

Applicant's Proposal

To be amended in Article 5, Section 5.2.3 Table of Permitted Uses, with associated renumbering:

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D				
Specialty Trade Contractors	238						D		P	P	

5.3.7 Construction (Sector 23)**A. Construction of Buildings; Heavy and Civil Engineering Construction; Specialty Trade Contractors**

- 1) A maximum floor area of six-thousand (6,000) square feet.
- 2) Any outdoor storage of materials or equipment must be screen from view of any public right-of-way.

5.3.8 Retail Trade (Sectors 44-45)**A. Automobile Service Station**

- 1) Fuel pumps and other related accessory structures shall be located a minimum of 15 feet from any property line.
- 2) When an automobile service station adjoins a residential district, the underground storage tanks shall be located a minimum of 30 feet from the property line.
- 3) All underground storage tank facilities shall comply with the North Carolina Building Code and NFPA 30A.

5.3.9 Finance and Insurance (Sector 52)**A. Freestanding Automatic Teller Machines**

- 1) Shall be considered as an accessory structure.
- 2) Shall allow for proper ingress and egress and proper traffic flow.
- 3) Shall not be located in any minimum required parking spaces or buffer areas.

5.3.10 Arts, Entertainment and Recreation (Sector 71)**A. Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities**

- 1) Minimum lot size for all development except miniature golf facilities shall be five (5) acres.
- 2) No principal buildings or structures shall be located within fifty (50) feet of any property line.
- 3) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities.
- 4) No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property

5.3.11 Accommodation and Food Services (Sector 72)

A. Hotels and Motels shall be allowed one (1') foot of additional height for every two (2') feet of additional setbacks to the front and sides property lines, not to exceed seventy five (75) feet in height.

B. Recreational Vehicle Park

- 1) All recreational vehicle parks shall be at least three (3) acres in size.
- 2) Every space shall consist of a minimum of 2,000 square feet.
- 3) All recreational vehicle parks must adhere to the following dimensional requirements:

Minimum Structure Separation for Recreational Vehicles	10 feet
Minimum Separation from Other Structures	20 feet
Minimum Exterior Property Boundary Setback	20 feet

- 4) Within a recreational vehicle park, one commercial grade trailer may be used as an administrative office.
- 5) Each park shall provide a central structure or structures that will supply separate toilet facilities and showers for both sexes, to be maintained and kept in good repair at all times.
- 6) Establishments of a commercial nature including food stores and coin operated laundry may be permitted in recreational vehicle parks subject to the following conditions:
 - a. Such establishments shall be located, intended, and designed to serve only the trade or service needs of persons residing in the park.
 - b. Establishments shall be subordinate to the use and character of the park.
 - c. Access to the commercial establishment must be from interior streets.
 - d. Signs serving the commercial use inside the park shall be limited to twenty (20) square feet in area, non-illuminated, and shall be attached to the establishment.
 - e. Off street parking for commercial establishments shall be provided at a ratio of one (1) space for every 400 square feet of gross floor area.
- 7) No individual sites may be permitted within the jurisdiction of a Special Flood Hazard Area, but may be set aside for passive open space.
- 8) Recreational vehicle parks may allow for designated tent only camping sites.
- 9) Permanent parking and storing of a recreational vehicle shall not be permitted in the park.
- 10) No manufactured home used for residential purposes shall be permitted in a recreational vehicle park.
- 11) The operator of a recreational vehicle park shall keep an accurate register containing a list and description of all homes located in the park and owner thereof.
- 12) All parks shall adhere to Article 8, Landscaping and Buffering.
- 13) Recreational vehicle parks must meet open space requirements per Section 7.6, Open Space.
- 14) A safe, adequate, and convenient water supply and connection must be provided for each park space.
- 15) At least one (1) sewage dumping station must be provided along with connections to each individual space. Sewage dumping stations shall be approved by the Pender County Health Department.

- 16) Park owners shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
- 17) The location and dimensions of all proposed and existing rights-of-way, utility or other easements, riding trails, pedestrian or bicycle paths, natural buffers, and areas if any to be dedicated to public use with the purpose of each stated shall be referenced on the site plan.
- 18) No individual recreational vehicle space shall have direct access to a public maintained road.
- 19) All streets must be constructed of all-weather material and shall be sixteen (16) feet wide and within a designated twenty four (24) feet wide right of way. Recreational vehicle parks shall have direct access to a public maintained road.
- 20) All parks shall have a certificate of approval by the Pender County Addressing Coordinator for all proposed road names.
- 21) Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed.
- 22) All parks proposing to utilize a community water or community waste water system must provide approval from DENR, a Stormwater Management Plan, and approval from the Division of Coastal Management if the park is located in an area of environmental concern. Additionally, the applicant shall provide a certification that the community water system and/or community waste water system will be owned, operated, and maintained by a community system as defined in this Ordinance.

5.3.12 Other Services except Public Administration (Sector 81)

A. Cemeteries

- 1) All burial or monuments must be located at least 25 feet from any side or rear lot line and must be at least 40 feet from any street right-of-way.
- 2) Buildings for the maintenance and/or management of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located.

B. Pet Care Services

- 1) All structures and outdoor runs must be located a minimum of 500 feet from any residentially zoned property.
- 2) Sewage disposal system and sanitation control methods as approved by the Pender County Board of Health shall be required. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
- 3) Minimum lot sizes shall be a minimum of one (1) acre per 10 animals. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities

so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics.

- C. Pet Grooming Services, as defined
- 1) No breeding, selling, storage of animals for sale or adoption, training or boarding for overnight or day play.
 - 2) No outdoor facilities permitted on-site including but not limited to; outdoor pens, kennels, runs or walking areas.
 - 3) No outdoor storage or housing of animals.
 - 4) Pets being groomed will be contained within the appropriately sized enclosures within the confines of the structure housing the business.

5.3.13 Miscellaneous Uses

- A. Adult and Sexually Oriented Businesses
- 1) No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
 - 2) No Adult Oriented Business shall be located within two thousand (2,000) feet of a church, public or private elementary or secondary school, child day care or nursery school, Public Park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
 - 3) The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.
 - 4) There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
 - 5) Except for signs as may be permitted by Article 10 of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- B. Bona fide Farm Purposes
- 1) Bona fide farm purposes must comply with § 153A-340(b)(2) of the North Carolina General Statutes.
- C. Community Boating Facility
- 1) Must serve five (5) or more residential units and may include a dock, pier, ramp, or launching pad.
 - 2) No commercial activities of any kind shall be allowed within the confines of the facility.
 - 3) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process.
- D. Family Care Home

- 1) A family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment as defined by NCGS § 168-21.

E. Industrial Park

1. Applicability: In order to qualify as an Industrial Park, the subject property must:
 - a. Be entirely located in a General Industrial zone, according to the official zoning map of Pender County;
 - b. Contain at least 200 acres under unified control;
 - c. Have direct access to a road designated by the NCDOT as a US, or NC Highway; or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road;
 - d. Be served, or have written confirmation from the Utility Authority that the area will be served, by a public water and sewer system; and
 - e. Obtain a Special Use Permit from the Board of County Commissioners.
2. Subdivision Procedure: Industrial Parks shall be exempt from the procedures established in Section 3.8, Subdivisions, Section 3.9, Minor Subdivision, and 3.10, Major Subdivision, of the Pender County UDO. The following regulations apply:
 - a. Major and minor subdivisions of an Industrial Park are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
 - b. Plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents, and Section 6.5, Final Plat Contents in the Pender County UDO, except that subdivision plans for an Industrial Park shall be exempt from:
 - i. The timing and phasing requirements of Sections 6.5.A.1, 6.5.A.4, and 6.5.A.8;
 - ii. The homeowner's association requirements of Sections 6.5.B.3 and 6.5.B.6; and
 - iii. The preliminary plat requirements of Sections 6.4.A.9 through 6.4.A.13.
 1. Industrial Parks shall follow the subdivision standards listed in Section 5.3.11.E.3, Subdivision Standards, below.
 2. These standards must be met and shown on the Preliminary Plat.
 - c. A copy of the draft protective covenants to be recorded on the Park shall be submitted with the final plat application.
 - i. The covenants shall address: owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park.
 - ii. The covenants as approved under the Special Use Permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.
 - d. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.

When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.

- e. A final plat shall be approved on a finding that the applicant demonstrates that the proposed division meets all of the requirements of the Pender County UDO and will:
 - i. Be in harmony with the Special Use Permit;
 - ii. Be in accordance with the Preliminary Plat;
 - iii. Not endanger the public health or safety;
 - iv. Be in conformity with the County's Land Use Plan.
3. Subdivision Standards: Industrial Parks shall be exempt from the regulations of Article 7.6, Open Space, and Article 8, Landscaping and Buffers. As an alternative, Industrial Parks are governed by the following open space and landscaping standards:
- a. Open Space:
 - i. Approved Industrial Parks shall provide dedicated area(s) as open space, equating to 5% of the overall Industrial Park.
 - ii. The open space must be dedicated at the time in which at least 25% of the Industrial Park is occupied.
 - b. Landscaping and Buffers:
 - i. A visually opaque landscaped buffer of native vegetation at least 20 feet in width and/ or combination of berms and fencing is required along the external perimeter of the Industrial Park.
 1. Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements.
 2. The buffer areas may be in common area and counted towards meeting open space requirements.
 3. For every 1,000 sf. of buffer area, the buffer areas shall include:
 - a. Ten evergreen shrubs; and
 - b. Three trees, which shall consist of the following:
 - i. 50% large maturing;
 - ii. 25% small maturing, and
 - iii. 25% evergreen.
 - ii. Buffers will not be required for internal property boundaries of Industrial Parks with the exception of road frontage.
 - iii. The Administrator may allow modification to the buffer width and planting types when special site conditions exist.
4. Major Site Plan Procedure: Individual Sites locating within an Industrial Park shall be exempt from Section 3.7, Major Site Development Plan, of the Pender County UDO. The following procedure applies:
- a. Major Development Plans are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
 - b. Master Development Plans shall meet all of the requirements of Section 6.1.3 Major Development Plans Contents – Commercial and Industrial Districts, with the exception of Section 6.1.3.A.10.

- i. The Major Development Plan shall meet the Landscaping and Buffer requirements set forth below in Section 5.3.11.E.6.e, Landscaping and Buffers.
 - ii. The Major Development Plan shall be complete at the time of submittal and must be made by a licensed professional and illustrated at sufficient scale and with detailed design for the all uses located within the industrial park.
 - c. Major Development Plans shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.
5. Site Dimensional Standards: Individual Sites shall be exempt from the regulations of Section 4.14, Zoning District Dimensional Requirements of the Pender County UDO. The following site dimensional standards apply:

Dimensional Standards for Individual Sites in Industrial Parks	
Maximum Height	50 feet
Minimum Setbacks ^[1]	
Front ^[2]	50 feet
Rear ^[3]	25 feet
Side ^[3]	25 feet
Corner ^[4]	50 feet
Minimum Building Separation	North Carolina Building Code Regulations Apply
Minimum Lot Width	100 feet
<p>NOTES:</p> <p>[1] There must be an owner maintained strip with a minimum of 20 feet in width of landscaped ground along the street property lines, except that drives and walks may be located within the landscaped strip.</p> <p>[2] In the event more than one parcel of land shall be owned by one person or entity, and in the improvement of each parcel of land, a building shall be erected on more than one parcel of land, then the interior rear or side setbacks may be waived.</p> <p>[3] In the case of corner lots, both 50 foot front setbacks will apply.</p>	

6. Site Design Standards: Individual Sites shall be exempt from the regulations of Article 7, Design Standards, and Article 8, Landscaping and Buffers, of the Pender County UDO. Individual Sites shall meet the following site design standards:
- a. Parking:
 - i. Each Individual Site located within the approved Industrial Park shall provide three parking spaces for each four employees on the largest shift plus additional spaces for vehicles permanently used in the operation of the business.
 - 1. At the discretion of the Administrator, a reduction to the parking requirements may be approved if the applicant demonstrates the peak level of need is lower than these standards require.
 - 2. To justify the reduction, a statement shall be provided by a licensed professional addressing facility usage, employment figures, shift changes, and any other applicable standards.

- b. Loading:
 - i. Off-street loading and unloading facilities shall be provided by each owner or lessee of any parcel of land within the Park when that parcel is developed;
 - ii. Such loading and unloading shall be to the rear or side of any buildings on said parcels of land.
 - iii. All loading and unloading facilities shall be screened by effective landscaping or otherwise from view of any public street or access road within or leading to or from the Park.
 - c. Outdoor Lighting:
 - i. Outdoor lighting shall utilize illumination so as to not cast direct light beyond any property line.
 - d. Outdoor Storage and Screening:
 - i. Outdoor storage yards and storage areas, incinerators, storage tanks, and trucks based on the premises, shall either be housed in closed buildings or be screened for sound and sight from public view as is deemed necessary by the Administrator and shall be placed so as to conform with the setback requirements of Section 5.3.11.E.5, Site Dimensional Standards, above.
 - ii. Such screening shall include landscaping or permanent fences (excluding chain link), or approved solid materials and shall be located so as to most effectively screen the view of the offending items from the street.
 - iii. The Administrator may allow modification to the screening requirements when special site conditions exist.
 - e. Landscaping Standards:
 - i. If applicable, Individual Sites must ensure that the 20 foot, visually opaque landscaped buffer required along the external perimeter of the Industrial Park is maintained, according to the requirements of Section 5.3.11.E.3.b, Landscaping and Buffers above.
 - ii. Buffers are not required for internal property boundaries of Industrial Parks with the exception of road frontage.
- F. Marinas (Commercial): Activities and possible uses on the marina or club property shall be limited to wet boat storage, dry stack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramp, piers and boat petroleum service areas. Additional uses permitted shall follow the Table of Permitted Uses for the specific zoning district.
- 1) Setbacks
 - a) Up to 35' in height: 100' front and 50' sides and rear.
 - b) Between 36' to 50' in height: Add two (2) additional feet of setback for every one foot in height above 35'.
 - 2) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an

informed decision on the facility's impacts to the surrounding properties throughout the public hearing process

G. Portable Storage Containers

- 1) All portable storage containers located on private property must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent. Applicants shall submit a site plan showing any permanent container and the relationship of this structure to the overall site. The site plan shall indicate how the container meets all permanent requirements including but not limited to; stormwater considerations, traffic circulation, screening requirements, other development codes and inspection requirements including engineered design plans to demonstrate the permanent storage container meets NC Building Code.
- 2) Permanent portable storage container use shall be restricted to non-residential districts: GB, General Business Zoning District, O&I, Office and Institutional Zoning District, GI, General Industrial Zoning District and IT, Industrial Transition Zoning District.
- 3) Portable storage containers may be permitted as an accessory structure, for storage purposes only.
- 4) A maximum of one (1) portable storage container per site shall be permitted on lots of one (1) acre or less. One (1) additional portable storage container may be permitted for lots greater than one (1) acre. No more than two (2) portable storage containers may be permitted on one (1) single property.
- 5) A portable storage container may be placed for thirty or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- 6) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met:
 - a. The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
 - b. A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.
 - c. An extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to sixty (60) additional days within a twelve (12) month period as approved by the Administrator.
- 7) Portable storage containers shall not be permitted in any parking areas, required buffers or setbacks.
- 8) Portable storage containers must meet minimum accessory use and structure setback and separation requirements.
- 9) Portable storage containers shall meet all yard setback requirements and be located on the rear of the lot.
- 10) Portable storage containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width and ten (10) feet in height.
- 11) Stacking of portable storage containers shall not be permitted.
- 12) No sign shall be attached to a portable storage container other than the provider's contact information.
- 13) All portable storage containers shall be screened from view from any public right-of-way, private street or access easements and any residential use or residential zoning district. Screening shall be accomplished by a combination of fencing or landscaping which is contiguous and at least six (6) feet in height.

- 14) Portable storage containers must be off-chassis.
 - 15) No permanent off-chassis portable storage containers shall be permitted in loading areas.
 - 16) Portable storage containers shall not be permitted to be rented or leased to a use not located on the same lot.
 - 17) The structure shall be maintained in good condition free from structural damage, rust and deterioration.
- H. Private Residential Boating Facility
- 1) May provide single access in approved zoning districts for residential use only.
 - 2) Commercial activities of any kind shall be prohibited.
- I. Salvage Operations
- 1) Must be enclosed by a screened fence a minimum eight feet in height.
 - 2) The fence must be located a minimum of 20 feet from any public street right-of-way and vegetative planting along the fence to provide a continuous evergreen screen in front of the fence.
 - 3) The combined screening shall be adequate to conceal all storage from public view.
 - 4) Must be located entirely outside any FEMA designated Special Flood Hazard Area (SFHA).
- J. Sweepstakes Center
- 1) Sweepstakes centers shall be permitted in accordance with Section 5.2.3, Table of Permitted Uses.
 - 2) All new sweepstakes centers and additions or alterations to existing sweepstakes centers must be in accordance with this Ordinance.
 - 3) Sweepstakes Centers shall be located a minimum distance of 500 feet, measured in a straight line in any direction from the closest point of the building or unit of the proposed business to the property line of any of the following:
 - a) Religious Organizations as defined by NAICS code 813110
 - b) A public or private school and family child care home or child care center with an active license with the State of North Carolina
 - c) A public park, playground, public library, or private cemetery
 - d) Drinking Places (Alcoholic Beverages) as defined by NAICS code 722410
 - e) Adult and Sexually Oriented Businesses
 - f) Any other approved sweepstakes center
 - 4) Hours of operation shall be limited Monday to Saturday from 9:00 a.m. to 12:00 midnight and on Sunday from 12:00 noon to 10:00 p.m.
 - 5) All food or beverage to be served or distributed by the establishment must meet the requirements of the Pender County Environmental Health Department.
 - 6) Sweepstakes centers shall receive approval from the Pender County Fire Marshal prior to occupancy and must comply with annual review standards.
 - 7) Sweepstakes centers must meet indoor recreation parking requirements as outlined in Section 7.10, Off Street Parking and Loading/Parking Requirements
 - 8) All zoning and building permits issued after June 18, 2012 for all sweepstakes centers shall be subject to an annual review and inspection (from the date of approval) to ensure compliance with this Ordinance.

- K. Swine Farms
- 1) Swine Farms – As defined in this Ordinance, must meet all regulations set forth by Article 67 of § 106, Et. Seq., of the North Carolina General Statutes.
- L. Temporary Events - The Administrator or their agent may issue a temporary permit for carnivals, religious revivals, sport events, circuses, festivals and similar activities that will last for a period of up to sixty (60) days in the districts in which they are indicated as a permitted use. All temporary events shall submit an application and site plan, at least 14 calendar days prior to the event, with a description of activities so that it can be determined if adequate parking, sanitation & other necessary facilities will be available. The Administrator shall submit each temporary event proposal to the Building Inspector, Health Director, and Fire Marshal for review and approval.
- M. Temporary Modular/Manufactured Offices
- 1) Modular or Manufactured offices may be used on a temporary basis for office or business purposes in cases where a new building for the use is under construction or where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary permit must be obtained before the use of the mobile office is initiated. This permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.
 - 2) Manufactured homes rated for residential use may only be used for residential uses and not for other temporary or permanent uses.
 - 3) Licensed motor vehicles used as an accessory use by a public or nonprofit entity for such purposes as book mobiles, blood mobiles, medical services or educational purposes will not require a permit unless set up for use on a site for more than 7 days.
- N. Temporary Manufactured Homes - Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home. A temporary occupancy permit must be obtained from the Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than twice, unless specifically approved by the Board of Adjustment for additional time.
- O. Temporary Fruit & Vegetable Stands - Temporary fruit & vegetable stands that are located on the property where the fruits or vegetables are produced will be permitted in the districts in which they are indicated as a permitted use and will not require zoning approval. All activities associated with such stands shall be set back a minimum of 10' from any street right-of-way, and any structures associated with such stands will comply with requirements for building permits and the building code. Temporary fruit & vegetable stands that are not located on the property where they are produced are subject to all provisions of this Ordinance.
- P. Temporary Buildings for Construction or Development - In any zoning district, temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land, may be erected or located on said tract, prior to, and may remain thereof, during the construction or development period

- 1) Temporary buildings, mobile offices or trailers, not exceeding 400 sq. ft. per contractor or developer on the site, may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project or development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Inspector upon a finding that said temporary structure is deemed hazardous to the public health and welfare. No such building may however remain on the site for more than one year without renewal of the permit. Such permits may be renewed by the Administrator one time for a period not to exceed one year.
- 2) Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of ninety-five percent (95%) of the dwelling units or lot of said tract unless prior approval is given by the Administrator.
- 3) No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
- 4) Manufactured Homes rated for residential use may only be used for residential purposes and not any other temporary or permanent use.

Q. Telecommunication Facilities

- 1) Co-located - Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30% of the structure's height. Co-located towers must comply with all relevant standards of this Article.
- 2) Freestanding - Freestanding telecommunication towers must comply with the following standards:
 - a) The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional, or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted non-residential use.
 - b) The Board of Commissioners, through the Special Use Permit public hearing, may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50% of the tower's height, or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located.
 - c) The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any

additional distance necessary to ensure that the tower, as designed, will fall within the tower site.

- d) The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.
 - e) If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least one additional telecommunication user. If the tower is at least 180 feet high, it must be engineered and constructed to accommodate at least 2 additional telecommunication users. Provision of co-location sites on other towers is encouraged wherever feasible.
 - f) The base of the tower and each guy anchor must be surrounded by a fence or wall at least 8 feet high, unless the tower and all guy anchors are mounted entirely on a structure over 8 feet high. Except for its entrances, the fence or wall must be screened with plant material so that no more than two-thirds of its surface is visible, within 3 years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional.
 - g) A buffer yard must be provided around the perimeter of the lease lot as in accordance with the requirements of Article 8, Landscaping & Buffering. A 40-foot-type C buffer yard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers.
 - h) Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.
 - i) The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.
 - j) Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.
- 3) Standards for Specific Zoning Districts
- a) Residential Districts - Telecommunication towers in residential districts must comply with the following standards:
 - i) If the tower is more than 75 feet high, it must be located at least 1,500 feet from any other telecommunications tower greater than 75 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower has been made, or that co-location on the tower will not technically satisfy the applicant's specific needs.

- ii) Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).
 - b) Non-residential Districts - If the tower is more than 100 feet high, it must be located at least 1,000 feet from any other telecommunications tower greater than 100 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower was made, or that co-location on the tower will not technically satisfy the applicant's specific needs.
- R. Telecommunication Facilities – Public Safety
 - 1) Public Safety Telecommunication Facilities must meet the development standards for Telecommunication Facilities as outlined in Section 5.3.12.Q. Through the Special Use Permit process, the Board of Commissioners shall have the authority to waive setback requirements provided that a survey prepared by a licensed professional showing that the designated fall zone associated with the tower is sufficient to accommodate the designed fall radius of the proposed tower.