, or a similar function.
- (9) Collocation. The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles, city utility poles, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term 'collocation' does not include the installation of new utility poles, city utility poles, or wireless support structures.
- (10) Communications facility. The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.
- (11) Communications service. Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), of wireless services.
- (12) Communications service provider. A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.
- (13) Eligible facilities request. A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.
- (14) Equipment compound. An area surrounding or near the base of a wireless support structure within which a wireless facility is located.
- (15) Fall zone. The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.
- (16) Land development regulation. Any ordinance enacted pursuant to this Part Chapter.
- (17) Major Modifications. Improvements to existing Telecommunications Facilities or Support Structures that result in a Substantial Increase to the Existing Structure. Collocation of new Telecommunications Facilities to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification.
- (18) Micro wireless facility. A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
- (19) Minor Modifications. Improvements to Existing Structures that result in some material change to the Facility or Support Structure but of a level, quality or intensity that is less than a Substantial Increase. Minor Modifications include the Replacement of the structure.
- (20) Monopole. A single, freestanding pole-type structure supporting one or more Antenna.
- (21) Ordinary Maintenance. Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a Support Structure's foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility and relocating the Antennas of

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications.

- (22) Replacement. Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.
- (23) Search ring. - The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.
- (24) Small wireless facility. –A wireless facility that meets both of the following qualifications:
 - a. Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.
 - b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.
- (25) Substantial modification. - The mounting of a proposed wireless facility on a wireless support structure that substantially changes the physical dimensions of the support structure. The burden is on the local government to demonstrate that a mounting that does not meet the listed criteria constitutes a substantial change to the physical dimensions of the wireless support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.
 - (a) Increasing the existing vertical height of the structure by the greater of (i) more than ten percent (10%) or (ii) the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
 - (b) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance.
 - (c) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.
- (26) Support Structure(S). A structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.
- (27) Telecommunications Facility(ies). Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone service, personal communications service (PCS),

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- and paging service. A Telecommunication Facility can consist of one or more Antennas and Accessory Equipment or one base station.
- (28) Tower. A lattice-type or monopole wireless support structure, guyed or freestanding, that supports one or more Antennas.
- (29) Utility pole. A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, electricity, lighting, or wireless services.
- (30) Water tower. A water storage tank, a standpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.
- (31) Wireless facility. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:
- a. The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
 - b. Wireline backhaul facilities.
 - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (32) Wireless infrastructure provider. Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.
- (33) Wireless provider. A wireless infrastructure provider or a wireless services provider.
- (34) Wireless services. Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.
- (35) Wireless services provider. A person who provides wireless services.
- (36) Wireless support structure. A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole or a city utility pole is not a wireless support structure.

Statutory Reference – N.C.G.S. § 160D-931.

(c) Local Authority.

- (1) The Town of White Lake may plan for and regulate the siting or modification of wireless support structures and wireless facilities in accordance with land development regulations and in conformity with this Part. Except as expressly stated, nothing in this Part shall limit the Town from regulating applications to construct, modify, or maintain wireless support structures, or construct, modify, maintain, or collocate wireless facilities on a wireless support structure based on consideration of land use, public safety, and zoning considerations, including aesthetics, landscaping, structural design, setbacks, and fall zones, or State and local building code requirements, consistent with the provisions of federal law provided in G.S.160D-9-30. For purposes of this Part, public safety includes, without limitation, federal, State, and local safety regulations but does not include requirements relating to radio frequency emissions of wireless facilities.

Statutory Reference – N.C.G.S. § 160D-932

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (2) Fees. The Board of Commissioners shall establish fees for all permits related to telecommunications towers and facilities. The Board may set a technical consultation fee to offset the actual, direct and reasonable administrative costs incurred for review, processing, and approval of a collocation application. The Town may also engage and compensate a third-party consultant for technical consultation and the review of a collocation application.
- (3) Public Service Access. At the request of any local governing authority a license shall be granted to such local governing authority to place public service communication antennae or other public service communication devices on the telecommunications tower or antenna, provided that such communication antennae or other public service communication devices do not interfere with the function of the telecommunications tower or antenna, or array of antennae of the operator or owner or other existing service providers located on the tower or antenna.
- (4) Nonconforming Uses.
 - (i) Wireless support structures that are constructed, and antennas that are installed, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.
 - (ii) Preexisting wireless support structures constructed prior to the adoption of this Ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new wireless support structure of like construction and height) shall be permitted on such preexisting structures. New construction other than routine maintenance on a preexisting wireless support structures shall comply with the requirements of this Section.
 - (iii) Notwithstanding this Section, bona fide nonconforming wireless support structures or antennas that are damaged or destroyed by weather events or other non-manmade causes to conform to the requirements of this Ordinance provided the type, height, and location of the structure onsite shall be of the same type and intensity as the original facility; provided, however, that any destroyed lattice or guyed wireless support structure shall be replaced with a monopole structure only. If no permit is obtained or if said permit expires, the structure shall be deemed abandoned.

(d) Types of Communication Facilities Covered.

- (1) Short Communication Facilities: Height of support structure and antenna do not exceed 40 feet.
 - (i) New wireless facilities on an existing support structure (co-location).
 - (ii) New wireless facilities and support structures.
- (2) Tall Communication Facilities: Height of support structure and antenna that are 40 feet or taller.
 - (i) New wireless facilities on an existing support structure (co-location).
 - (ii) New wireless facilities and support structures.
- (3) Exempt Facilities:
 - (i) Amateur Ham Radio Antennas.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- a. Operator is licensed by FCC;
 - b. Maximum height of 70';
 - c. Freestanding antenna shall be located to the rear of the principal structure, and 10-foot setback from any property line; and
 - d. An antenna attached to the principal structure shall be located on a side or rear elevation of the structure
- (ii) Micro wireless facilities (a facility with dimensions no more than 24 inches long, 15 inches wide, and 13 inches high, with any exterior antenna limited to 11 inches) suspended on cables between existing utility poles.
 - (iii) Satellite dish measuring 40 inches or less.
 - (iv) Public Safety facilities: Facilities are to be designed to match the existing structure.
 - (v) Temporary commercial communication facility (such as a COWs) for use during a declared of state of emergency.
 - (vi) Routine maintenance, or in-kind of facilities replacement of the same, or smaller size, or for micro wireless facilities.
 - (vii) A small wireless facility located in an interior structure.
 - (viii) Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this Ordinance.
 - (ix) Ordinary Maintenance of existing Wireless Facilities and Wireless Support Structures. Nothing in this section requires an application and approval for routine maintenance or limits the performance of routine maintenance on wireless support structures and facilities, including in-kind replacement of wireless facilities.
 - (x) Wireless Facilities placed on Utility Poles.

e. Where Permitted:

- (1) Communication Facilities less than 40 feet tall – All Districts.
- (2) Communication Facilities 40 feet tall and taller – RA District.
- (3) Exempt Facilities - All Districts.
- (4) New facilities shall be prohibited within 100 feet of residential and local historic districts unless the applicant provides clear and convincing evidence demonstrating that:
 - (i) a new facility as proposed is necessary;
 - (ii) that the intended area cannot be served from outside the district;
 - (iii) that no existing or previously approved facility can reasonably be used to serve the intended area; and
 - (iv) that prohibiting the new facility would result in a significant gap in service.
- (5) Zoning Permit Required: Any person that proposes to construct a new wireless support structure or substantially modify a wireless support structure within the planning and land-use development regulation jurisdiction of the Town of White Lake must submit a

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

completed zoning application with the necessary copies and attachments to the Zoning Administrator.

- f. **Co-location:** The Town of White Lake encourages the co-location of new antennas on existing structures as opposed to constructing new facilities or increasing the height of existing structures. The co-location shall be the least visually intrusive option that is not commercially impractical.
- (1) **Siting Preferences.** Shown below, in priority order, the Town's preference for siting of wireless communication facilities. These preferences are intended as guidance for development of an application for communications facilities. If the proposed site is not for the highest priority listed above, then an explanation and justification must be provided to explain why a site of the higher priority designations was not chosen. The applicant must satisfactorily demonstrate the reason(s) why the proposed site should be permitted, and the hardship that would be incurred by the applicant if the location was not approved as proposed. A financial hardship shall not be an acceptable reason.
 - (i) Co-location on an existing wireless support structure or other existing structure.
 - (ii) Stealth (concealed, such as made to look like a tree) communication facilities on an existing building/structure;
 - (iii) Building mounted wireless facilities or wireless support structure;
 - (iv) New stealth (concealed) support structure;
 - (v) Non-stealth communication facility on an existing building/structure;
 - (vi) New freestanding non-stealth support structure (monopole); and
 - (vii) New freestanding non-stealth towers (lattice-type).
 - (2) The co-location of the communication facility shall commence within six months of approval.
 - (3) The communication facility shall be activated for use by the wireless provider within one year from the permit issuance.
 - (4) All accessory equipment shall be located either underground or inside the building/structure.
 - (5) Once a communication facility has been inactive for more than 180 days, the facility shall be removed entirely at the owner's cost.
 - (6) All support structures, except non-exempt, shall be structurally certified by a registered North Carolina structural engineer to be in accordance with all local, state, and federal structural requirements for loads and stresses, including wind and ice loads and stresses and including, but not limited to, the most recently adopted version of all applicable ANSI guidelines. And any such certification shall be accompanied by a detailed structural report, including all calculations.
 - (7) Co-location on a previously approved support structure is permitted without an additional special use permit provided that all conditions of the previously

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

approved permit are complied with.

- (8) Co-location on a building or substantial structure, such as a water tower, shall not require the issuance of a special use permit, but all other applicable provisions shall be met and approved by the Zoning Administrator. The Zoning Administrator may require the issuance of a special use permit if there is doubt as to whether a given proposal is in compliance with the intent of this ordinance.

- (9) To encourage shared use of wireless support structures greater than 40 feet in height and proposed to be located within one mile of any other support structure greater than 40 feet in height, the applicant shall provide evidence that reasonable efforts have been made to lease or otherwise acquire space on all existing, planned, or constructed wireless support structures. No new freestanding wireless support structure shall be permitted unless the applicant demonstrates that no existing or previously approved wireless support structure can reasonably be used for the telecommunications facility placement instead of the construction of a new wireless support structure; that residential and historic areas cannot be served from outside the area; or that the proposed height of a new wireless support structure or initial telecommunications facility placement or a proposed height increase of a substantially changed wireless support structure, or replacement wireless support structure, is necessary to provide the applicant's designed service. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the wireless support structure is unwilling to enter into a contract for such use at fair market value.

If it is determined that a co-location is not reasonably feasible a co-location report shall be submitted describing the existing towers, or other support structures of significant height, within a three-mile radius, including the height of the structures, the number of existing users, height available for co-locations and if there are any structural deficiencies.

- (10) Documentation by a professional North Carolina registered engineer must be submitted describing the capacity of the proposed communication facility, including the number of users and types of antennas that it can accommodate. The short communication facility shall have sufficient structural integrity to accommodate at least two additional wireless facilities from other providers similar in size, scope, and weight to those the initial carrier is attaching to the structure. Tall communication facilities must be designed to accommodate at least five additional wireless facilities from other providers similar in size, scope, and weight to those the initial carrier is attaching to the tower. 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. The owner of the communication facility shall submit a letter of intent to the Town committing the owner to allow co-location of other service providers.

- (11) Attachments to Existing Structures Other Than Tall Communication Facilities.
 - (i) Attachments to Buildings: To preserve and protect the nature and character of the area and create the least visually intrusive impact reasonably possible, all antennas shall be flush mounted on the surface

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

without increasing the height of the building or structure. Side and rear building elevations are preferred. All attachments and exposed cabling shall use camouflage or stealth techniques to match the color and texture of the building in a manner to make the antennas as visually innocuous and undetectable as possible. If the antenna is not flush mounted, or as near to flush mounted as is possible, it shall be proven that such mounting would prohibit, or serve to prohibit, the provision of service, or to be technologically impractical.

- (ii) Attachments to Water Tanks: If attaching to a water tank, in order to maintain the current profile and height, mounting on the top of the tank shall only be permitted if the applicant can prove that to locate elsewhere less visually intrusive on the tank will prohibit or have the effect of prohibiting the provision of service or that to do so would be technologically impractical.

g. Standards for All Communication Facilities.

- (1) The communication facility/support structure must replace a pre-existing utility pole, streetlight, or a site plan approved parking lot light and be located:
 - (i) Within two feet of the base of the pre-existing pole and at the same distance from the curb line, or edge of pavement/travel lane, as the pre-existing pole in a public right-of-way;
 - (ii) At least 10 feet from an existing building;
 - (iii) Outside of the roadway clear zone as determined by the Public Utilities Director;
- (2) A pre-existing streetlight or parking light pole must be removed within 10 days after power is activated to the replacement tower and a pre-existing utility pole must be removed within 180 days after a replacement utility pole is installed.
- (3) The height of the communication facility/support structure, including any attached antennas and equipment must not exceed:
 - (i) For streetlights, the height of the existing pole that is being replaced.
 - (ii) For utility poles and parking lot lights, the height of the pre-existing utility or surrounding poles, or parking light pole plus 10 feet.
 - (iii) In single family districts the maximum pole height is 20 feet.
- (4) The communication facility/support structure must be the same color as the nearest existing pole.
- (5) The communication facility/support structure shall have not exposed wiring.
- (6) Any accessory equipment used to support the antennas on a replacement utility or streetlight poles must be installed in the base of the tower or underground.
- (7) Equipment cabinets shall not be permitted above grade within the street rights-of-way.
- (8) The communication facility/support structure must include a replacement streetlight, or parking lot light, if the lights existed on the pre-existing or site plan approved pole.
- (9) The design of a replacement communication facility/support structure located

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

in a public right-of-way, including the footing and replacement streetlight, must be approved by the Public Utilities Director.

- (10) Each owner of an antenna attached to a communication facility /support structure must maintain the antenna and the associated equipment attached to and abutting the structure in a safe condition, remove graffiti, including stickers, and repair damage.
- (11) When the communication facility ceases to be in active operation for communication purposes, for more than 180 days the wireless facility and support structure must be removed at the cost of the owner.
- (12) If the support structure includes a street light, traffic light, or other utility service, the only wireless facilities shall be removed.
- (13) Certification from the applicant that it complies with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and all other federal statutory and regulatory requirements relating to radio frequency interference.
- (14) The owner of the communication facility shall provide documentation that the power density levels do not exceed federally approved levels or American National Standards Institute (ANSI) standards, whichever provides for stricter requirements.
- (15) The communication facility shall have at least one service provider committed for active use within 90 days of completion of construction. Evidence in writing of this commitment shall be submitted with the application.
- (16) All utilities serving a new communication site and facility shall be installed underground from the point of the existing service.
- (17) Non-stealth communication facilities are not permitted to locate on an existing utility pole or street light.

h. Additional Standards for Communication Facilities in All Residential Districts.

- (1) The minimum distance of a new support structure/pole from any residential structure shall be at least 150% of the pole height and shall not be located directly in front of any residential structure located in a single-family zoning district. The preferred location would be along the side property lines. The minimum setback distance shall be measured from the facility installation to the nearest point of a single-family dwelling located in a single-family zoning district.
- (2) Along streets and within residential subdivisions where there are no existing utility poles (all underground utilities), stealth wireless facilities may be attached to streetlights in the public right-of-way. Approval from the owner of the light pole must be submitted with the encroachment agreement.
- (3) Equipment cabinet(s) for systems placed on light poles shall be located underground.
- (4) New streetlight poles may not be erected in a single-family residential area

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

solely for wireless communication equipment attachment unless the applicant has demonstrated it cannot reasonably provide service by:

- (i) Installing poles outside of the residential area;
 - (ii) Attaching equipment to existing poles within the rights-of-way;
 - (iii) Installing poles in rights-of-way not contiguous to parcels used for single family residential purposes; or
 - (iv) Installing poles in rights-of-way contiguous to reverse frontage parcels.
- (5) All requests for new poles within the rights-of-way in single family residential neighborhoods shall be in compliance with Town requirements.
- (6) The maximum height, of a new street light including concealed antenna shall be 20 feet tall or the height of nearby existing street lights.
- (7) At least 10 business days prior to submitting an application, the applicant shall complete each of the following pre-submission requirements:
- (i) Notify all property owners within 500 feet of proposed streetlight pole installations, measured along the public right-of-way, via a door hanger or direct mailing; and
 - (ii) Host a community meeting not less than 14 days after initial notice to present in reasonable detail of the proposed plan of installation, including facility descriptions, locations, relevant screening, and aesthetic characteristics;
 - (iii) Receive and consider for a period of 30 days after the community meeting any comments or proposed alternative locations and designs submitted by the public;
 - (iv) A summary of the neighborhood meeting shall be submitted with the application. At a minimum the report should state the method of notification; list of property owners contacted; roster of persons in attendance; a summary of the issues discussed; and a description of any changes made as a result of the meeting.

i. Public Rights-of-Way.

- (1) An encroachment agreement must be issued by the Public Utilities Director before installation of any new pole in rights-of-way.
- (2) New support structures/poles shall not be constructed of wood. Metal, concrete or fiber materials are appropriate.
- (3) Any disturbance in street rights-of-way that would require relocation of poles and associated equipment shall be the responsibility of the communications company installing the equipment.
- (4) The maximum height of the pole including antenna is 35 feet, or the height of existing nearby utility poles, except where in the City's discretion an increased pole height is an acceptable alternative to reduce the total

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

number of new poles. The maximum height of an antenna on top of the pole shall be no more than six feet (6') above the height of the pole.

j. Setbacks and Fall Zones.

- (1) The minimum support structure setback from any property line shall be:
 - (i) For non-stealth - Equal to the height of the support structure.
 - (ii) For stealth - Equal to one-half (1/2) the height of support structure ; or
 - (iii) For a monopole support structure with a base diameter greater than or equal to one foot: equal to one-half of the height of the tower, provided that a professional engineer certifies that the structure has 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 structure is such as to bend rather than fall. This requirement shall not apply to communications equipment co-located on facilities within the public right-of-way (such as streetlights, telephone and utility poles) as long as other requirements of the ordinance are met.
- (2) The setback requirement may be reduced to one-third of the height of the proposed wireless support structure when a North Carolina registered professional engineer certifies that the structure's fall zone is equal to, or less than, the setback requested and that the structure is designed to collapse within the setback requested.
- (3) Telecommunications accessory equipment structures, any equipment compounds, and any other structures that are not communication facilities for the communication facility, shall be set back a minimum of 50 feet from all property lines and rights-of-way. Where visual impact and public safety concerns will not be affected, the Board of Adjustment may reduce the setback to no less than 15 feet.
- (4) Communication facility sites shall be located a minimum of three hundred fifty feet from the property line of a lot in a recorded residential subdivision district.
- (5) No new communication facility over 40 feet in height shall be constructed closer than the support structure's height from any public right-of-way.
- (6) Any communication facility that is to be attached to a building devoted to another use in such a manner that the staff finds that the tower will be effectively concealed, or disguised, shall observe the minimum setback and maximum height of the underlying zoning district.
- (7) Any communication facility that is to be attached to a building devoted to another use in such a manner that the staff finds that the communication facility will be effectively concealed or disguised shall observe the minimum setback and maximum height of the underlying zoning district.
- (8) Only an architecturally compatible communication facility shall be permitted in a locally regulated historic district or on property on which a designated historic landmark is located. All accessory equipment shall be located either underground or inside the building/structure. All

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

communication facilities proposed in the locally regulated historic district shall be reviewed on a case by case basis to determine the compatibility of the proposed structure with the surrounding area.

- (9) The owners of easements and rights-of-way within communication facility setbacks must provide a letter of acknowledgment of the proposed facility's location.

k. Signs.

- (1) No business signs, billboards, or other advertising shall be installed on the communication facility or security fencing with the exception of an identification sign.
- (2) The communication facility and/or equipment compound shall have an identification sign that contains the FCC registration site, the name(s) of the owner(s) of the facility as well as emergency phone numbers and contact information for all parties responsible for maintenance. The sign shall not be larger than one square foot in size.
- (3) Stealth facilities shall locate this signage in an inconspicuous, or nearby location that would still be visible in an emergency.

(l) Screening.

- (1) For communication facilities with security fences, a minimum 10- foot-wide landscaped buffer shall be installed along the exterior side of the security fence and shall always be maintained by the communication facility owner. The vegetative screen shall consist of two staggered rows of evergreen trees such as Leyland Cypress, Tree Holly, Magnolia Grandiflora or Deodar Cedar with a maximum spacing of 25 feet on center, or spacing approved by the Zoning Administrator so as to best provide for opacity after five years.
- (2) The minimum height at planting for trees shall be six feet and they shall have an expected minimum maturity height of 35 feet under normal growing conditions.
- (3) There shall also be one row of dense shrubs, spaced not more than eight feet on center. Shrubs shall be a minimum of two feet high at planting and shall have a minimum expected maturity height of eight feet under normal growing conditions.
- (4) The plants shall be installed and maintained by the communication facility owner. The requirements of this subsection shall be applicable to all proposed towers, unless existing vegetation is determined by the Town to provide a screen which is at least as effective as a planted screen. This requirement shall not apply to communications equipment co- located on facilities within the public right-of-way (such as light standards, telephone and utility poles) as long as other requirements of the ordinance are met.

(m) Security Fencing.

- (1) Security fencing is required and the fencing shall be installed around the base of the tower, including but not limited to equipment and/or storage structures, along with any guyed wires.
- (2) Such fence shall be opaque and shall be composed of materials such as wood, brick, or metal to a height of not less than eight feet. Chain link is not an

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

acceptable material.

- (3) This requirement shall not apply to communications equipment co-located on facilities within the public right-of-way (such as light standards, telephone and utility poles) as long as other requirements of the ordinance are met.

(n) Lighting.

- (1) Support structures 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.
- (2) To the extent allowed by the FAA, strobes shall not be used for night time lighting.
- (3) The lights shall be oriented as not to project directly onto surrounding residential properties, consistent with the FAA regulations. Prior to the issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

(o) State or Federal Requirements.

- (1) All wireless support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate wireless support structures. If such standards and regulations are changed, then the owners of the wireless support structures governed by this chapter shall bring such wireless support structures into compliance with the revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
- (2) Failure to bring wireless support structures into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless support structures at the owner's expense.

(p) Building Codes and Safety Standards. To ensure the structural integrity of wireless support structures, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.

(q) Removal and Performance Security.

- (1) Whenever a communication facility ceases to be in active operation for communication purposes, for more than 180 days, the antenna and all support equipment shall be removed in its entirety. Notice shall be provided to the Zoning Administrator within 30 days of any communication facility that is placed out of service.
- (2) The applicant and the owner of record of any proposed wireless facilities site shall, at their sole cost and expense, are jointly required to execute and file with

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

the Town a bond or other form of security acceptable to the Town Finance Officer, in an amount established by the Board of Commissioners for each communication facility. Bond for a co-location shall also be established by the Board of Commissioners. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or in the case of abandonment until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

(r) Administrative Reviews and Approvals Required for Wireless Facilities and Wireless Support Structures.

- (1) Any person that proposes to construct a new wireless support structure or substantially modify a wireless support structure within the planning and land-use development regulation jurisdiction of a city local government must do both of the following:
 - (ii) Submit a completed application with the necessary copies and attachments to the appropriate planning authority.
 - (iii) Comply with any local ordinances concerning land use and any applicable permitting processes.

Statutory Reference – N.C.G.S. 160D-933(a)

- (2) The following types of applications are subject to the Minor Site Plan Review process outlined in **Section 12.6**. A Zoning Permit will also be required as outlined in **Section 12.3**.
 - (i) New Wireless Support Structures that are less than forty (40) feet in height, in any zoning district.
 - (ii) Stealth Wireless Facilities that are forty (40) feet or less in height, in any residential district.
 - (iii) Stealth Wireless Facilities that are one hundred fifty (200) feet or less in height, in any zoning district except residential districts.
 - (iv) Monopoles or Replacement Poles located on public property or within utility easements or rights-of-way, in any zoning district.
 - (v) Carrier on Wheels or Cell on Wheels (COWs), in any zoning district, if the use of the COW is either not in response to a declaration of an emergency or disaster by the Governor, or will last in excess of one hundred twenty (120) days.
 - (vi) Substantial modifications.
 - (vii) Collocations.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (3) Content of Application Package. All applications for administrative review and approval in **Section (r)(2)** above must contain the following in addition to those requirements outlined in the Minor Site Plan Review:
- (I) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms.
 - (II) Documentation from a licensed professional engineer if calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this Ordinance.
 - (III) For collocations and substantial modifications, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas.
 - (IV) For substantial modifications, drawings depicting the improvements along with their dimensions.
 - (V) Site survey showing all property lines and dimensions, existing structures, required setbacks, and the proposed wireless support structure.
 - (VI) Proposed and existing easements and rights-of-way.
 - (VII) Proposed locations of fencing, landscaping, access, and any proposed parking.
 - (VIII) A vicinity map indicating the proposed tower and search ring.
 - (IX) A vicinity map indicating all existing and proposed communication facility sites within a three-mile radius and their search rings.
 - (X) Any officially designated floodways, floodplains, or watersheds.
 - (XI) A plan drawing of the proposed equipment compound area showing names and locations of other providers; location of ground equipment; centerline height of all proposed and existing antenna on the supporting structure. Demonstrate that there is adequate ground space for additional users.
 - (XII) Indicate how many antenna sites the support structure is designed to accommodate and how many of those sites will be available for co-location opportunities.
 - (XIII) No new wireless support structure shall be built, constructed or erected unless the tower is capable of supporting at least three wireless facilities from other providers that are of comparable weight, size, and surface area to the communication facilities to those installed by the applicant on the

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

structure.

- (XIV) Identification of the intended user(s) of the tower and an attestation that the communication facility will be activated for use within one year from permit issuance by a wireless service provider.
- (XV) Prior to the issuance of building permits, a public land or right-of-way lease agreement shall be established by a separate instrument and recorded for all wireless communication facilities and/or support structures placed on Town property or structures and within the Town's rights-of-way.
- (XVI) Copy of FCC license applicable for use of the facility.

(4) Application Review. The Zoning Administrator's review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the Zoning Administrator may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site. The Zoning Administrator may not require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. The Zoning Administrator may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies. In reviewing an application, the Zoning Administrator may review the following:

- (I) Applicable public safety, land use, or zoning issues addressed in its adopted regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.
- (II) Information or materials directly related to an identified public safety, land development, or zoning issue including evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure, that residential, historic, and designated scenic areas cannot be served from outside the area, or that the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure, or replacement wireless support structure is necessary to provide the applicant's designed service.
- (III) The Zoning Administrator may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value. The Zoning Administrator may require information necessary to determine whether collocation on existing wireless support structures is reasonably

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

feasible.

Statutory Reference – N.C.G.S. 160D-933(b)

(5) Review Schedule for Applications Covered in Section (s)(2) above.

(i) Applications for Co-locations, Monopoles or Replacement Pole, Stealth Wireless Facilities, Non-Exempt COWs, or Substantial Modifications:

- a. Within sixty (60) days of the receipt of a complete application the Zoning Administrator will review the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the Zoning Administrator provides notice that the application is incomplete in writing to the applicant within 30 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The Zoning Administrator may deem an application incomplete if there is insufficient evidence provided to show that the proposed collocation or eligible facilities request will comply with federal, state, and local safety requirements. The Zoning Administrator may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the collocation or eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.
- b. Within forty-five (45) days of the application being deemed complete, the Zoning Administrator shall issue a written decision approval an eligible facilities request. For a collocation application that is not an eligible facilities request, the Zoning Administrator shall issue a written decision to approve or deny the application within forty-five (45) days of the application being deemed complete.
- c. Failure to issue a written decision within forty-five (45) calendar days shall constitute an approval of the application.

(ii) Applications for a New Wireless Support Structure:

- a. Within forty-five (45) calendar days of the receipt of an application for a New Wireless Support Structure that is subject to Administrative Review and Approval under this Ordinance, the Zoning Administrator will review the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the Zoning Administrator provides notice that the application is incomplete in writing to the applicant within 45 days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The Zoning Administrator may deem an application incomplete if there is

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

insufficient evidence provided to show that the eligible facilities request will comply with federal, state, and local safety requirements. The Zoning Administrator may not deem an application incomplete for any issue not directly related to the actual content of the application and subject matter of the eligible facilities request. An application is deemed complete on resubmission if the additional materials cure the deficiencies indicated.

- b. Within forty-five (45) days of the application being deemed complete, the Zoning Administrator will issue a written decision approval on an eligible facilities request.
- c. Failure to issue a written decision within forty-five (45) calendar days shall constitute an approval of the application.

(f) Special Use Permits and Additions to Minor Site Plan Review for Other Applications.

Any application for Wireless Facilities and/or Wireless Support Structures not subject to the Administrative Review and Approval outlined in Section (s) above shall be permitted in any district subject to the following:

- (1) The granting of a Special Use Permit in accordance with the standards for granting Special Use Permits set forth in this Ordinance.
- (2) Content of Application Package. All applications for Special Use Permit review and approval must contain the following in addition to those requirements outlined in the Minor Site Plan Review (**See Section 12.6**):
 - (i) Written description and scaled drawings of the proposed Wireless Support Structure or Wireless Facility, including structure height, ground and structure design, and proposed materials.
 - (ii) Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Wireless Support Structure.
 - (iii) Line-of-sight diagram or photo simulation, showing the proposed Wireless Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.
 - (iv) A statement of the proposed Wireless Support Structure will be made available for Co-location to other service providers at commercially reasonable terms, provided space is available.
 - (v) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms.
 - (vi) Documentation from a licensed professional engineer including a calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this Ordinance.
 - (vii) Site survey showing all property lines and dimensions, existing structures,

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

required setbacks, and the proposed wireless support structure.

- (viii) Proposed and existing easements and rights-of-way.
 - (ix) Proposed locations of fencing, landscaping, access, and any proposed parking.
 - (x) A vicinity map indicating the proposed tower and search ring.
 - (xi) A vicinity map indicating all existing and proposed communication facility sites within a three-mile radius and their search rings.
 - (xii) Any officially designated floodways, floodplains, or watersheds.
 - (xiii) A plan drawing of the proposed equipment compound area showing names and locations of other providers; location of ground equipment; centerline height of all proposed and existing antenna on the supporting structure. Demonstrate that there is adequate ground space for additional users.
 - (xiv) Indicate how many antenna sites the support structure is designed to accommodate and how many of those sites will be available for co-location opportunities.
 - (xv) No new wireless support structure shall be built, constructed or erected unless the tower is capable of supporting at least three wireless facilities from other providers that are of comparable weight, size, and surface area to the communication facilities to those installed by the applicant on the structure.
 - (xvi) Identification of the intended user(s) of the tower and an attestation that the communication facility will be activated for use within one year from permit issuance by a wireless service provider.
 - (xvii) Prior to the issuance of building permits, a public land or right-of-way lease agreement shall be established by a separate instrument and recorded for all wireless communication facilities and/or support structures placed on Town property or structures and within the Town's rights-of-way.
 - (xviii) Copy of FCC license applicable for use of the facility.
- (6) Application Review for Applications Not Covered in Section (s). The Zoning Administrator's review of an application for the placement or construction of a new wireless support structure or substantial modification of a wireless support structure shall only address public safety, land development, or zoning issues. In reviewing an application, the Zoning Administrator may not require information on or evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site. The Zoning Administrator may not require information that concerns the specific need for the wireless support structure, including if the service to be provided from the wireless support structure is to add additional wireless coverage or additional wireless capacity. The Zoning Administrator may not require proprietary, confidential, or other business information to justify the need for the new wireless support structure, including propagation maps and telecommunication traffic studies. In reviewing an application, the Zoning Administrator may review the following:
- (l) Applicable public safety, land use, or zoning issues addressed in its adopted

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

regulations, including aesthetics, landscaping, land-use based location priorities, structural design, setbacks, and fall zones.

- (II) Information or materials directly related to an identified public safety, land development, or zoning issue including evidence that no existing or previously approved wireless support structure can reasonably be used for the wireless facility placement instead of the construction of a new wireless support structure, that residential, historic, and designated scenic areas cannot be served from outside the area, or that the proposed height of a new wireless support structure or initial wireless facility placement or a proposed height increase of a substantially modified wireless support structure, or replacement wireless support structure is necessary to provide the applicant's designed service.
- (III) The Zoning Administrator may require applicants for new wireless facilities to evaluate the reasonable feasibility of collocating new antennas and equipment on an existing wireless support structure or structures within the applicant's search ring. Collocation on an existing wireless support structure is not reasonably feasible if collocation is technically or commercially impractical or the owner of the existing wireless support structure is unwilling to enter into a contract for such use at fair market value. The Zoning Administrator may require information necessary to determine whether collocation on existing wireless support structures is reasonably feasible.

Statutory Reference – N.C.G.S. 160D-933(b)

(7) Review Schedule for Applications Not Covered Under Section (s).

- (i) Applications Not Covered by Section 11.4.71(s) above will adhere to the following schedule:
 - a. Within one hundred fifty (150) calendar days of the receipt of an application under this section, the Town Council upon recommendation of the Planning Board will:
 - 1. Complete the process for reviewing the application for conformity with this Ordinance. An application under this section is deemed to be complete unless the Zoning Administrator notifies the applicant in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. The Town loses the ability to object that the application is incomplete if the applicant is not notified within 30 days. Upon receipt of a timely written notice that an application is deficient, the 150-day clock is stopped until more information is received at which point the 150- day clock starts again. If the application is still incomplete, the clock continues to run until the applicant is notified in writing. Applications are automatically approved after 150 days.
 - 2. Make a final decision to approve or disapprove the application.
 - 3. Advise the applicant in writing of its final decision. If the Town Council denies an application, it must provide written justification of the denial.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

4. Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.

(8) Annual Reporting Required. Special use permits for all communication facilities shall expire unless documentation, including but not limited to an FCC license, is submitted each January to the Zoning Administrator indicating that the tower is being utilized. Additional documentation shall be submitted confirming that the insurance policy and the bond for equipment and structure removal are still in effect.

11.4.68. Temporary Uses and Structures.

- (a) **Purpose:** This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses do not negatively affect adjacent land, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure.
- (b) **Permitted Temporary Uses and Structures:** The following table summarizes the uses and structures that are allowed by the Town of White Lake on a temporary basis. It includes references to any specific standards for each of the uses or structures and these standards are found in the sections to follow. If a use or structure is not listed in the table below then the use or structure is not allowed by this Ordinance.

Table 11-4

Temporary Use or Structure	Allowable Time Frame
Expansion or replacement of existing facilities (including temporary offices for construction and/or security personnel)	12 months; renewable twice; max three years on site.
New real estate sales office/New model sales home	12 months; renewable twice; max three years on site.
New temporary construction offices and new temporary project office other than a construction office	One year; renewable twice for 6 months; max two years on site.
Temporary Storage Structure – in a portable shipping container (storage unit)	<i>In R-1, R-1A, R-2 Residential and the Business Districts</i> 30 days per calendar year; renewable for one 30-day period. <i>In R-A District:</i> six months within a 48-month period.
Temporary Emergency, Construction, and Repair Residence	6 months; renewable once.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

Temporary Use or Structure	Allowable Time Frame
New Granny Pod or Temporary Health Care Structures	Removed within sixty (60) days after care-giving on the site ceases.
Temporary Farm Worker Housing	Removed within sixty (60) days after work on the site ceases.
Garage, Yard, Auction and Estate Sales	Not more than two such sales per year shall be held at the premises if occupied by the same family or any member of such family. No single sale shall be conducted for longer than two consecutive weekends, or more than seventy-two hours in a single week.
Outdoor Seasonal Sales	Such sales are limited to a maximum of 30 days per calendar year and no more than three occurrences per parcel, per year.
Special Events – Indoor or Outdoor (such as carnivals, fairs, concerts)	Such events are limited to 14 total days per calendar year, per parcel.

- (c) **Prohibited Temporary Uses:** Without limiting the standards of this Ordinance, the following activities are prohibited in all districts:
 - (1) **Retail or Display of Goods, Products, or Services in Public Right-of- Way.** Retail sales or display of goods, products, or services within the public right-of-way except as part of an authorized not-for-profit, special, or City-recognized event.
 - (2) **Retail Sales or Display of Goods From Vehicles.** Except as part of a permitted seasonal sale, retail sales or display of goods, products, or services from a motor vehicle, trailer, or shipping container.

- (d) **Temporary Use Permits:** All temporary uses and structures required to obtain a Temporary Use Permit.

- (e) **General Standards for Temporary Uses and Structures:** All temporary uses, structures, or special events shall comply with the following general standards, unless otherwise specified in this Ordinance:
 - (1) Obtain the appropriate permit from the Town (if required);
 - (2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - (3) Be compatible with the principal uses taking place on the site;

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (4) Not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- (5) Not include permanent alterations to the site;
- (6) Meet all the setbacks of the underlying base and overlay zoning districts;
- (7) Comply with the maximum signage size for temporary signs;
- (8) Not maintain temporary signs associated with the use or structure after the activity ends;
- (9) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (10) Not interfere with the normal operations of any permanent use located on the property; and
- (11) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

(f) Specific Regulations for Certain Temporary Uses and Structures.

(1) Expansion or Replacement of Existing Facilities:

- a. Purpose: Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and designed for relocation to other sites, may be placed on land to serve as the following:

- (i) Expansion space for existing religious institutions, health care facilities, and government offices, provided plans for the permanent expansion of the existing facilities have been submitted to and been approved by the Town.
- (ii) Temporary classroom space to augment an existing public educational facility.
- (iii) Temporary quarters for recreational facilities that are being provided in conjunction with a new residential development, provided the City has approved a Site Plan or Subdivision Plan for the development.
- (iv) Temporary quarters for other nonresidential uses when the permanent building has been destroyed by a fire or other physical catastrophe, provided a Building Permit for the permanent facility is obtained within four months after approval of the temporary quarters. Failure to obtain a Building Permit within the time frame allowed will revoke approval for the temporary quarters.
- (v) One temporary office per site to include but not be limited to, the following uses: hiring, membership solicitation, multi-family development office/ leasing, and other general office uses. The number of modular buildings housing such uses shall be limited to one, in addition to those already allowed by this section. Such modular buildings shall not be placed on the property prior to the issuance of a Building Permit.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(vi) A temporary residence used for housing occupants of an on-site existing principal dwelling unit subject to casualty damage.

b. Standards: In addition to meeting the General Standards for All Temporary Uses and Structures, all temporary structures approved in accordance with this section shall meet the following standards:

- (i) The structure shall be placed to avoid obstructing emergency access and pedestrian and vehicular circulation; disturbing or damaging required landscaping or buffer areas being retained, including heritage or specimen trees being retained; or impacting future open space or areas to be landscaped.
- (ii) The temporary structure shall be factory-fabricated and transportable.
- (iii) Adequate off-street parking shall be provided for the temporary use.
- (iv) All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained prior to installation of the temporary structure.
- (v) The temporary structure shall be compatible with the existing buildings on the site in terms of exterior color, design, and placement, to the maximum extent practicable.

c. Duration:

- (1) Temporary structures under this subsection may remain on the site for no more than 12 months. This period may be renewed for two 12-month periods, for good cause shown, upon approval of a written request for such extension, submitted to the Zoning Administrator, 30 days prior to the expiration of the temporary use permit. Except for temporary classrooms, in no event, shall the extension allow the temporary structure to remain on the site for more than three years. Temporary structures shall be removed within ten days of the issuance of a Certificate of Occupancy for the permanent structure.
- (2) Temporary classrooms for use as part of an existing public educational facility may be allowed to remain on the site for longer than three years.

(2) New Real Estate Sales Office and Model Sales Home.

- a. General Standards: One temporary real estate sales office or model sales home may be allowed as incidental to a new residential or nonresidential development, provided that:
 - (1) The use is located on a lot approved by the Town as part of a development.
 - (2) Signage complies with the standards.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (3) The temporary use is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscaping.
- (4) The temporary use complies with the minimum yard and setback standards of the zoning district in which it is located.
- (5) Off-street parking provided for the temporary use complies with the standards.
- (6) Upon termination of the temporary real estate sales office or model sales home, the structure shall be converted into, or removed and replaced with, a permanent use.
- (7) In approving or renewing approval of a real estate sales office, the Zoning Administrator may impose other conditions as is deemed necessary to avoid adverse impacts that the use as a sales office may have on adjacent properties or the community as a whole.
- (8) All temporary trailers shall be removed from the site prior to the issuance of the last Certificate of Occupancy for the site.

b. Duration:

- (1) Temporary real estate sales offices may be approved for a period of up to one year. This period may be renewed for two additional 12-month periods, for good cause shown, upon approval of a written request for such an extension, submitted to the Zoning Administrator, 30 days prior to the expiration of the permit. In no event shall the extension allow the temporary structure to remain on the site for more than three years.
- (2) Model sales homes may be approved for a period of up to three years. This period may be renewed for additional six-month periods, for good cause shown, upon approval of a written request for such an extension submitted to the Zoning Administrator, 30 days prior to the expiration of the permit. There is no time limit on the use of model sales units for rental housing.

(3) New Temporary Construction-Related or Project Offices/Activities.

- a. General. Temporary construction-related activities including construction offices, storage buildings, outdoor storage, and employee parking areas, may occur in all zones subject to the issuance of a Temporary Use Permit.
- b. Duration. Temporary Use Permits for construction-related activities may be approved for a period of up to one year. This period may be extended in six-month periods, for good cause shown, upon approval of a written request for such an extension, submitted to the Zoning Administrator, 30 days prior to the expiration of the permit. Such extension may include additional or revised conditions. In no event shall the extension allow the temporary use to remain on the site for more than two years. All such uses shall be removed and the site restored to its previous condition within 30 days after issuance of a final Certificate of Occupancy or Certificate of Completion.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(4) Temporary Storage in a Portable Shipping Container.

Except for containers actively being used for construction purposes associated with a building permit, temporary storage in a portable shipping container shall be permitted subject to the following:

a. In R-1, R-1A, R-2 Residential and the Business Districts:

- (1) Size: Storage containers may not exceed 160 square feet in size or be taller than eight feet.
- (2) Location: Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front or corner side façade of a building, the container shall be placed behind the front or corner side façade. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas.
- (3) Duration: Containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This time period may be extended for a maximum period of 30 days by the Zoning Administrator for good cause shown. Storage containers may be placed on a residential site a maximum of two occurrences per year.

b. In R-A District:

- (1) Size: Temporary storage containers are not limited in size.
- (2) Location: Containers shall not be located on any required parking or loading spaces except as may be allowed in conjunction with a building permit nor shall they restrict site access for the visiting public or for emergency vehicles.
- (3) Duration: Containers shall not be located on an individual parcel or site for more than six months within a 48-month period. No extension is permitted. One replacement within the 48 months may be permitted by the Zoning Administrator for good cause shown, for a maximum period of 30 days, provided all other standards are met.

(5) Temporary Emergency, Construction, and Repair Residence.

- a. Where Permitted: All Residential Districts and Business District.
- b. Dimensional Requirements: A Temporary Emergency, Construction/Repair Residence shall comply with the dimensional requirements for an accessory building as set forth in this Ordinance.
- c. Duration: A permit for Temporary Emergency, Construction/Repair Residence to be occupied pending the construction, repair, or renovation of a permanent single-family dwelling on a site or a non-residential/commercial development shall expire

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

within 6 months after the date of the issuance, except that the Zoning Administrator may renew such permit for an additional 6 months if it is determined that:

- (1) substantial construction, repair work, renovation or restoration work has been done; and
 - (2) such renewal is reasonably necessary to complete the necessary work to make such residence habitable.
- d. A Class A manufactured home may be used as a temporary residence.

(6) Granny Pods/Temporary Health Care Structures.

a. Purpose: Granny pods, also called temporary health care structures, are permitted under the authority of NC General Statutes Section 160A-383.5. Granny pods shall be permitted as an accessory use in accordance with this Ordinance, subject to the following standards:

- (1) Structures must be transportable residential units assembled off-site and built to the standards of the State Building Code. It must be no more than 300 gross square feet and must not be placed on a permanent foundation.
- (2) The accessory structure must comply with all setbacks and any maximum floor area ratio limits that apply to the primary residential structure. The structure shall be connected to any public water, sewer, and electric utilities serving the property or water and/or sewer systems approved by the Town of White Lake or Bladen County, as applicable.
- (3) Only one accessory temporary family care structure is allowed per lot.
- (4) No signage regarding the presence of the structure is allowed.
- (5) The structure must be removed within sixty (60) days after care-giving on the site ceases.
- (6) A zoning permit is required to be obtained prior to installation. Evidence of compliance may be required as part of the permitting and annual permit renewal, including an annual renewal of the doctor's certification of impairment. The Town may make periodic inspections at times convenient to the caregiver to assure on-going compliance.
- (7) The caregiver must be at least 18 years old and must be a first or second degree relative of the impaired person (a spouse, parent, grandparent, child, grandchild, aunt, uncle, nephew, or niece). A legal guardian of the impaired person also qualifies.
- (8) Granny pods shall only be permitted for single-family residentially used property.

(7) Temporary Farm Worker Housing.

a. Where Permitted: R-A District.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- b. Building Area: Rooms or compartments for sleeping shall contain not less than 39 square feet of floor space for each person.
- c. Health and Safety:
 - (1) Not more than ten (10) people shall be housed in any one room or compartment for sleeping purposes.
 - (2) Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one (1) toilet and one (1) shower shall be provided for each ten (10) workers.
 - (3) A laundry room shall be required with one (1) wash sink of at least ten (10) gallon capacity for each ten (10) workers. Adequate clothes drying lines shall be provided.
 - (4) Dining and food service facilities shall be provided and shall contain at least twelve square feet of floor space per worker and shall be approved by the Bladen County Health Department.
 - (5) All water, sewer, and sanitary facilities shall be approved by the Town of White Lake or the Bladen County Health Department, as applicable.
 - (6) All garbage and refuse shall be stored in water-tight and fly-tight receptacles and it shall be the responsibility of the owner of the property to ensure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the Bladen County Health Department.
 - (7) Duration: Removed within sixty (60) days after work on the site ceases.

(8) Garage, Yard, Auction and Estate Sales:

- a. Where Permitted: All Residential and Business Districts.
- b. Permit Required. No person shall conduct any garage, yard, auction or estate sale without first obtaining a Temporary Use permit from the town.
- c. Signs. Two (2) off-site directional signs may be permitted for each sale, but only during the hours the sale is actively being conducted. Off-site signs must be removed at the close of the sale activities, or by the end of daylight, whichever first occurs, each day of the sale. No freestanding signs may be placed in the public right-of-way.
- d. Number limited. Not more than two such sales per year shall be held at the premises if occupied by the same family or any member of such family. No single sale shall be conducted for longer than two consecutive weekends, or more than seventy-two hours in a single week.
- e. Hours. Sales may be conducted during daylight hours only.
- f. Unowned premises. No sale shall be permitted on premises not owned or controlled by the person holding the sale. Any violation of this requirement shall be referred to the Zoning Administrator for investigation of possible

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

violation of the zoning ordinance, and to the tax collector for investigation of possible violation of the business license taxation ordinance.

- g. Streets and Sidewalks: No person shall obstruct entirely or in part any sidewalk or street in the Town by selling or offering for sale at auction or otherwise any goods, wares or merchandise.

(9) Outdoor Seasonal Sales.

- a. Applicability: Merchants may display and/or sell goods in the Town on a temporary basis without establishing a permanent place of business, subject to the standards of this section.
- b. Where Permitted: R-A and Business Districts.
- c. Standards: A temporary use for the display and/or sale of products shall comply with the following standards:
 - (1) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
 - (2) The display or sale of goods, products, and/or services shall not occur in the public right-of-way or within 200 feet of an existing residential use.
 - (3) The display or sale of products, goods and/or services shall be limited in scope to similar or complementary products, goods, and/or services to those offered by the existing principal use located on the same site. The temporary sale of non-agricultural products, goods, and/or services that differ from the normal range of those offered by an existing principal use shall be prohibited.
 - (4) Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.
 - (5) Off-street parking shall be adequate to accommodate the proposed sale of products.
 - (6) The temporary display or sale of products shall not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.
 - (7) The hours of operation of the temporary sale of products shall be

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

from no earlier than 7:00 a.m. to no later than 8:00 p.m., or the same as the hours of operation of the principal use.

d. Duration; Sales per Year:

- (1) The temporary sale of non-agricultural products shall be allowed on an individual parcel or site for no more than 30 total days per calendar year.
- (2) The number of temporary sales of products per site per calendar year shall not exceed three.

(10) Special Events.

a. Applicability. The procedures and standards outlined in this section shall apply to all special events (including, but not limited to, cultural events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) held on private property within the Town, unless exempted in accordance with Section 11.4.72(f)(10)d below.

b. Where Permitted: R-A District

c. Temporary Use Permit Required. All special events subject to this subsection shall have a Temporary Use Permit for a special event reviewed and approved by the Zoning Administrator before conducting the special event.

d. Exemptions. The following events or activities are exempt from the standards and procedures outlined here (i.e., may occur without a Temporary Use Permit for a special event). Such activities may be subject to all other applicable procedures and standards of this Ordinance.

- (1) *On Grounds of Private Residence.* Special events or activities occurring within, or on the grounds of, a private residence or on the common areas of a single-family attached, two- to four-family, or multi-family residential development.
- (2) *Event Sponsored by Town, County or State.* Any event sponsored in whole or in part by the Town, the County, or the State.
- (3) *Event or Activity at Site Intended for Such Event or Activity.* Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at reception halls, or similar facilities; funeral services conducted at funeral

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

homes or cemeteries; religious services, wedding services, and funeral services conducted at religious institutions.

e. Conditions. In approving the Temporary Use Permit for the special event, the Zoning Administrator is authorized to impose such conditions upon the premises as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed special event. The Zoning Administrator is authorized, where appropriate, to require:

- (1) Provision of temporary parking facilities, including vehicular access and egress.
- (2) Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
- (3) Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
- (4) Provision of sanitary and medical facilities.
- (5) Provision of solid waste collection and disposal.
- (6) Provision of security and safety measures.
- (7) Use of an alternative location or date for the proposed special event.
- (8) Modification or elimination of certain proposed activities.
- (9) Regulation of operating hours and days, including limitation of the duration of the special event to a shorter time period than that requested or specified in this subsection.
- (10) Submission of a performance guarantee to ensure that any temporary facilities or structures used for such proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition.

f. Duration. A Temporary Use Permit for a special event authorized in accordance with this subsection shall be limited to a maximum duration of 14 days per site per calendar year, unless otherwise specifically authorized by the Zoning Administrator.

(Ord. 12/1/1997; 7/8/2014, 11-1.11, 11-1.33, and 11-1.45.)

11.4.69. Theater, Outdoor.

Special Use Permit Required

(a) **Where Permitted:** R-A and B Districts.

(b) **Buffering:**

- (1) Outdoor theaters shall be buffered from adjoining residential uses with a buffer as

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

set forth in this Ordinance.

- (2) The performance and audience areas for any outdoor theater shall be located a minimum of 200 feet from any adjacent residentially zoned property.
- (c) **Access:** Primary access to all outdoor theaters shall be to a collector street.
- (d) **Operational Standards:**
 - (1) Lights and glare shall be controlled so as not to shine into adjacent properties in accordance with this Ordinance.
 - (2) Hours of operation shall be from 8:00 am until 10:00 pm.
 - (3) Parking Availability shall conform to the requirements of this Ordinance.
- (e) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (f) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

11.4.70. Tourist Cottages.

Special Use Permit Required

- (a) **Where Permitted:** R-2 District.
- (b) **Use of Manufactured Homes:** Class B or C manufactured homes shall not be used as tourist cottages.
- (c) **Setbacks:** Tourist cottages shall be set back a minimum of 6 feet from all side and rear property lines.
- (d) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (e) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- (1) the name, business address, and contact information of the owners of the property;
- (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
- (3) owners of the property;
- (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

(Ord. 12/1/1997; 7/8/2014, 11-1.46.)

11.4.71. Waste Transfer/Material Recovery Facilities.

Special Use Permit Required

- (a) **Where Permitted:** R-A District.
- (b) **Environmental Hazards:** All establishments shall be maintained so as not to create environmental hazards (such as oil or gas leaks or spills) that pose a threat to ground or surface water quality, air quality, wildlife and/or humans.
- (c) **Vehicular Access:** Vehicular access to the site shall be provided through thoroughfare of suitable capacity.
- (d) **Buffering:** A minimum 150-foot buffer area is required along all property lines and public rights-of-way. No materials recovery and waste transfer activities, including parking, access roads, buildings, or disposal shall occur in the buffer area. Roads for access to the site may cross the 100-foot area, and monitoring wells may be located within the 100-foot area. All existing trees within the buffer area shall be preserved, except to allow for construction of necessary road crossings and monitoring wells.
- (e) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (f) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
 - (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

11.4.72. Wind Farm.

Special Use Permit Required

- (a) **Where Permitted:** RA District.
- (b) **Standards:** Wind Farms developed as a principal use shall be permitted in accordance with the following:

(1) Setbacks.

Wind Energy Facility Type	Minimum Lot Size	Minimum Setbacks ¹			Maximum Height from Grade
		Occupied Building (Subject Property) ²	Property Lines ²	Public Right-of-Way ²	
Wind Farm	5 acres	1.0	1.0	1.5	250 ft.

¹ Measured from the center of the wind turbine base to the property line, right-of-way, or nearest point on the foundation of the occupied building. ² Calculated by multiplying required setback number by wind turbine height.

- (2) Height. Two hundred fifty feet (250') maximum.
 - (3) Ground Clearance. Rotor blades on wind turbines must maintain at least twenty-four feet (24') of clearance between their lowest point and the ground.
 - (4) Visibility. Wind farms must be set back at least 150 feet from any residential district; no energy generating equipment may be located within 150 feet of any public right-of-way; and screening and landscaping shall be provided in accordance with **Section 10.23.2.**
- (c) **Interconnection Agreement.** All wind farms are required to enter into an agreement for interconnection with the Town prior to connection.
- (d) **Wind Farm Facility Noise, Shadow Flicker, and Electromagnetic Interference.**
- (1) Audible sound from a Wind Turbine shall not exceed fifty-five (55) dBA, as measured at any off-site occupied building of a Non-Participating Landowner.
 - (2) Shadow flicker at any occupied building on a Non-Participating Landowner's property caused by a Wind Energy Facility located within 2,500 feet of the occupied building shall not exceed thirty (30) hours per year.
 - (3) Wind turbines may not interfere with normal radio and television reception in the vicinity. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any wind energy facility.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

(e) Application Requirements.

- (1) Major Site Plan. Denote the dimensions of the parcel, proposed wind farm location (arrangement of turbines and related equipment), distance from the proposed area to all property lines, and location of the driveway(s). No developed portion of the wind farm area may encroach into the required setbacks and any buffer area(s).
 - (2) Drawings. Provide the representative type and height of the wind turbine in the form of horizontal and vertical (elevation) to-scale drawings.
 - (3) Statement. Provide a statement, including the generating capacity of the turbines, dimensions and respective manufacturers of all generating systems and equipment, and a description of ancillary facilities.
 - (4) FAA Compliance. Provide proof of compliance with applicable Federal Aviation Administration regulations.
 - (5) "Mini Impact Analysis". An applicant for a Wind Farm shall include with the application an analysis of the potential impacts of the wind power project, proposed mitigating measures, and any adverse environmental effects that cannot be avoided within 1/4 mile of the site property line, in the following areas:
 - a. Demographics including people, homes, and businesses.
 - b. Noise.
 - c. Visual impacts.
 - d. Public services and infrastructure.
 - e. Cultural and archaeological impacts.
 - f. Recreational resources.
 - g. Public health and safety, including air traffic, electromagnetic fields, and security and traffic.
 - h. Additional or new hazardous materials.
 - i. Impact on tourism and community benefits.
 - j. Avian impact assessment that includes an indication of the type and number of birds that are known or suspected to use a project site and the area surrounding that site as well as known migration routes and patterns.
 - k. Wildlife impact assessment, including migration routes and patterns.
 - l. Rare and unique natural resources.
- (f) **Certificate of Public Convenience and Necessity.** An applicant for Wind Farm special use permit shall state in the application whether a Certificate of Public Convenience and Necessity for the system is required from the North Carolina Utilities Commission and, if so, the anticipated schedule for obtaining the certificate. The Town may ask the Utilities Commission to determine whether a Certificate of Public Convenience and Necessity is required for a particular wind power project for which the Town has received an application. The Town shall not approve a project requiring a certificate unless and until such certificate

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

is issued by the Utilities Commission.

(g) Installation and Design.

- (1) The installation and design of the wind generation facility shall conform to applicable industry standards, including those of the American National Standards Institute.
- (2) Attachment of a tower or supporting structure to a building of any kind shall be prohibited.

(h) Visual Appearance.

- (a) The wind turbine shall be constructed of a corrosion resistant material that will not fade, show rust spots or otherwise change the appearance as a result of exposure to the elements, and be a non-obtrusive color such as white, off-white or gray.
- (b) The wind turbine shall not be artificially lit, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.

- (i) Maintenance.** Any wind generation facility that is not functional shall be repaired by the owner within a 6-month period or be removed. In the event that the Town becomes aware of any wind farm that is not operated for a continuous period of 6 months, the Town will notify the landowner by certified mail and provide 30 days for a written response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Town deems the timetable for corrective action as unreasonable, the Town shall notify the landowner, and such landowner shall remove the turbine(s) with 180 days of receipt of said notice. Any disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(j) Decommissioning.

- (1) The applicant must remove the wind generation facility if, after the completion of the construction, the wind generation facility fails to begin operation, or becomes inoperable for a continuous period of one (1) year.
- (2) The one-year period may be extended upon a showing of good cause on appeal to the Town of White Lake Board of Adjustment
- (3) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application. Said plan shall include:
 - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for 12 months, etc.)
 - b. Provision for removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations.
 - c. Provision for restoration of property to condition prior to development of the wind farm.

ARTICLE 11: DEVELOPMENT REGULATIONS FOR SPECIFIC USES

- d. The time frame for completion of decommissioning activities.
 - e. Description of any agreement (i.e., lease) with landowner regarding decommissioning.
 - f. Clearly identify the party currently responsible for decommissioning.
 - g. Include plans for updating this decommissioning plan.
 - h. Before final electrical inspection, provide evidence decommissioning plan was recorded with the Register of Deeds.
- (k) **Special Use Permit Required:** The uses listed above shall be subject to special use permit procedures and requirements as set forth in this Ordinance. This shall also include those previously licensed and existing when one enumerated use is being applied for in lieu of or supplementary to another enumerated use requiring or for which a special use permit has been previously issued.
- (l) **Annual Report Required:** Permittees shall, annually on or before September 1st, provide the following information to the Town on a form provided by the Town:
- (1) the name, business address, and contact information of the owners of the property;
 - (2) the name, business address, and contact information for the lessee's or operators of all of the enumerated businesses;
 - (3) owners of the property;
 - (4) the name, number, date of issuance and date of expiration of all state, county, and municipal licenses held by the owner(s), lessee(s), and operator(s). Failure to provide such information may result in a hearing to consider whether the business or use is in compliance with this Ordinance and the special use permit.