

**ARTICLE XI
SUPPLEMENTARY USE REGULATIONS**

Section 158 Planned Residential Developments.

- (a) Planned residential developments (P.R.D.'s) are permissible only on tracts of at least five acres located within the RA-40, R-40, R-20, and R-10 zoning districts.
- (b) The overall density of a tract developed as a P.R.D. shall be determined as provided in Section 182.
- (c) Permissible types of residential uses within a P.R.D. include single-family detached dwellings two-family residences and multi-family residences. At least fifty percent of the total number of dwelling units must be single-family detached residences on lots of at least 7000 square feet.
- (d) A P.R.D. shall be an architecturally integrated subdivision (see Section 188).
- (e) To the extent practicable, the two-family and multi-family portions of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties.
- (f) In a planned residential development, the screening requirements that would normally apply where two-family or multi-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.
- (g) The two-family and multi-family portions of any planned residential development may be occupied only in accordance with a schedule approved by the planning board that relates occupancy of such portion of the PRD to the completion of a specified percentage or specified number of phases or sections of the single-family portions of the development. The purpose and intent of this provision is to ensure that the planned residential development procedure is not used, intentionally or unintentionally, to create two-family and multi-family uses in areas generally zoned primarily for single-family residential uses except as part of a well conceived planned residential development. In approving a proposed schedule the planning board may consider, among other factors, the number of dwelling units proposed for the single-family portions of the PRD, the nature and scope of the two-family and multi-family components of the PRD and the physical relationship of the two-family and multi-family components of the PRD to neighboring properties not within the PRD.

Section 159 Planned Unit Developments.

- (a) In a planned unit development, the developer may make use of the land for any purpose authorized in a particular P.U.D. zoning district in which the land is located, subject to the provisions of this ordinance. Section 138 describes the various types of P.U.D. zoning districts.
- (b) Within any lot developed as a planned unit development, not more than thirty-five percent of the total lot area may be developed for higher density residential purposes (R-8 or R-6), not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-2 or B-3 zoning district (whichever corresponds to the P.U.D. zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the LI zoning district (assuming the P.U.D. zoning district allows such uses at all).
- (c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for higher density residential purposes, lower density residential purposes, purposes permissible in a commercial district (as applicable), and purposes permissible only in an LI district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, higher density residential (R-8 or R-6), medium density residential (R-20 or R-10), and commercial or LI uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.
- (d) A planned unit development permit may be approved showing one or more portions of the tract as reserved for future development of a specified type (e.g. residential, commercial, or manufacturing). In such a case, no construction of any land may take place within such areas until the major development permit is amended to approve specific plans for such areas. Such an amendment shall be regarded as a major amendment and processed as provided in subsection 64(c).
- (e) The nonresidential portions of any planned unit development may be occupied only in accordance with a schedule approved by the Town Board that relates occupancy of such non-residential portions of the PUD to the completion of a specified percentage or specified number of phases or sections of the residential portions of the development. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development. In approving a proposed schedule, the planning board may consider, among other factors, the number of dwelling units proposed for the residential portion of the PUD, the nature and scope of the nonresidential portions of the PUD, the physical relationship of the nonresidential components of the PUD to neighboring properties not within the

PUD, and whether the nonresidential uses are to be located within pre-existing buildings or new construction.

Section 160 Temporary Emergency, Construction or Repair Residences.

- (a) Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.
- (b) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within nine months after the date of issuance, except that the land use administrator may renew such permit for one additional period not to exceed three months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.
- (c) Temporary residences shall be a Class A or Class B manufactured home; travel trailers or campers do not qualify. The applicant must obtain or have a valid residential dwelling building permit for the principal structure on the lot when applying for a permit for a temporary residence on the same lot.

Section 161 Special Events.

- (a) In deciding whether a permit for a special event should be denied for any reason specified in Subsection 54(c), or in deciding what additional conditions to impose under Section 59, the Town Board shall ensure that, (if the special event is conducted at all):
 - (1) The hours of operation allowed shall be compatible with the uses adjacent to the activity.
 - (2) The amount of noise generated shall not disrupt the activities of adjacent land uses.
 - (3) The applicants shall guarantee that all litter generated by the special event be removed at no expense to the town.
 - (4) The Town Board shall not grant the permit unless it finds that the parking generated by the event 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 to the beneficial use and enjoyment of their property.
- (b) In cases where it is deemed necessary, the Town Board may require the applicant to post a bond to ensure compliance with the conditions of the conditional use permit.

- (c) If the permit applicant requests the town to provide extraordinary services or equipment or if the town otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the town as appropriate a fee sufficient to reimburse the town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Section 162 Manufactured Homes.

- (a) All manufactured homes, whether located inside or outside of manufactured home parks, must have a continuous curtain wall, unpierced except for required ventilation and access, installed under the home after placement on the lot and before occupancy. With respect to class A and class B manufactured homes located outside of manufactured home parks, a permanent masonry curtain wall shall be required, however if stucco is used, it shall be applied to a masonry foundation only. In all other circumstances, a curtain wall or skirting composed of vinyl, masonite, fiberglass, treated lumber, or similar weather resistant material shall be acceptable; however stucco alone is unacceptable.
- (b) As indicated on the Table of Permissible Uses, Class C and Class D manufactured homes (those built prior to July 1, 1976 are not allowed in any zoning district (except as a legitimate, nonconforming use).
- (c) The Table of Permissible Uses indicates that certain classes of manufactured homes are permissible within certain districts only pursuant to a conditional use permit. Notwithstanding the provisions of sections 54 and 55, the town board may not issue a conditional use permit for such uses unless it makes an affirmative finding that the proposed use will not substantially injure the value of adjoining or neighboring properties. The burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 102(2), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may make the required finding.

Section 163 Live/Work Combination Dwelling and Nonresidential Use.

- (a) Live/work combination dwelling and nonresidential use are permissible in the _____, _____, and _____ zoning districts.
- (b) General Requirements:
 - (1) The occupant of the residence shall be the owner or manager of the nonresidential activity.

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(2) No more than 2 persons shall be employed other than those residing on the premises.

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(3) The development shall be organized as a condominium project.

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(4) A property owners' association shall be established in accordance with Section 68.

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(5) The number of dwelling units per acre shall not exceed the density for multifamily residences as delineated in Section 182, Residential Density.

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(6) Minimum recreational space shall be provided as required in Section

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(7) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection (6) above.

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1. Nonresidential Uses:

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Permissible nonresidential uses shall include offices and the following Business, Professional, and Personal Services uses:

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Accounting, Auditing or Bookkeeping

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Administrative or Management Services

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Bank, Savings and Loan, or Credit Union

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Barber Shop

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Beauty Shop

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Building Maintenance Services, No Outside Storage

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Clothing Alteration or Repair

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Computer Maintenance and Repair

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Computer Services

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Employment Agency, Personnel Agency

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Engineering, Architect or Survey Service

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Finance or Loan Office

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Furniture Repair Shop

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Insurance Agency

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Law Office

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Medical, Dental or Related Office

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Photocopying and Duplicating Services

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Photography, Commercial Art Studio

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Real Estate Office

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Shoe Repair

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Television, Radio or Electronics Repair

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The nonresidential use shall be compatible with a residential occupancy. The nonresidential activity shall be conducted wholly within the structure.

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(a) Access: The use shall have direct access to a collector or higher classified street. The use shall be located and sited so as to mitigate adverse impacts on adjoining residential properties.

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(b) Parking: Parking spaces, as required in Article XVIII, Parking shall be provided for the residence, the nonresidential activity, and any non-resident employees. Employee and customer parking may be consolidated into common parking areas located at strategic locations throughout the development.

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(c) Screening: All parking lots located on the perimeter of the development shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Article XIX, Screening and Trees

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(d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 7 am.

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(e) Noise: The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

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(f) Outside Storage: No outside storage or display of items associated with the use shall be permitted.

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(g) Signs: One identification sign, not to exceed six feet in height and twelve feet in sign area, is allowed for the development. There may also be one unlighted wall sign erected for each unit, not to exceed three feet in sign area.

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Recommendation to clean up Section 187 Cluster Subdivisions

2. General Requirements:

- (a) Residential cluster development is a type of residential development which allows the transferring of densities, dwelling units, from one area of a land parcel to another. Residential cluster development is to be considered as an alternative to conventional single-family detached or single-family attached.
- (b) All plans for residential cluster developments must receive a special use permit, and all site plans for cluster developments must be approved before any rezoning or development takes place.
- (c) The uses permitted within the residential cluster development shall be the same as those permitted in the zoning district in which it is located.

3. Density:

- (a) Cluster Development permits the transfer of density, dwelling units, from one portion of a land parcel to another, and will permit the clustering of dwelling units in one or more locations upon the property.
- (b) The development shall result in a permitted number of dwelling units which shall in no case exceed the number of dwelling units which could be permitted if the land was subdivided into single family detached housing lots conforming to the minimum lot size and density requirements of the zoning district or districts in which the land is located.
- (c) No lot may be reduced in size more than 40 percent below the conventional single family lot for the zoning district in which the residential cluster development is located.
- (d) Every parcel intending to be sold shall front on either a public street or common area to be owned by a homeowners association.
- (e) A minimum of three acres is required for every residential cluster development.

4. Common Areas: Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plat as an area to be held in separate ownership for the use and benefit of residents of the development.

- (a) Easements over the common areas for access, ingress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.

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(b) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.

(c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-7.3, H. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 5. (g) below.

(d) Common areas shall comply with the requirements of Section

5. Site Development Requirements:

(a) Parking: The minimum parking for the individual components of a residential cluster development shall be as required in Section, Parking spaces shall be designed in accordance with the requirements of Section

(b) Screening: Screening shall be provided in accordance with the requirements of Section. However, if a berm is determined to be an adequate alternative screening method as provided for in Section, the minimum height of the berm shall be six feet.

(c) Signs: Signs shall comply with the requirements of Section

(d) Area Lighting: Exterior lighting shall comply with the standards of Section

(e) Utility Requirements: Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the town's or health department's regulations, whichever is applicable.

(f) Private Streets: Private streets are allowed provided that they comply with the design and construction standards delineated in Section for private streets.

(g) Minimum recreational space shall be provided as required in Section

6. Site Plan Requirements:

The site plan shall show the location of the buildings, streets, alleys, walkways, parking area, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

(a) The proposed timing and schedule of development phases, if any.

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(b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.

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(c) Proposed provision for storm drainage and sanitary sewer, approved by a NC certified registered engineer

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(d) Size and proposed location of any signs.

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(e) Proposed solid waste storage facilities.

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(f) Proposed water system and firefighting facilities such as hydrants or sprinkler connections.

(g) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles).

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(h) Location and heights of all fences, walls and hedges shall be shown.

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(i) Provisions for control of water run-off and erosion.

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(j) Lighting plan

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(k) Location and amount of recreational area.

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(l) Residential sites: The site plan shall number and show the location and dimensions of residential sites within the development. A residential site is that property intended for conveyance to the fee simple owner for the purpose of construction thereon of a residence and shall be no less than 40 percent of the minimum lot size for a single-family lot in the zoning district in which the residential cluster development is located. The residential site may be on any larger size lot desired by the developer, provided that in this case the residential structure shall be located within the required setback areas from a public street right-of-way as set out for the zoning district in which the residential cluster development is located.

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All plans and construction details must meet the current specifications of the Town of Wingate.

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7. Homeowners Association:

(a) The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a legal entity before or as part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site. The homeowners association shall comply with the standards of Section 68.

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(b) The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas of assessments for a period of six months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, or assigns. The governmental authority may then either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

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▲ (c) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed, shall constitute a lien on the residence of the owner.

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▲ (1) Proposed Articles of Incorporation: Such articles of incorporation shall provide for homeowners' control when over 50% of the dwelling units are sold.

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▲ (2) Proposed Bylaws: Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.

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▲ (3) Proposed annual budget: A proposed annual budget shall show monthly assessments which must be set at a sufficient level to insure success of the association.

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▲ (4) Proposed restrictions and covenant for the common area and residential sites shall be written.

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(d) As a part of the approval process, the developer shall submit to the town the following documents for review:

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▲ (1) Proposed Articles of Incorporation for the association. Such Articles of Incorporation shall provide for homeowners control when over 50% of the dwelling units are sold.

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(2) Proposed bylaws of the association. Such bylaws shall provide for annual meetings of the association, election of officers and distribution of an annual financial accounting to members.

(3) Proposed annual budget of the association showing monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association and necessary capital expenses.

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Section 164. Manufactured Goods (Class I and Class II), Automobile Repair Shops, Automobile Body Shops, Craft Studios, Machine Shops, Printing, Publishing and Reproducing Establishments, and Welding Shops With all Operations Conducted Within an Enclosed Building.

As indicated in the Table of Uses, Manufactured Goods (Class I), Automobile Repair Shops, Automobile Body Shops, Craft Studios, Machine Shops, Printing, Publishing and Reproducing Establishments, and Welding Shops require a special use permit in the RA-40 zoning district. When located in the RA-40 zoning district, the above uses shall meet the following supplementary regulations:

- (a) No existing or proposed residential buildings shall be located within 500 feet of the proposed buildings (other than a residence owned by the applicant).
- (b) An opaque (Type A) screen shall be installed to shield neighboring property and any public street from the view of any building or parking area used for the proposed business.
- (c) The proposed use will not require and will not allow truck pick-up or delivery traffic before 7:00 a.m. or after 7:00 p.m.
- (d) The total gross floor area of any buildings that house the proposed use may not exceed 2,000 square feet.
- (e) The maximum square footage of sign surface area advertising the proposed use shall be sixteen square feet, and not more than one freestanding sign may be erected.
- (f) There shall be no outside storage of motor vehicles or parts thereof in connection with any Automobile Repair Shop or Automobile Body Shop.
- (g) The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 102(b), and stating that such property owners believe their property

values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may make the required finding.

Section 165. Automobile Service Stations, Automobile Car Wash (Class I and II), Convenience Stores (With or Without Retail Fuel Sales) and Mini-Marts, Express Fuels in the RA-40 District.

Automobile Service Stations, Automobile Car Wash (Class I and II), Convenience Stores (with or without retail fuel sales) and Mini-Marts, Express Fuels are allowed with a special use permit in the RA-40 zoning district. When located in the RA-40 district, the above uses shall meet the following supplementary regulations:

- (a) Gas sales and car washes are permissible only in combination with a convenience store.
- (b) The principal building that houses the use must be located so that (i) at least part of the building lies within a distance of 500 feet from the point formed by the intersection of the centerlines of two state maintained streets and/or within a distance of 50 feet of a building on that site that is used or has at some time since January 1, 1975, been used as a retail store, (ii) no part of the building lies within 500 feet of any pre-existing residence (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- (c) Structures or buildings constructed in connection with gas sales or car wash operations must be located so that (i) at least part of each such structure or building lies within 50 feet of the convenience store and (ii) no part of such building or structure lies within 500 feet of any pre-existing residence (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- (d) An opaque (Type A) screen shall be installed on all sides of the property that do not border public streets to the extent necessary to protect adjacent properties from any of the uses authorized herein.
- (e) The total gross floor area of any buildings that house the foregoing uses may not exceed the number of square feet equal to 0.0625 times the square footage of the lot on which the buildings are located.
- (f) The maximum square footage of sign surface area advertising the proposed use shall be thirty-two (32) square feet and not more than one free standing sign may be erected.

Section 166 Superstore. Reserved.

- (a) Superstores are permitted in the and zoning districts.

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(b) General Requirements:

▲ (1) Superstores are defined as freestanding department, variety, or general merchandise stores that are in excess of 50,000 square feet of gross floor space.

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▲ (2) Minimum Building Setbacks: Superstores that are adjacent to or across a public road right-of-way from a residential zoning district shall provide a minimum building setback of 60 feet.

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▲ (3) Floor Area Ratio: The maximum floor area ratio shall be 0.30. Floor area ratio is the gross floor area of all buildings or structures on a lot divided by the total lot area.

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▲ (4) Vehicular Access: The use shall have direct access to a NC or US-numbered highway that has the capacity to accommodate the additional traffic, including truck traffic, projected to be generated by the superstore.

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▲ (5) Outdoor Storage: The outdoor area devoted to the display of retail goods shall be limited to a maximum 15 percent of the net developable lot area and shall be completely enclosed by a wall and landscaped in accordance with the provisions of **Section**. All refuse shall be contained in completely enclosed facilities. Trailers used for the temporary storage of retail goods shall not be permitted.

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▲ (6) Driveways and Curb Cuts: On a corner tract, no driveway shall be located closer than 75 feet to the closest right-of-way line extended from the intersecting public or private road. No driveway shall be located closer than 25 feet to a side or rear lot line, unless a common driveway serves adjacent uses, and in no instance shall the distance between separate driveways serving adjacent uses be less than 125 feet.

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▲ (7) Impact Assessments: A traffic impact assessment shall be provided in accordance with NCDOT standards and specifications for traffic impact assessments.

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▲ (8) Open Space Requirements: A minimum of 20 percent of the gross site area shall be landscaped open space.

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▲ (9) Building Materials: New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. Building facades that extend greater than 100 linear feet shall incorporate into the

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design recesses and projections to cover at least 20 percent of the total building frontage. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.

(10) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.

(11) Outdoor Lighting Standards: 90 percent cutoff on pole lighting; a maximum height of 30 feet on all pole lighting; colors and elevation details of poles and fixtures are to be standard aluminum gray or black; no lighting elements shall be directly visible from any public roadway, sidewalk, or adjacent property; any floodlighting attached to the building walls shall be angled so as to not cast light directly onto adjacent properties and/or road rights-of-way.

(12) Architectural Rendering: An architectural rendering of the proposed superstore development shall be submitted for review at the time of site plan submission.

(13) Pedestrian facilities: Sidewalks or paved pedestrian paths shall be provided from the parking lot to the entrances of the principal building to ensure a safe separation of vehicular and pedestrian traffic.

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Section 167 Temporary Structures Other Than Residences.

As indicated in the Table of Uses, temporary structures used in connection with the construction of a permanent building or for some other non-recurring purpose, and not used for residential purposes, are permissible with a zoning permit in all districts. However, such uses are subject to the following requirements:

- (a) Upon the expiration of a permit or when the original reason for the temporary structure no longer exists, whichever occurs first, the structure shall be removed forthwith.
- (b) Temporary structures erected or located within residential developments and used as construction or sales offices in connection with such developments may not be used as offices relating to construction of or sale within any other development.

Section 168. Automobile Service Stations, Automobile Car Wash (Class I and II), Convenience Stores (With or Without Retail Fuel Sales) and Mini-Marts, Express Fuels in the RA-40 District.

Agribusiness uses are permissible within the RA-40 district pursuant to a special use permit only if the proposed use satisfies the following requirements:

- (a) The lot where the agribusiness use is located must have sufficient frontage along an arterial street or major arterial access street so that the principal means of ingress and egress for the use lies along such street.
- (b) No building or structure that houses any part of the agribusiness use may be located within 500 feet of any pre-existing residence (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- (c) An opaque (Type A) screen shall be installed on all sides of the property containing the agribusiness use (except a side that borders a public street) to the extent necessary to protect adjacent properties from the agribusiness use.
- (d) The proposed use shall comply with the standards applicable to uses in commercial districts as set forth in Section 173.
- (e) The proposed use will not substantially injure the value of adjoining or neighboring properties, and the burden of proof on this issue lies with the applicant. However, if the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 102(b), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may make the required finding.
- (f) The maximum square footage of sign surface area advertising the proposed use shall be thirty-two (32) square feet, and not more than one free standing sign may be erected.

Section 169 Highway Corridor Overlay District Requirements—Reserved. (See supplemental Material)

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The Highway Corridor Overlay (HCO) District, as described in Section 141A, is established to provide specific appearance and operational standards for specifically designated highway corridors while accommodating development along the corridors. All uses, with the exception of single-family detached dwellings and two-family dwellings located on their own separate lots, proposed to be located in the Highway Corridor Overlay District are subject to the additional requirements of this Section. All buildings, parking and loading areas, or open uses of land which are expanded in excess of 3,000 square feet of their gross square footage after the effective date of this Ordinance are subject to the requirements of this Section. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.

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(a) Procedures

(1) The applicant shall submit a site plan of the parcel and the proposed use to the Land Use Administrator. The Town Board shall review the site plan in accordance with the provisions of this Section. Approval of the site plan and the proposed uses by the Town Board authorizes the issuance of a zoning permit or special use permit.

(2) Permits are issued at each phase of development and only in accordance with the approved site plan.

(3) If a site plan was approved and a use permit was issued for the development of a lot or lots, no subsequent change or expansion which was not shown on the site plan shall be allowed unless also approved by the Town Board.

(b) General Standards

(1) A site development plan shall provide for the following:

a. The location, orientation, height, floor area, and use or proposed structures and the location height, floor area, and use of any existing buildings;

b. A general schematic landscape plan and the location of buffer yards as required in this Section;

c. The planned vehicular circulation system including all ingress and egress points, and pedestrian walkways;

d. The location, character, and scale of parking, loading, maintenance, trash/refuse, and service areas;

e. Identification of surrounding land uses and zoning classifications;

f. The proposed treatment of the perimeter of the development including walls, fences, vegetative screens, and buffers;

g. The location of existing and proposed outdoor lighting standards; and

h. The location, type, and dimensions of all existing and proposed signs.

(2) A traffic analysis indicating the estimated effect of the proposed development on adjacent existing road traffic, including volume flows to and from the development prepared by a registered professional engineer shall be submitted along with the site plan.

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- (3) A preliminary plan or engineering feasibility report providing for the site grading, landscaping, storm drainage, sanitary sewerage, and water supply prepared by a licensed professional engineer shall be submitted along with the site plan.
- (4) The building design and architectural character standards delineated in Section 194 shall apply to all structures in the HCO.

(c) Prohibited Uses

The uses permitted within the HCO District shall be the same as those allowed in the underlying zoning district as shown in Table 10-1, Table of Permitted Uses except that the following uses are specifically prohibited within the HCO District:

- (1) Outdoor flea markets and outdoor retail sales.
- (2) Outside storage, except as a permissible accessory use and then only when located in the rear of a structure and screened from the view of the public and adjoining properties.
- (3) Race track operations.
- (4) Mining uses.
- (5) Theater (outdoor).
- (6) Solid waste disposal sites.
- (7) Scrap and waste materials; used motor vehicle parts (wholesale trade of)
- (8) Outdoor manufactured home sales and display lots.
- (9) Asphalt products processing.

(d) Lot Coverage

The maximum lot coverage by total impervious surfaces such as rooftops, paving, walkways, etc. shall be 50 percent of the lot area except when stormwater is retained or detained on the site. Any additional runoff resulting from lot coverage in excess of 50 percent must be compensated for by such on-site detention or retention measures.

(e) Streets and Access

- (1) Each building lot shall be limited to two points of ingress and egress from the abutting highway. Additional points of ingress to and egress from an access road or highway shall not be allowed unless necessary to improve traffic movement or safety, increase sight distances, or similar reasons and specifically approved by the Town Board and the NCDOT.

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(2) Ingress to and egress from a corner lot or lots may be limited to the feeder road and shall be prohibited within 150 feet of the intersection along the highway.

(3) All new driveway access shall be permitted in accordance with the NCDOT 'Policy on Street and Driveway Access to North Carolina Highways' Rev. Jul. 03'.

(4) If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress on such roads are provided and maintained consistent with the regulations and intent of this Section.

(5) On lots that are developed for commercial and/or industrial use, stub outs will be required for interconnectivity to abutting lots or for future development of the remainder of the parcel.

(6) All roads, including frontage roads, rear access roads, and culs-de-sac roads shall be approved by the Town of Wingate and North Carolina Department of Transportation, if applicable, and dedicated to the public.

(f) Driveway Spacing Standards

The spacing standards of this Section are intended to improve the compatibility of roadside uses with adjacent highways by ensuring the separation and proper location of ingress and egress.

(1) The spacing requirements for lots with direct points of ingress and egress to highways shall be a minimum of 600 feet.

(2) The spacing requirements of this Section shall be measured from the centerline of the nearest points of ingress and egress.

(3) Where topography, line of sight distances of motorists, vegetation, geological formations, or other site characteristics are such that strict adherence to spacing dimensions would impose unnecessary hardship upon the permit applicant or undue hazard to the motoring public, the Town Board may authorize a decrease in the spacing dimensions of up to 20 percent, provided that a record of why such decrease is necessary is made a part of the permit and the reduced spacing is also approved by the NCDOT if applicable.

(g) Parking and Loading Areas

(1) Parking lots shall be located to the side or rear of structures.

(2) Loading docks, service areas, and trash facilities shall be located at the rear of structures, and shall not be visible from the street.

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(3) Parking and loading areas shall be screened from abutting properties in accordance with the requirements of Section 60.

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(h) Landscaping

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(1) Streetscape buffer yards adjacent to the rights-of-way of highways designated in Section 141A shall have a minimum width of 30 feet unless a wider buffer yard is required by Section 60. The streetscape buffer shall extend along the entire frontage of the lot abutting the highway corridor except where driveways are permitted.

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(2) A required streetscape buffer yard may be used for signage, walkways, fountains, lighting standards, flagpoles, and other amenities provided that no more than 15 percent of the buffer yard is covered with impervious surfaces. Parking lots, loading or service areas, storage areas, or display areas are not permitted within the minimum street buffer yard.

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(3) A required streetscape buffer yard shall comply with the requirements of Section 60 except that the additional minimum standards shall also be applicable to properties in the HCO District:

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a. Two canopy trees for every 40 linear feet of highway frontage;

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b. Two understory trees for every 20 linear feet of highway frontage; and

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c. Thirty-four shrubs for every 100 linear feet of highway frontage.

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(4) All tree and plant material selections shall be native or adaptable to the Wingate region and its climate

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(5) All portions of the streetscape buffer yard not planted with trees or shrubs or covered by a wall, driveway, or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

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(6) When the required landscaping improvements have not been completed prior to the issuance of a building Certificate of Occupancy, the developer shall provide a guarantee in accordance with the requirements of Section 60.

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(7) Where overhead utility lines are present, the Land Use Administrator may approve smaller species of trees or accept alternative planting locations.

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(8) Under certain circumstances, the application of the standards delineated above may either be inappropriate or ineffective in achieving the purposes of this subsection. When landscaping or screening is required by this Section or by other provisions of this Ordinance and the site design, topography, unique relationships to other properties, lot configuration, spatial separation,

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natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific alternative plan for landscaping screening to the Land Use Administrator. This plan must demonstrate how the purposes and standards of this subsection will be met by measures other than those listed above. If approved by the Land Use Administrator, the alternative screening plan may be utilized to meet the requirements of this subsection.

A combination of natural vegetation, fences, walls and berms may be utilized to achieve the screening requirements of this subsection, provided that the following standards are met:

a. Walls (a minimum of 5 feet in height and constructed of masonry, stone or pressure treated lumber) or an opaque fence (a minimum of 5 feet in height) may be used to reduce the width of the street buffer yard required in subsection (h) (1) above.

b. Wall planters shall be constructed of masonry, stone or pressure treated lumber and shall have a minimum height of 30 inches. The minimum height of shrubs in wall planters shall be 6 inches. The effective planting area of the wall planter shall be 4 feet in width (7 feet if the wall planter contains trees).

c. Any berm utilized for screening purposes shall have a minimum height of 3 feet, a minimum crown width of 3 feet, and a side slope no greater than 3:1.

(9) To ensure that landscape materials do not constitute a driving hazard, a horizontal and vertical sight distance easement, as defined in Article II, Basic Definitions and Interpretations, will be observed at all intersections of driveways with streets. Sight distance easements shall meet the requirements of this Ordinance or that of the North Carolina Department of Transportation, whichever is more stringent. Landscaping shall not obstruct the views of motorists using any street, private driveway, parking aisle or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety upon any such street, driveway, parking aisle, or street intersection. It is the responsibility of the owner to trim vegetation and trees adjacent to a public street.

(i) Outdoor Lighting

All outdoor lighting shall be shielded in such a manner that no direct glare from the light source can be seen from a major highway or from above. Parking lot and perimeter lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining

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roadways and properties. Lighting levels shall comply with the requirements of Section 195A, Outdoor Lighting.

(j) Signs

(1) Signs shall be architecturally compatible with the style, composition, materials, colors, and details of the structure as well as with other signs used on the structure.

(2) Prohibited signs include:

a. Changeable copy signs (message boards) except for fuel pricing and church identification signs.

b. Electronic changeable copy signs except for time and temperature signs which do not exceed 15 square feet of copy area.

c. Outdoor advertising signs (billboards).

d. Flashing signs.

e. Neon signs except those attached inside of a window.

f. Portable signs.

g. Roof-mounted signs.

(3) Freestanding signs shall be limited to one ground mounted sign per street frontage that does not exceed 4 feet in height and 32 square feet per side or 64 square feet total maximum sign area.

(4) Wall signs are limited to 1 wall sign per building frontage. There shall be no more than 1.0 square feet of wall sign surface area per linear foot of building frontage not to exceed a total of 100 square feet.

(5) Signs shall comply with all other requirements of Article XVII, Signs.

(k) Multiple Frontages

The subdivision of land with multiple smaller parcels having frontage on the roadway along the corridor shall not be allowed in a HCO district. Development shall be required to have shared access to the roadway as approved by the Town and the NCDOT.

(l) Lateral Vehicular Access

All new nonresidential development shall provide lateral vehicular access to adjacent property which is either:

(1) currently used for nonresidential use or

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(2) currently zoned for nonresidential use.

Lateral access shall be indicated and labeled clearly on the site plan by showing the appropriate connections to adjoining properties.

(m) Convenience Stores with Fuel Pumps and Gasoline Service Stations

(1) Buildings: Convenience store and gasoline service station buildings shall comply with the following standards.

a. Buildings shall have hip or gable roofs with natural earth tones, white, black, or shades of gray. Flat roofs are prohibited;

b. Buildings shall be constructed with natural earth tone brick or with masonry which is painted with natural earth tones, white, black, or shades of gray; and

c. Building soffit lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground surface, a distance of twenty feet from the edge of the soffit, shall not exceed twenty footcandles.

(2) Canopies

a. No canopy fascias shall be internally lit;

b. The maximum area of signage affixed to each side of a canopy shall not exceed twenty square feet or twenty-five percent of the canopy fascia, whichever is less;

c. Canopy lighting shall include diffusers that minimize glare to adjoining roadways and properties. Lighting levels measured at the ground surface, beneath the edge of the perimeter of the canopy, shall not exceed twenty footcandles; and

d. Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.

(3) Fuel Pump Islands

If fuel pumps are not located to the rear of the principal building, as viewed from the highway corridor, the street planting yard shall contain 2 additional understory trees for every 100 linear feet. Trees and shrubs located in the street planting yard shall be equally spaced throughout the yard to achieve an effective screen.

(n) Building Design

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- (1) Corrugated metal siding is prohibited if visible from the highway corridor unless the siding meets the following specifications:
 - a. Corrugations on the exterior face do not exceed five-sixteenths inch (5/16") in depth; and
 - b. Fasteners used to attach siding to structural members are concealed from view from the exterior.
- (2) No awnings or canopy fascias shall be internally lit.
- (3) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.
- (4) Building color schemes shall blend in with surroundings. Multiple colors and garish or unusual patterns or geometric shapes shall be avoided.
- (5) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with subsection (3) above shall be achieved and approved by the Town Board prior to installation.
- (6) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances from view from the highway corridor.

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Section 170 Reserved.

Section 171 Mining.

The Table of Uses indicates that mining in all districts other than the HI district is permissible with a conditional use permit. However, this shall be so only with respect to property that has been brought within a mining overlay district (see other regulations in Section 141), and then a conditional use permit may be issued only if the applicant demonstrates compliance with the following conditions:

- (a) The area for which the state or federal mining permit is granted must be greater than 10 acres;
- (b) Mining shall be on an industrial extraction basis only and shall not be permitted by hobbyists or others not engaged in the mineral extraction business;
- (c) The edges of any extraction area where mining is allowed shall be at least 50 feet from all property lines and at least 150 feet from any residence;
- (d) Fencing as determined by the Board of Commissioners shall be erected and maintained;

- (f) If at any time the state and/or federal agencies revoke any of the required permits it has issued for the mining operation, said revocation shall cause the conditional use permit to become null and void;
- (g) The conditional use permit shall be valid only for a period of one year from the date the same is granted. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Commissioners for a new permit.

Section 172 Bed and Breakfast Inns in the R-40, R-20, and R-10 Zoning Districts.

- (a) As indicated in the Table of Uses, bed and breakfast establishments are permissible with a conditional use permit in R-40, R-20, and R-10 zoning districts and with a zoning permit in most business districts. The remaining provisions of this section apply just to such uses in the R-40, R-20, and R-10 zoning districts.
- (b) The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
- (c) Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated.

Section 173 Manufacturing/Processing Uses in Commercial Districts.

While the Table of Uses indicates that certain uses are generally permissible within one or more commercial zoning districts, such uses shall be permissible only subject to the following limitations:

- (a) No such use is permissible within any commercial zoning district if it generates or omits any smoke, noise, vibration, offensive odor, or electrical disturbance that adversely affects any other use that is located (i) outside the boundary of the immediate space occupied by the use if that use is one of several located on a lot, or (ii) beyond the lot boundary line of the use if it is the only enterprise located on a lot.
- (b) In no case shall any use listed in Section 170 as permissible only within the HI zoning district be permissible within any commercial zoning district.

Section 174 Commercial Greenhouses.

Commercial greenhouses with on premises sales shall be permissible (with a conditional use permit) in the R-40 zoning district only on lots that have street frontage along an arterial street (See Section 210(b)(1)).

Section 175 Special Setbacks for Livestock, Horse Stables, and Poultry.

- (a) No person may keep livestock or poultry within 150 feet from any lot line of property owned by another. Nothing in this subsection shall be construed as authorizing poultry or livestock to be kept except where such uses are authorized as an Agricultural Use, Class II.
- (b) Horseback riding stables are subject to the following requirements:
 - (1) The tract must contain at least one acre for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months.
 - (2) The structure that houses a horse must meet the following minimum setback requirements: (1) 50 feet from adjacent property lines; (2) 100 feet from pre-existing adjacent residences; and (3) 30 feet from the principal structure when the structure that houses a horse is accessory to a residential structure. In addition, the structure that houses a horse must be located in the rear yard when accessory to a residential structure and the tract is less than four (4) acres.
 - (3) The number of horse stalls permitted shall not exceed the number of horses permitted by this Ordinance.
 - (4) Any outdoor lighting shall not shine directly into a public right-of-way or into residential structures.

Section 176 Special Setbacks For Cemeteries.

Cemeteries must be set back at least 40 feet from adjacent property lines and street rights-of-way.

Section 177 Electric Substations.

Electric substations are permissible in all zoning districts as a permitted use subject to the following supplementary requirements as well as other relevant provisions of this ordinance:

- (a) All structures shall maintain a minimum front yard setback of one hundred (100) feet measured from the highway right-of-way to the required fence enclosing said structure.
- (b) The design of structures shall conform as closely as possible to the character of the neighborhood in which located.

- (c) Fences which are not easily climbed and other safety devices shall be installed and maintained around electric substations in order to make such facilities inaccessible to the general public.
- (d) Screening as required in Article XIX shall be installed and maintained to blend in with the surrounding area. The extent of said screening shall be measured twenty (20) feet in all directions from the required fencing.

Section 178 Temporary Dependent Care Residences.

- (a) In all residential districts and the HC district, not more than one Class B manufactured home may be permitted in a rear yard on a temporary basis, provided the Town Board issues a conditional use permit after finding that a personal hardship situation justifying such a conditional exception exists. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building. A monetary hardship does not qualify as a personal hardship.
- (b) Conditional use permits authorizing the use may be issued in such cases for six months, but may be renewed for successive six month periods for so long as the hardship continues to exist. Application for renewal of the permit shall be made at least thirty days prior to the expiration date.
- (c) All such manufactured homes must have access to approved water and sewer systems and such manufactured homes must be maintained so as not to create nuisance conditions.
- (d) Temporary residences authorized under this section shall not be subject to the density limitations set forth in Article XII but shall be subject to applicable setback requirements.

Section 179 Uses on Periphery of B-6.

Notwithstanding the provisions of the Table of Uses, within the B-6 zoning district no building or non-residential parking lot may be constructed within 200 feet of the lot line of any property that is not zoned B-6 unless:

- (a) The proposed use associated with the building or parking lot is also permissible on the adjacent property in question; or
- (b) The permit applicant demonstrates that the proposed building or parking lot will not substantially injure the value of such property. If the applicant presents a petition, signed by the owners of all properties having one or more lot lines

located within 200 feet of the proposed building or parking lot and stating that such property owners believe their property values will not be adversely affected by the proposed use this shall be sufficient evidence from which the permit issuing authority may make the required finding.

Section 180 Landfills Other Than County Owned and Operated.

- (a) Except for reclamation landfills of less than one acre for noncommercial use and onsite demolition landfills, any private or commercial landfill over one acre in size, whether a permitted or special use must satisfy the following requirements:
 - (1) Screening - Existing trees and vegetation must be maintained within one hundred feet of adjoining property lines and any public street right-of-way. Where the natural growth within one hundred feet of the adjoining property line or right-of-way does not comply with the semi-opaque or Type B Screen standard of Section 307(2) to effectively screen the landfill site from the view from adjoining properties or right-of-way, then natural screening in accordance with the requirements of Section 307(2) must be provided. Access to the site may cross this 100 foot area.
 - (2) Hours of Operation - Landfills may only operate from 8:00 a.m. until sunset. Sunday operation is prohibited.
 - (3) Yard Requirements - Unless a written waiver is granted by the adjacent property owner, no portion of any landfill may be located within 100 feet of any exterior property line. This includes, but is not limited to, structures, offices, equipment storage, parking areas and fill areas, except that access drives may cross this area. Operation within 100 feet of an exposed body of water or mine shaft opening shall be prohibited with no exceptions.
 - (4) Access - Vehicular access to the landfill site must be provided from a state maintained road, but in no instance shall such road qualify as a residential local or residential collector street, as defined by the North Carolina Department Transportation. Access from the state maintained road must be paved with asphalt or concrete for the first 25 feet and to a minimum width of 20 feet. If a shared easement, right-of-way, or driveway provides access, such roadway shall be surfaced with asphalt or concrete to a minimum width of 20 feet in order to provide protection against potholes, erosion and dust, and shall be maintained by the landfill operator up to such landlocked parcel. Although not required to be paved, all other roads within such site must be maintained so as to minimize airborne particles. A metal fence and gate, sufficient to block access to the site, shall be located at the entrance(s) to the landfill site and shall be locked when the landfill is not in operation. A sign not exceeding 32 square feet shall be placed at the entrance(s) detailing the name, hours of operation, and types

of waste allowed. An attendant must be on-site during all hours of operation.

- (5) Flood Area - No filling of any type shall be allowed in any portion of a regulatory floodway.
 - (6) The landfill site shall permanently close when the reclamation area or landfill site has been filled or reached capacity.
 - (7) Sedimentation/Erosion Control - Before any permit is issued or any work commences, the operator shall file with the Land Use Administrator a copy of the approved sedimentation/erosion control plan and letter of approval from the North Carolina Department of Environment, Health, and Natural Resources.
 - (8) Health Permits - Landfill operations must maintain a valid permit from and comply with the standards of the Union County Health Department and the State of North Carolina as applicable.
 - (9) Site Recordation - A plat map and/or metes and bounds legal description designating the lot and landfill boundary area shall be recorded in the Union County Register of Deeds prior to the issuance of a zoning compliance permit by the Land Use Administrator.
 - (10) Violations - Violators shall be penalized under Article VII of the Town of Wingate Land Use Ordinance.
- (b) On-site demolition landfills and reclamation landfills less than one acre for noncommercial use shall be permitted in all zoning districts subject to the following provisions:
- (1) Landfill operations must maintain a valid permit from and comply with the standards of the Union County Health Department and the State of North Carolina, as applicable.
 - (2) No such site may be operated for more than 24 months, after which time it must be closed in an approved fashion.
 - (3) The location of any such site must be indicated on any required final subdivision plat. Further, even where no subdivision plan is required, the owner of any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the site from the developer. Such site must be recorded by metes and bounds legal description as part of the deed for the lot or parcel and/or be recorded by a plat map. The zoning compliance permit shall not be issued until proof of recordation is presented to the Land Use Administrator.

- (5) No portion of any such site may be located within 15 feet of any exterior property line of a subdivision or any un-subdivided parcel.
- (6) Any on-site demolition waste disposal site which is located in an industrial district or industrial park shall be exempt from the 24 month closing requirement provided that no portion of the site is located within 100 feet of any adjoining existing residence or residentially zoned property.

Section 180A Equestrian Oriented Subdivisions

- (a) Equestrian Oriented Subdivisions are developments which are of a residential nature, are designed with particular emphasis placed on equestrian activities and provide such facilities as community stables, riding rings, pastures, game fields, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted as a major development in the RA-40, RA-20, R-40 and R-20 Districts, subject to the following conditions:
 - (1) All buildings and structures related to the care of horses and to the operation of the riding facilities shall be located no nearer than one hundred (100) feet to any property line outside the development.
 - (2) Generally, riding trails shall be located within the interior of the development and should not extend along adjoining property lines. Where a proposed trail is to be located along the exterior property line of the project, such trail shall be a minimum of thirty (30) feet wide with adequate fencing provided to maintain all equestrian traffic within the project.
 - (3) Private stables for horses on residential lots shall comply in accordance with Section 150(c)(8), being accessory to the residential structure.
 - (4) No minimum shall be placed on the number of horses boarded by the community stable. However, the site shall be of adequate size to handle the horses housed on-site and properly maintained to protect adjacent uses from adverse effects.
- (b) A major development for an Equestrian Oriented Subdivision shall delineate the following in addition to other subdivision requirements:
 - (1) Lots to have private stables shall be designated and the general area which such stables may be located shall be indicated.
 - (2) All proposed community riding facilities, including community stables, riding rings, pastures, game fields, and riding trails. A written statement describing the proposed means of ownership and proposed program for the maintenance of these facilities shall be included.

- (3) The location and design of any walls, fencing, or screen planting proposed.
- (c) A subdivision of record shall file for a conditional use permit when considering equestrian oriented status. Notice shall be sent by first class mail to each owner of a lot within said subdivision. The petitioner(s) shall furnish such listing. The permit shall not be issued upon objection by any one lot owner within said subdivision who submits a letter signed before a notary public which letter states opposition to the issuance of the permit. If such designation is granted, the provisions of this section shall apply and a site plan review by the land use administrator including details found in subsection (b) and any other material deemed pertinent shall be required.

Section 180B Golf Driving Ranges (not accessory to a golf course) and Par 3 Golf Courses.

Golf driving ranges and par 3 golf courses are permissible, pursuant to either a conditional use, zoning, or major development permit. The proposed use shall satisfy the following requirements.

- (a) Lighting must be directed away from residential areas or shielded to protect them such that the use does not substantially interfere with the use or enjoyment of neighboring properties.
- (b) An opaque (Type A) screen shall be installed on all sides of the property that do not border public streets to the extent necessary to protect adjacent properties from any of the uses authorized herein.
- (c) The maximum square footage of sign surface area advertising the proposed use shall be sixteen square feet within a residential zone. Signage within a commercial zoning shall continue to utilize the computation formula under Article XVII Signs.
- (d) Vehicular access to a site with residential zoning shall be provided from a minor collector thoroughfare or higher road classification as specified in the Wingate Thoroughfare Plan, and not from local residential streets.
- (e) Within a residential zone, no accessory use, such as snack bars, club houses, and pro shops, shall be closer than 300 feet, and no parking area shall be within 200 feet, of any pre-existing residence (other than a residence owned by the applicant), or a residence under construction on the date the permit is issued.
- (f) Netting shall be placed where necessary to keep golf balls within the golf driving range and off adjacent property.
- (g) No green (par 3 golf course) shall be nearer to any property line than 100 feet.

- (h) (8) The depth of a golf driving range along the driving axis shall be not less than 350 yards measured from the location of the tees and the breath not less than 200 yards at a distance of 350 yards from the tees.
- (i) Within a residential zone, there shall be a ten acre minimum area requirement.

Section 180C Adult Use Establishments, Adult Hotel/Motels, Adult Video Stores, and Adult Lingerie Modeling Studios.

The purpose of this section is to provide areas in which adult entertainment or sexually oriented business may be established. Because of their very nature, these adult uses/establishments, adult hotel/motels, adult video stores, and adult lingerie modeling studios, are recognized as having serious objectionable operational characteristics upon adjacent neighborhoods and residential or institutional uses. It has been demonstrated that the establishment of adult businesses often creates problems for law enforcement agencies, by the very nature of these businesses and the difficulty often experienced in trying to determine if the operations are of a legal nature. Conditional regulation of these establishments is necessary to insure that these adverse affects will not contribute to a de facto downgrading or blighting of surrounding neighborhoods and uses. It is the intent of this section to restrict the concentration of these uses and to separate these uses from residential and institutional uses or areas.

- (a) All adult uses/establishments, adult hotel/motels, adult video stores, and adult lingerie modeling studios must obtain a conditional use permit and meet the following supplementary regulations. In addition, a site plan and vicinity map along with any other information as required by this ordinance, must be submitted to the land use administrator to verify compliance.
 - (1) Advertisements and Sound - no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of any adult use/ establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio. Nor shall any live or recorded voices, music, or sound be heard from outside the walls of the adult/use establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio.
 - (2) Overconcentration - no more than one (1) adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio shall be located in any two thousand (2000) foot radius. This is determined by straight line and not street distance to any portion of the adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio structure or parking area.
 - (3) Proximity to Other Uses - no adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio shall be located within a two hundred fifty (250) foot radius of any residential zoning district (R),

residence, church, synagogue, temple, or other place of worship, school, day care, public park or playground. This is determined by straight line and not street distance to any portion of the adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio structure or parking area.

- (4) Except for an adult hotel/motel, no adult use/establishment, adult video store, or adult lingerie modeling studio may have sleeping quarters or private rooms.
- (5) There shall not be more than one adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio on the same property or in the same building, structure, or portion thereof.
- (6) The maximum total floor area of any allowed adult use/establishment, adult hotel/motel, adult video store, or adult lingerie modeling studio shall not exceed 1,000 square feet.

Section 180D Industrial Parks or Planned Industrial Development (PID).

Whenever an Industrial Park or Planned Industrial Development (PID), being located within an HC, LI, HI, or PID zoning district is developed, the following criteria shall govern outside storage:

- (a) Lots which are interior to the development and serviced by interior roads, shall not require a conditional use permit, subject to subsection (3), but shall require site plan approval by the land use administrator.
- (b) Lots which border adjacent properties shall require conditional use permits.
- (c) Where lots internal to the development propose outside storage of a hazardous substance, as defined in Section 15, conditional use approval shall be required. The applicant for conditional use permit shall submit plans indicating proposed control methods.
- (d) The tract shall be at least fifty contiguous acres in size, under single ownership.
- (e) The development shall be developed in accordance with a comprehensive and unified scheme of development covering the entire tract.
- (f) The development shall consist of a single principal use or a combination of principal uses consisting of wholesale sales, and manufacturing uses.
- (g) The development shall be developed according to building height, setback and other regulations applicable to the LI zoning district.

Section 180E Telecommunications Towers and Facilities

- (a) If it is determined that telecommunications providers cannot 1) provide an adequate service level from co-locating on an existing telecommunications tower, 2) locate on an existing electrical transmission tower or similar structure, or 3) locate camouflaged stealth antennae on or within an existing structure, then new telecommunications towers and equipment facilities will be allowed as a use by right in the Business and Industrial zoning districts, subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this Ordinance. For providers that are looking to co-locate their antennae and equipment facilities on Town owned property (such as water tanks/towers) or on Duke Electrical transmission lines, a conditional use permit is required. For all other providers looking to co-locate their antennae on existing towers, this shall be allowed as a use by right. The following regulations apply to all providers:
- (1) In all Business and Industrial zoning districts telecommunication towers shall be of a monopole design and construction, unless a stealth camouflaged tower is chosen. A lattice-type tower will be allowed only when a monopole design is not available to satisfy the required height requirements. Documentation that monopoles of a certain height are not available shall be required to obtain approval for a lattice-type tower. All monopoles must be designed to 'telescope' or collapse inward unless documentation can be provided to prove that such design is not feasible.
 - (2) It is the intent of Wingate to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Wingate. New communications towers shall be capable of supporting additional communications antennas. This will assist Wingate in reducing the total number of towers in the Town. Wingate requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the permit process.
 - (3) The maximum allowable height of a tower is 199.9 feet (including lighting or lightening rods or any appendage) in all Residential (RA-40, RA-20, R-40, R-20, R-10, R-8, R-6). The maximum allowable height of a telecommunications tower is 300 feet (including lighting or lightening rods or any appendage) in all Business (B-1, B-2, B-3, B-6, and HC) zoning districts and in the Industrial (LI, HI) zoning district. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

- (4) Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve (12) feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.
- (5) Telecommunications antennae which can be placed in or on an existing structure or telecommunications towers which can be camouflaged to resemble a tree or to otherwise blend into the surrounding area are highly encouraged. Also, towers which are located in a stand of trees, rather than in an open field, are preferred.
- (6) In the Business and Industrial zoning districts, only stealth towers may be permitted on roofs or walls with an approved permit after submittal of a report by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antennae to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated.

Stealth towers on roofs may be allowed when the tower height 1) does not exceed more than 30% of the height of the building, or 2) is no more than 50 feet above the building/structure, whichever is less. Stealth towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

- (7) Wingate recognizes that a telecommunications facility (the original tower and antennae provider as well as any co-location entities) cannot be prohibited nor can a conditional use permit be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the Federal Radio Frequency Emission Standards. Wingate requires that each applicant for a permit must provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- (8) All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.

- (9) A minimum eight foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The land use administrator may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

Note: Applicants building new towers shall plan the fence and screening (see subsection (j) below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.

If a guyed wire lattice type tower is proposed, the guy anchor locations shall also be fenced with an eight foot high chain link fence.

- (10) Landscape screening shall be required along the outside area of the perimeter fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall meet the requirements of an Opaque Screen, Type A buffer (Section 307) and the requirements of this subsection.

Where no equipment shelters, cabinets, or other structures will be located on the property, landscaping shall still be provided around the tower base in the form of an Opaque Screen, Type A buffer (Section 307), and the requirements of this subsection.

All landscaping shall be xeroscape (drought) tolerant or irrigated to ensure good health and vitality.

Suggested planting patterns are included in Appendix E along with lists of suitable trees and shrubs.

Screening requirements shall not apply to telecommunications providers who use a camouflage (stealth towers) tower or antennas within another structure (such as a steeple), or providers who co-locate on an existing tower. Similarly, no screening requirements will apply when an antennae is located on a water tower/tank, or grain silos, etc.

Screening requirements do apply when an antennae will be mounted on an electrical transmission tower.

The land use administrator may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are

met. The land use administrator may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site, i.e. a floodplain, etc.

- (11) Minimum setback requirements for free-standing towers located in the business or industrial zoning districts shall be based on the zoning district setbacks as described in Section 184.

For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, to the property line, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured from the edge of the concrete base on which the tower is located to the edge of the parcel in which the leased area is located.

Minimum setback requirements may be reduced by the Town Board to allow the integration of a tower into an existing or proposed structure such as a church steeple, lighting poles, power line support device, or similar structure.

- (12) All towers shall be a minimum of 300' from the nearest residential dwelling unit, with the exception of any existing residential structure located on the same lot as the tower, at the time of application.
- (13) Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (i.e. is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.
- (14) The land use administrator shall keep records of which parcels of land have established tower setbacks (on leased or owned property) to (a) prevent future building permits being issued for any proposed use or structure within those setbacks (with the exception of additional equipment shelters at the base of the tower), after the date the tower is approved or given a building permit and to (b) prevent future minor or major development permits to that parcel that might occur within the required tower setbacks.
- (15) Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its

original intent) for a period greater than ninety (90) consecutive days. Such removal (clearing from the site) shall take place within six (6) months of the first day the tower was abandoned, and be completed within this same six (6) month period.

- (16) The owner of each telecommunications tower must certify to the land use administrator on January 1st of each year the status of the antennae (operational or not in use).
- (17) Towers having a height of 199.9 feet or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet, unless so directed by the Federal Aviation Administration. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night lighting as per the Federal Aviation Administration.
- (18) Free-standing telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.
- (19) Any planned increase in tower height to an existing approved telecommunication tower located within a Business or Industrial zoning district can occur by right, up to 300'. Similarly, normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the land use administrator. Planned height increases for towers which were constructed prior to the adoption of these regulations, and located in Business or Industrial zoning districts and/or do not have a zoning permit on file with the Town, shall be required to apply for a zoning permit and new building permit.
- (20) Placement of additional antennae by a co-locator onto an existing telecommunications tower shall be permitted by right provided that the tower height is not increased. If the co-locator or owner of the tower proposes to increase the tower's height in the Residential zoning districts (RA-40, RA-20, R-40, R-20, R-10, R-8, R-6), the co-locator or owner shall submit an application for a new conditional use permit. If the co-locator or owner of the tower proposes to increase the tower's height in the Industrial (LI, HI) zoning districts, tower heights up to 300' are allowed by right, with a new zoning permit and building permit. In the Business Districts (B-1, B-2, B-3, B-6, and HC), tower heights up to 199.9 are allowed by right, with a new zoning permit and building permit.
- (21) Co-location applicants also must comply with all requirements provided in Section 180E, and any conditional use permit regulations, if any, obtained by the original applicant.

- (22) Placement of antennae and equipment buildings on Town owned water tanks/towers, or Duke Power transmission towers or on any tower which has not received a zoning permit from the Town of Wingate, requires the provider to apply for a zoning permit. Authorization from the owner of the supporting device is required documentation.

Free-standing signs are prohibited. Wall signs shall be limited to 1) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in size and 2) 'No trespassing' signs, 'Danger - High Voltage' signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons.

Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.

- (23) Outdoor storage of equipment or other related items is prohibited, with the exception of equipment enclosed within sheds, cabinets, structures, or other such structures.
- (24) Associated telecommunications equipment buildings located in any zoning district shall be unmanned. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (25) All applications for a Zoning Permit for a telecommunication tower must include the following information in addition to any other applicable information contained in the Land Use Ordinance:
- a. Identification of intended provider(s);
 - b. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.
 - c. A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated, if applicable;
 - d. Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. [This requirements is for new towers only, or those proposing additional height].

- e. Documentation that the telecommunication equipment complies with Federal Radio Frequency Emission Standards;
- f. Documentation that towers over 300 feet in height in the Business or Industrial zoning districts are necessary for a minimal level of service.
- g. A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking to colocate on an existing tower, when the equipment building is to be located within the existing fenced area, and the tower height is not increased.
- h. Documentation of monopole tower collapse area, if applicable.
- i. Documentation that a monopole tower is not available for the proposed height, and that a lattice-type tower is required.
- j. Expert testimony that demonstrates to the satisfaction of the Land Use Administrator that the provider has explored all means for co-location opportunities, and stealth tower locations if applicable. Evidence may consist of the following:
 - (i) Existing or approved telecommunications towers with available co-location space are not located within the search area.
 - (ii) Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
 - (iii) Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae, and documentation that the existing tower can not be structurally strengthened to accommodate an additional user.
 - (iv) The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (i.e. the spacing requirement between antennae cannot be met).
 - (v) Existing or approved towers lack co-location space.

- (26) Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.
- (27) The following requirements apply for telecommunications tower Conditional Use permit requests:
- a. Decisions by the Town Board to approve or deny a Conditional Use permit for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law
 - b. The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the Town Board at the public hearing, as suggested by federal law.
 - c. The decision of the Town Board must be based upon substantial evidence which must be recorded in the Minutes, as per federal law.
 - d. In determining if a telecommunications tower should be approved/denied, the Town Board may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties, the aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics may be used to evaluate the Conditional Use permit. In reaching a decision, the Town Board may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

Section 180F Telecommunications Antennae and Associated Equipment Locating on Existing Telecommunications Towers and Structures.

- (a) Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennae and its associated equipment buildings may locate on any existing tower, water tank/tower, or similar structures by right in all zoning districts so long as the addition does not increase the original height of the existing structure or tower over 300'. Such antennae shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.

- (b) Any co-location which will result in an increase to the tower height, (on a tower located in all zoning districts except the Business (B-1, B-2, B-3, HC, and B-6) and Industrial (LI, HI) zoning districts, shall require the co-locator or applicant to apply for a new special use permit which includes a review and approval by the Board of Adjustment Commissioners.
- (c) Each applicant shall provide documentation proving that their telecommunications equipment complies with the Federal Radio Frequency Emission Standards.
- (d) Screening requirements shall not apply to telecommunications providers who camouflage antennas on or within another structure (stealth locations), such as a church steeple, or use a stealth camouflage tower, or co-locate on an existing tower. Screening shall apply when an antenna will be mounted on Duke Power electrical transmission towers or on structures such as the Town's water tower/tank.
- (e) Outdoor storage of equipment or other related or non-related items are prohibited.
- (f) The associated telecommunication antennae equipment buildings located in any zoning district shall be unmanned. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (g) Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

Section 180G Co-Location Requirements for Newly Proposed and Replacement Telecommunications Towers.

- (a) New telecommunications towers and replacement towers shall provide enough ground site area to accommodate future providers' ground equipment buildings associated with future antennae co-locates.
- (b) New telecommunications towers and replacement towers shall plan the fencing around the tower and ground equipment buildings to include all potential future equipment buildings to be provided by future co-locators.

Section 180H Continuing Care Facilities

- (a) Multi-family dwellings are permitted in the R-40 and R-10 zoning districts only when used as a continuing care facility.

- (b) When used as a continuing care facility, the density and number of units permitted may be doubled in the RA-40, R-40, RA-20, and R-10 zoning districts.

Section 180I Automobile, Truck, Boat, Motorcycle, Service and Rental Store; Automobile Body Shop, Automobile Repair Shop.

In the B-1 zoning district, automobile, truck, boat, and motorcycle, sales, service and repair shops; automobile body shops; automobile repair shops are only allowed when property has frontage on a U.S. Highway.

Section 180J Home Occupations

In order to be regarded as having an insignificantly adverse impact on the surrounding neighborhood, a Home Occupation must comply with the following regulations:

- (a) Only one home occupation per dwelling unit allowed.
- (b) No goods, stock in trade, or other commodities may be displayed outside a fully enclosed structure;
- (c) No on-premises retail sales of goods not produced on-site may occur;
- (d) No more than one person not a resident on the premises may be employed in connection with the purported home occupation;
- (e) The use may not create objectionable noise, fumes, odor, dust or electrical interference;
- (f) Not more than twenty-five percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation may be used for home occupation purposes; and
- (g) Only vehicles used primarily as passenger vehicles may be used in connection with the home occupation.

Section 180K Street Vendors

- (a) Street vendors selling food must comply with the Union County Environmental Health Department requirements for food service.
- (b) Permission of the property owner whose property the street vending business will be located on is required.

Section 180L Supplemental Regulations for Uses Located in a Business (B) or Industrial (I) District

The external appearances of the architectural front of any building located in a Business (B) or Industrial (I) district within the corporate limits of the Town of Wingate, and visible from a public street right-of-way, or any side of any building located in a Business (B) or Industrial (I) zone and visible at the ground level from any residential (R)-zoning district in Wingate shall be governed as follows:

At least seventy-five percent (75%) of the area below the fascia of buildings shall be of: brick, brick veneer, decorative concrete block, pre-cast or field poured tilt concrete panels with texture; stone or stone veneer, flush architectural metal panels; stucco or artificial stucco; glass, wood, or wood materials, or similar materials.

The above requirements shall be applicable to the construction of any new building (other than a single-family residence), as well as to any principal building that undergoes a gross floor expansion of twenty-five percent (25%) or more.

Section 180M Supplemental Regulations for “Auto, Truck, Boat, Motorcycle Sales, Service or Rental” or Automobile Parts and Repair Shops, Farm Equipment Sales and Service, and Automobile Body Shops Located in a Business (B) or Industrial (I) District

- (a) The minimum lot area for such use shall be five (5) acres provided, however, that such requirement shall not be applicable to “auto parts and repair shops.”
- (b) Outdoor areas upon which autos, trucks, motorcycles, or boats or farm equipment are stored (either for sale purposes or for temporary storage purposes) shall be paved. All such storage areas shall be screened [in an opaque manner in accordance with Section 307(1) of this Ordinance] or otherwise not be visible from a public street.

Section 180N Supplemental Regulations for Garden Supply, Nursery and Seed Stores and Building Materials and Lumber Sales

The overnight outdoor storage of goods shall be screened [in accordance with Section 307(1) of this Ordinance] or otherwise be placed to the rear of the principal building or in any other on-site location so that such goods are not visible from view from any public street.

Section 180O Loading Docks

Off-street loading docks and related facilities for any non-residential use shall not be visible from any adjoining arterial or collector street as designated on the most up to date version of the Wingate Thoroughfare Plan.

Section 180P Rooftop Design Standards; Heating, Air-Conditioning, and Mechanical Equipment

Rooflines for all principal non-residential structures located in any Business (B) or Industrial (I) district within the corporate limits of the Town of Wingate, shall meet the following standards:

Rooflines shall consist of one or more sloped planes. However, flat roofs may be allowed so long as they are concealed from view by a parapet. Such parapet shall not be of a constant height for greater than one hundred fifty (150) linear feet. Rooftop electrical, heating, air-conditioning and mechanical equipment (other than chimneys) shall be concealed by a parapet or via an enclosure consisting of materials outlined in Section 180L.

Section 180Q Camping and Recreational Vehicle Park (private, for profit).

A minimum of 25 acres is needed for a private, for profit camping and recreational vehicle park.

Section 180R Radio and Television Towers and Facilities.

Radio and television towers and facilities will be allowed with a special use permit in all certain zoning districts, subject to the following regulations in addition to applicable requirements set forth in each zoning district and elsewhere in this ordinance.

- (a) A minimum eight foot high chain link fence is required immediately around the radio/television tower, any equipment building(s), and guyed wire anchor locations, since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area, equipment building(s), and guyed wire anchor locations shall be through a locked gate. The Land Use Administrator may waive fencing requirements if the fencing serves no useful purpose.
- (b) Landscape screening shall be required along the outside area of the perimeter fenced area(s) to mitigate the visual impacts of the tower, equipment building(s) and guyed wire anchor locations from nearby viewers. Landscape materials shall meet the requirements of the Opaque Screen, Type A buffer (Section 307), and the requirements of this subsection. Where no equipment shelters, cabinets, or other structures will be located on the property, landscaping shall still be provided around the tower base and the guyed wire anchor locations in the form of an Opaque Screen, Type A buffer (Section 307) and the requirements of this subsection. All landscaping shall be xeroscape (drought) tolerant or irrigated to ensure good health and vitality. Suggested planting patterns are included in Appendix E along with lists of suitable tree and shrubs. The Land Use Administrator may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on the site will screen the property effectively as the required screening, provided that the spirit and the intent of this subsection are met. The Land Use Administrator may also waive screening on those sides of the proposed tower that are located adjacent to un-developable property. Such a waiver may not be sought to relieve

the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site, i.e. a floodplain, etc.

- (c) Towers having a height of 199.9 or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet, unless so directed by the Federal Aviation Administration. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night lighting as per the Federal Aviation Administration.
- (d) If such a tower is located on a lot in or abutting a residential district, it must be located at least 200 feet from all abutting property lines, except if the engineering report requires a larger setback for the fall zone.
- (e) The zoning district setbacks shall apply to the guyed wire anchor locations.

Section 180S Shopping Center.

A Shopping Center, as defined in Article II, Section 15 or for those retail sales establishments which exceeds 50,000 sq./ft. of total floor area. The location of such developments is of major importance to a wide area. To insure that these developments are not detrimental to adjacent uses or the orderly and well-planned development of the community, the proposed development shall at a minimum, follow or consider the following criteria in site design and layout, whether a conditional rezoning, conditional use permit, or zoning permit.

- (a) Street access shall be restricted per Section 212 and coordinated as detailed in Section 214. Deviations to Section 212 may be granted by the Board of Commissioners, where the access control has not been compromised and the developer shows good cause for the deviation. Any out-parcel shall be accessed internally.
- (b) Lighting shall be required in accordance with Section 242 Lighting Requirements and Section 243 Excessive Illumination, with preference given to creating lower to ground lighting, while creating a safe pedestrian situation. Mixing of lighting types, as needed, is acceptable.
- (c) Freestanding signage shall be restricted to non-lighted, ground signs, with the exceptions being directional or safety related, and entrance identification signs with business name listings. Consideration should be given to consistency in sign design and colors within the center. Height shall not exceed ten (10) feet for entrance signs and six (6) feet for any other free-standing sign.

- (d) Screening shall be established or preserved along the exterior property lines per Section 308. Screening of vacant out-parcels or any other disturbed area shall be determined by the land use administrator.
- (e) Consistency in building design, material, and color scheme, within the development, to create a well coordinated unified site presence.
- (f) Circulation pattern for both pedestrian and vehicular traffic. This shall include sidewalk connection between buildings, in the center, and along the public streets with connection to the interior.
- (g) The handling of sewer and water if public facilities are not available.
- (h) Consideration of hours of operation.

Section 180T Separation Requirements for Child Care, Handicapped, Aged, Infirm, and Family Care Homes

Child Care, Handicapped, Aged, Infirm, and Family Care Homes shall not be located within a one-half mile radius of an existing Child Care, Handicapped, Aged, Infirm, and Family Care Homes.

Section 180U Electronic Gaming Operations

- (a) Days/Hours of operation: businesses engaging in electronic gaming operations activities may operate from 10:00 am until 10:00 pm each day, seven (7) days per week.
- (b) The maximum number of machines/terminals/computers for any electronic gaming business is twenty (20).
- (c) The machines/terminals/computers must not be prohibited by State or Federal law and must have all applicable permits and licenses.
- (d) If food or beverages are served, the establishment must meet the requirements of the Wingate Land Use Ordinance, the Union County Department of Health, and all State law requirements.
- (e) The establishment must be a minimum of one thousand linear feet from any residence.
- (f) The establishment must be a minimum of one thousand six hundred (1,600) linear feet from any other organization engaged in an electronic gaming operation business.

- (g) The establishment must be a minimum of one thousand (1,000) linear feet from any church, synagogue, or temple and associated uses including cemeteries or congregate care facility; a public or private daycare center; non-profit clubs; or any public or private school. The required separation from the above listed uses applies whether the place of worship, school, child day care center, playground, or park is the principal use or an accessory use of the property.
- (h) Distances shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structure wall of the electronic gaming establishment to the nearest lot line of the religious use, school, residential district or other electronic gaming facility.
- (i) The applicant shall submit a current plot plan prepared within thirty (30) days prior to application by a registered land surveyor depicting the following:
 - (1) Property lines and the structures containing any existing electronic gaming businesses within one thousand six hundred (1,600) linear feet of the subject property;
 - (2) Property lines of any established church, synagogue, or temple and associated uses including cemeteries or congregate care facility; a public or private daycare center; non-profit clubs; or any public or private school that is within one thousand (1,000) linear feet of the subject property;
 - (3) Property lines of any existing residential structures within one thousand (1,000) linear feet of the subject property.
- (j) No person or entity engaged in Electronic Gaming Operations shall allow, permit, or condone any person under the age of eighteen (18) upon the premises while patrons are on the premises engaged in Electronic Gaming Operations.
- (k) At all times while open for business and while patrons are on the premises, Electronic Gaming Operations shall be open for direct, unobstructed access by police officers, fire department personnel, and emergency response personnel. Entrance doors shall remain unlocked at all times while patrons are on the premises and police officers, fire department personnel, and emergency response personnel shall have direct access to the premises without requiring assistance from an employee, agent, or owner of the establishment.

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