

Article 3. SUPPLEMENTAL USE STANDARDS

Purpose and Intent

- 3.1** There are certain uses which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among buildings so that different uses may be located in proximity to one another without adverse effects to either. This Article specifies those requirements that must be met by certain uses listed in Use Matrix in Article 2, as indicated by the “Uses Permitted subject to Additional Standards” (PS) and “Special Use Permit Required” (SUP) designations.

Each use shall be permitted upon compliance with all conditions listed for the use in this Article. Certain uses are classified as Special Uses and require a Special Use Permit and approval from Town Council (with recommendation from Planning Board) in accordance with Section 15.10. General requirements for special use permit approval are outlined in Section 15.10 (B)

3.2 Applicability

The regulations contained in this Article shall be applicable in those districts where such uses are permitted.

3.3 Additional Standards by Use

A. Adult Establishments (C-2) *Special Use

The purpose of this special exception shall be to permit the location of adult establishments within the commercial district of the town provided the proposed business adheres to the guidelines established herein.

Because of their very nature, adult establishments are recognized as having serious objectionable operational characteristics, particularly when they are located near a residential zoning district or certain existing land uses. Special regulation of these establishments is necessary to insure that these adverse effects will not contribute to a downgrading or blighting of surrounding residential districts or neighborhoods, unless otherwise determined by this Section.

1. **Location Standards:** No portion of a lot for an adult establishment may be located within a 1000-foot radius (determined by a straight line and not street distance) of any place of worship, school (public or private), specialty school, day care facility, group care facility, nursing home, public park, college or university, funeral home, hospital, any residence or residential zoning district or any establishment with an on-premise ABC license. No portion of the lot on which the adult establishment is located shall be situated within 2000 feet of another adult establishment.
2. **General Standards:**
 - a. The owner/operator of the adult establishment must have a current, valid business license. Owner/operator and employees must make disclosure of criminal record and consent to a criminal records check.

Persons with a record of sex offenses will be denied a business license or employment.

- b. The owner/operator must be in full compliance with Article II, Chapter 42, of the Fletcher Town Code.
- c. No adult establishment may adversely impact public services and facilities such as parking, traffic, police, etc., and the secondary effects of such uses may not adversely impact on adjacent properties: The secondary effects would include but not be limited to noise, crime, light, stormwater runoff, parking, pedestrian circulation and safety.
- d. There shall be no more than one adult establishment 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 establishment business.
- e. The structure in which the adult establishment is located shall contain no sleeping quarters.
- f. The adult establishment shall not be open for business between the hours of 2:00 A.M. and 12:00 noon. The establishment shall be closed on Sundays.
- g. If dancers are employed as a feature of the adult establishment, the performing areas for such dancers shall be separated from patrons by at least **ten** feet.
- h. If viewing booths are provided, such are to be designed so as to allow the person or occupants to be completely visible from a portion of the premises open and available to the public.
- i. The applicant shall propose and implement a site-lighting plan adequate to ensure public safety.
- j. Printed material, video, photograph, written text, live show, or other visual presentation format shall not be visible to the public 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.

3. Town Council Actions

- a. **Additional Condition for Special Use Permits:** The Town Council may consider any other requirements for a proposal it considers essential for the protection of public health, safety and welfare.
- b. **Revocation of Special Use Permits:** The Town Council may revoke the Special Use Permit, after notice and hearing upon one or more of the following grounds:
 - (1) Failure to comply with the aforementioned standards.
 - (2) Employment of any person under the age of 21 years of age.
 - (3) Operating an establishment disruptive of peace and good order as evidence by lack of sufficient on-premises security and specifically

by a conviction of a criminal offense, a material element of which occurred on the premises of the adult establishment.

- (4) Admittance of patrons younger than 21 years of age.
- (5) Excessive criminal activity on or near the premises. If the Town Council finds that the operation of the adult establishment is related to such criminal activity or attracts transients or other persons who have been involved or are likely to be involved in such criminal activity.

B. Agricultural Products (R-1, R-2, R-3, C-1, C-2)

1. The area used for storage or keeping of materials shall have adequate means of ventilation and shall not create objectionable fumes, odor or dust to the surrounding area.

C. Airport (M-1*) *Special Use

1. Hangers or open storage shall be screened with a Type “C” Transition yard from all property lines.
2. Lighting provided shall be per the specifications of Chapter 10.
3. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.
4. Hours of operation shall be from 7:00 a.m. to 9:00 p.m.

D. Bed and Breakfast Inns (R-1, R-2, R-3, NBD)

1. No such facility may be a deterrent to the residential character of the surrounding area and shall be designed accordingly.
2. One wall sign is permitted and limited to four (4) square feet. One non-illuminated ground sign is permitted, limited to twelve (12) square feet and designed in character with the building.

E. Campground (R-2*, R-3*, NBD*) * Special Use

1. The placement of any campground shall not create a negative impact on the landscape, environment or natural features of the site.
2. Campgrounds shall be screened with at Type “B” Transition Yard from all property lines.
3. No new campground may be located within a 1000 feet of an existing campground.
4. The maximum density of any campground shall be no greater than 10 campsites per acre with a cap of 200 campsites
5. All new campgrounds shall provide open space/recreational areas as defined in Article 7 of this Code. A minimum of 10% of the total project area shall be utilized as open space/recreational areas.

F. Child / Adult Day Care Center (16 or more persons) (All Districts)

Child and adult day care centers are regulated by the North Carolina Department of Health and Human Services. All such uses must be certified and licensed by the State of North Carolina.

1. The enclosing fence for outdoor play areas shall be a minimum of four (4) feet in height and constructed with gates and in a manner that ensures maximum safety (Child Care Centers only).
2. Hours of operation shall be between 6:00 a.m. and 9:00 p.m.
3. Day Care Center operators shall submit to an annual fire safety inspection from the Town of Fletcher Fire Department.

G. Colleges/Universities (CBD*, C-1*, C-2*) * Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

H. Construction Services (C-2)

1. Outdoor storage of goods or materials shall be permitted in rear yard only and enclosed by a fence or wall and screened with Type A transition yard (see Section 8.9).

I. Cultural or Community Facilities (R-1*, R-1A*, R-2*, R-3*) * Special Use

1. A single building is allowed and is limited to 10,000 square feet.
2. General requirements for special use permit approval are outlined in Section 15.10 (B)

J. Drive Thru Service/Retail/Restaurants (CBD)

1. Drive thru facilities, whether attached or freestanding, shall be located at the rear of the structure, and shall not be visible from the front right of way.

K. Dwelling-Multi Family more than 4 units/bldg (R-3*, NBD*, CBD*) *Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

L. Dwelling-Secondary (R-1, R-1A, R-2, R-3, NBD, CBD, C-1, C-2)

1. The accessory dwelling unit shall be subordinate to the primary living quarters.
2. Not more than one (1) secondary dwelling unit is permitted.

3. Accessory buildings shall be regulated in size based upon the area of the lot.
 - a. Lots < 1 acre: 800 square foot maximum footprint.
 - b. Lots 1-3 acres: 1500 square foot maximum footprint.
 - c. Lots > 3 acres: no maximum footprint.
4. Any detached secondary dwelling unit shall be located in the rear yard of a single family house subject to the requirements of this Section.
5. Secondary dwelling units may be created as a second story within detached garages provided that the height of the accessory unit and/or garage does not exceed the height of the principal structure on the lot. There shall be a two (2) story height maximum.
6. The secondary dwelling may be up to 50% of the gross floor area of the primary dwelling with a maximum of 1,200 square feet. (If detached, then the secondary dwelling must also comply with provisions regulating the size of **accessory buildings as outlined above in L.3 and in Article 4.9 (C).**)
7. At least one (1) parking space shall be provided per unit. Parking spaces shall be located in the rear yard or side yard of the principal dwelling unit or may be located on-street in front of the principal dwelling unit.
8. No exterior changes shall be made to the existing foundation unless the Administrator, when the secondary dwelling unit is a permitted use, finds that such changes are warranted by the specific circumstances of a particular building.
9. Secondary dwelling units shall be located, designed, constructed, landscaped and decorated in such manner to match the appearance of the principal building.
10. In the C-1 and C-2 districts, secondary dwellings are allowed in instances where an existing, legal non-conforming single family residence exists.

M. Electronic Gaming Operations/Internet Sweepstakes

Note: Effective November 12, 2013, this use not currently permitted due to NC G.S. 14-306.4

N. Family Care Home (6 Residents or fewer) (R-1, R-2, R-3, NBD, CBD, C-1, C-2)

1. Family care homes shall not be located closer than 1/2 mile to any other existing group care home, family care home, child/adult care home/center or housing service for the elderly.
2. In the C-1 and C-2 districts, a family care home is allowed only in instances where an existing legal non-conforming single family residence exists.

O. Gas Station with Convenience Store (NBD)

1. All canopies shall be a minimum of ten feet (10 ft) from any adjoining non-residential property or public right-of-way and twenty feet (20 ft) from any residentially zoned property.
2. If provided, a car wash shall be placed in the rear yard only and screened from view.
3. Lighting provided by canopies shall be per the specifications of Article 10.
4. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

**P. General Retail - Greater than 50,000 square feet (CBD*, C-1*, C-2*, M-1*)
*Special Use**

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

**Q. Group Care Facility (More than 6 residents) (R-2*, R-3*, NBD*, CBD*, C-1*)
*Special Use**

1. The facility shall be screened from any residence by a Type A transition yard (see Section 8.9).
2. Any structure used for such facility in the **R-2 or R-3** district shall maintain an appearance of a residence which is compatible with the surrounding neighborhood.
3. Such facilities shall have an enclosed rear yard by a fence or wall.
4. Indoor space must be at least 25 square feet of floor area per person excluding bathrooms, hallways and other similar areas unsuitable as activity space.
5. Outdoor leisure space must be at least 500 square feet per person, 100 square feet of which shall be in lawn (as opposed to woodlands) of well drained area enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuitable for leisure space; this space may not be in the established front yard.
6. The minimum lot size requirement shall be increased by seven hundred fifty (750) square feet for each person in excess of six (6) people which care is provided.
7. No more than one facility any be located within a one half (1/2) mile radius of another similar facility, nursing home, adult or child care facility.

R. Home Occupation (R-1, R-1A, R-2, R-3, NBD, CBD, C-1, C-2)

1. No merchandise shall be sold or displayed on the premises, and no mechanical equipment shall be installed which is not normally used for domestic or professional purposes.
2. No more than 25% of the total floor space of the dwelling may be used for a home occupation, and only one home occupation shall be permitted in one dwelling unit.

3. No exterior evidence of the presence of a home occupation shall be allowed other than a sign as permitted in this ordinance.
4. Only members of the immediate family residing in the same dwelling unit and not more than one other employee may be employed in the operation of a home occupation.
5. One off-street parking space shall be required in addition to the parking requirements for the dwelling unit.
6. In the C-1 and C-2 districts, a home occupation is allowed only in instances where an existing legal non-conforming single family residence exists.

S. Hospitals (CBD*) *Special Use

Any site shall front on a principal arterial street with ingress and egress directly to that arterial.

T. Laboratory – Medical, analytical, research and development (C-1*, C-2*, CBD*) *Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

U. Live Work Units (C-1, C-2)

Construction shall meet requirements of the International Residential Code, and the following:

1. Non-residential use areas shall meet accessibility requirements of the North Carolina Accessibility Code (including site access and parking).
2. The maximum total size of Live-Work unit is 3000 square feet and three stories in height.
3. There shall be a maximum of five non-resident worker/employees allowed in the Live-Work unit at one time.
4. Each room of the work area must have access to two remotely located exits or have a direct exit to the outside, one of which is accessible.
5. Stairs when enclosed or separated at the top or bottom must be one-hour construction.

V. Manufactured Housing, Individual Lots (R-1A, R-2, R-3)

1. The manufactured home shall be set up on the site in accordance with the standards set by the NC Department of Insurance.
2. Underpinning specifically designed for manufactured homes shall be required under the perimeter of the home, and shall be unpierced, except for the required ventilation and access.
3. All towing apparatus, wheels, axles, and transporting lights shall be removed.
4. In no instance may a manufactured home be used for a primarily or exclusively nonresidential purpose.

5. In all major subdivisions approved after the effective date of this ordinance consisting of more than four lots, Manufactured Homes must meet these *additional standards*:
 - a. Only double-wide or multi-section manufactured housing shall be permitted.
 - b. The manufactured home shall front on a street such that the primary entrance is aligned with the street.
 - c. A continuous, permanent masonry foundation, constructed in accordance with standards of the N.C. Uniform Residential Building Code shall be installed, unpierced except for required ventilation and access, under the perimeter of the manufactured home.
 - d. The roof shall be finished with a type of shingle that is commonly used in standard residential construction. Main roofs on manufactured homes shall be symmetrical gables or hips with a pitch between 6:12 and 12:12.
 - e. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Department of Insurance.
 - f. Main roofs on manufactured homes shall be symmetrical gables or hips with a pitch between 6:12 and 12:12.
 - g. A covered porch or covered stoop shall be provided at the entrance and should project from the façade a minimum of 4 feet and be no less than 4 feet in width.
 - h. *No new manufactured homes shall be allowed on parcels located within the Heart of Fletcher Overlay (HOF-O) as stipulated in Appendix 2 of this Code. Replacement homes shall be permitted in accordance with Section 4.12 (F).*

W. Manufactured Housing, Parks (R-3*) *Special Use

A manufactured home park shall include any premises where two or more manufactured homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for two or more manufactured homes for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use as part of such manufactured home park.

1. Land Development Standards

- a. **Density:** There shall be no more than four manufactured homes per acre, with a maximum of 30 units per park.
- b. No manufactured homes or other structures within a manufactured home park shall be closer to each other than 20 feet, except that storage or other auxiliary structures for the exclusive use of a manufactured home.
- c. There shall be at least two off-street parking spaces for each manufactured home. These spaces shall be provided either on the same site as the manufactured home served, or in a designated parking area serving several or all manufactured homes within the park. Parking

spaces shall consist of not less than four inches of crushed stone or other suitable material on a well compacted sub-base.

- d. No manufactured home or other structure shall be located closer than 20 feet to the exterior boundary of the manufactured home park or highway right-of-way.
- e. **Landscape Buffer:** A densely planted buffer strip, consisting of evergreen trees or shrubs shall be located along all sides of the manufactured home park, but shall not extend beyond the established setback line along any street. Such buffer strip shall not be less than four feet in width and shall be composed of trees or shrubs of a type which at maturity shall not be less than six feet in height. This planting requirement may be modified by the Town Council where adequate buffering exists as vegetation and/or terrain.
- f. The manufactured home park owner is responsible for making arrangements for the collection of all garbage and trash and shall be in accordance with town policies related to the collection and disposal of solid waste.
- g. All manufactured homes shall be underpinned.
- h. **Streets:** All streets within a manufactured home park shall be at least 20 feet in width for two-way traffic, or 12 feet in width for one-way traffic. All streets shall have unobstructed access to a public street or highway and shall be paved surfaces, or properly compacted gravel of at least four inches in depth, well marked and lighted by the manufactured home park owner, with a maximum grade of 15% for streets within the property.
- i. All manufactured home parks shall be served by the public water system. The water distribution system within the park shall meet all requirements of Article D-9 of Appendix D, entitled "Plumbing Installation Standards for Mobile Homes and Travel Trailers and Parks" of the North Carolina Plumbing Code.
- j. All manufactured home parks served by a public sewage collection and treatment system shall meet the requirements of Article D-8 of Appendix D of the North Carolina Plumbing Code. Any manufactured home park not served by the public sewage system must be approved by the county health department.
- k. Anchors or tie-downs, such as cast-in-place concrete "dead men" eyelets imbedded in concrete screw augers, or arrow head anchors, shall be placed at each corner of the manufactured home stand and at intervals and of such strength as required to conform to the requirements of the State of North Carolina regulations for Mobile Homes and Modular Housing.
- l. The manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other force activity on the structure.

2. **Minimum Distance between Parks:** There will be a minimum distance between new and existing parks that have five or more manufactured homes of 5,280 feet. Parks of less than five may be closer than the minimum distance.
3. **Recreation Space:** 10% of the total land area of any park over five shall be devoted and developed for recreational use. The maintenance and development of the recreational space shall be the responsibility of the park operator.
4. **Permanent Deck:** A permanent decking of a minimum of 80 square feet will be required to be adjacent or attached to the permanent stand.
5. **Management:** An attendant or caretaker must be in charge at all times to keep the park and its facilities in a clean, orderly, safe, and sanitary condition. For any park over 20 units, an onsite attendant must be present.
6. **Requirements for Registering Overnight Occupants:** The park operator is required to keep an accurate register of all occupants. The operator must keep the registry available at all times for inspection of law enforcement officials and other officials whose duties necessitate acquisition of the information contained in the registry.

X. Meeting Facilities (R-1*, R-1A*, R-2*, R-3*) * Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

Y. Outdoor Kennels (C-2, M-1)

1. All open exercise, boarding, training or similar areas shall be designed to effectively buffer noise audible to surrounding properties and enclosed by a fence or wall no less than six (6) feet in height and screened from any residence or off-site view from a public street by a Type D transition yard (see Section 8.9).
2. No outdoor kennel shall be located within five hundred (500) feet and any adjacent residence.

Z. Planned Residential Development (R-1*, R-1A*, R-2*, R-3*, NBD*, CBD*) *Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)
2. No triplexes, quadraplexes or multifamily dwellings shall be permitted in the R-1, R-1A and R-2 Districts.

AA. Public Safety Station (R-1*, R-1A*, R-2*, R-3*) * Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

BB. Recreational Facilities, Indoor (R-3*) *Special Use

1. Facilities shall not be located within two hundred fifty (250) feet of any school or church and shall not serve alcoholic beverages.
2. The front façade shall not be blocked and permit a clear view into the facility. No sounds shall be audible from outside the structure.

CC. Religious Institutions (R-1*, R-1A*, R-2*, R-3*, NBD*, CBD*, C-1*) & Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

DD. Rooming or Boarding House (R-2*, R-3, NBD) *Special Use

1. All parking areas shall be screened from any residence or off-site view from a public street by a Type A transition yard (see Section 8.9).
2. No such facility may be a detriment to the residential character of the surrounding area and shall be designed accordingly in the R-1, R-2, and R-3 Districts.
3. All guest rooms must take access from an interior hallway. No guest room shall be accessible without passing through a secured area.
4. Staff supervision is required to be provided at all times.
5. One wall sign is permitted and limited to four (4) square feet.

EE. Schools – Elementary & Secondary (R-1*, R-1A*, R-2*, R-3*, NBD*, CBD*, C-1*) & Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

FF. Schools – Vocational & Technical (NBD*, CBD*, C-1*) & Special Use

1. General requirements for special use permit approval are outlined in Section 15.10 (B)

GG. Shooting Range; Outdoor (M-1*) *Special Use

1. **Location Standards:** No portion of a lot for an outdoor shooting range may be located within a 1000-foot radius (determined by a straight line and not street

distance) of any place of worship, school (public or private), specialty school, day care facility, group care facility, nursing home, public park, college or university, funeral home, hospital, any residence or residential zoning district or any establishment with an on-premise ABC license. No portion of the lot on which the outdoor shooting range is located shall be situated within 2000 feet of another outdoor shooting range.

2. **Security:** The operations of an outdoor shooting range shall be totally enclosed by (1) a security fence of at least eight (8) feet in height; or (2) a wall at least eight (8) feet in height). Entrances and exits should be secured and locked during non-operating hours.
3. A perimeter setback of 200 feet shall be required (storage of debris, equipment, and other materials shall not be permitted in the perimeter setback. A perimeter buffer of fifty (50) feet shall also be required.
4. Outdoor shooting ranges must be designed to contain all projectiles fired on site.
5. Hours of Operation: 9:00 AM to 8:00 PM

HH. Shopping Center – Neighborhood Center (CBD*, C-1, C-2,) *Special Use

1. Development site is limited to five (5) acres in size.

II. Shopping Center – Community Center (C-1*, C-2*, CBD*) *Conditional Zoning

JJ. Storage – Outdoor Storage Yard as a Primary Use (M-1)

1. All outdoor storage areas shall be screened from view of the street right of way by either an opaque fence or wall at least eight (8) feet in height, OR by a chain link fence at least 8 feet in height with a Type B transition yard (see Section 8.9)

KK. Utilities – Class 2 (C-2*,M-1) *Special Use

1. All buildings/structures shall be located at least 35 feet from any lot line.
2. No vehicles or equipment shall be stored, maintained, or repaired on the premises.
3. All sites must be screened with a Type D transition yard (see Section 8.9).

LL. Utilities – Class 3 (M-1)

1. All buildings/structures shall be located at least 35 feet from any lot line.
2. No vehicles or equipment shall be stored, maintained, or repaired on the premises.

3. All sites must be screened with a Type D transition yard (see Section 8.9).

MM. Utilities – Class 4 (R-3*, C-2, M-1) *Special Use

1. All buildings/structures shall be located at least 35 feet from any lot line.
2. For wind turbines, a minimum setback requirement, on ALL sides of the property, shall be one (1) foot for every one (1) foot of total height.
3. No vehicles or equipment shall be stored, maintained, or repaired on the premises.
4. If proposed in R-3, all structures shall be in keeping with the residential character of the neighborhood.
5. All sites must be screened with a Type D transition yard (see Section 8.9).

NN. Vehicle / Heavy Equipment Sales, Service, & Rental (C-2, M-1)

1. All vehicle and equipment display areas shall conform to dimensional, shading, landscaping and all other design standards as set forth for parking areas.
2. All vehicles shall be operable, suitable for driving and ready for sale. Any vehicle not meeting these criteria shall be removed within seven (7) calendar days. Any visibly damaged vehicle or one missing parts, must be removed within three (3) calendar days.
3. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

OO. Vehicle Services – Major Repair/Body Work (C-2, M-1)

1. Vehicles being stored on site during repairs or servicing must be stored at the rear of the building and enclosed by either an opaque fence at least eight (8) feet in height or by a chain link fence at least eight feet in height with a Type B transition yard (see Section 8.9)

PP. Vehicle Services – Minor Maintenance & Repair (C-1, C-2 & M-1)

1. No activities classified as “Vehicle Repairs—Major Repair/Body Work” shall be permitted
2. No storage of wrecked, junked, towed, or other vehicles
3. Examples of permitted facilities shall include: car washes, car stereo and alarm system installers, detailing services, muffler & radiator shops, quick-lube services, tire and battery sales & installation (not including tire recapping).
4. Service work regularly offered should be limited to oil changes, lubrication, minor tuneups, installation of batteries, tires, wiper blades, and similar equipment, wheel balancing and alignment and the replacement of minor mechanical parts, such as brakes, hoses, spark plugs, ignition wiring, points, alternators, water pumps and similar parts not requiring major engine or drivetrain dismantling

QQ. Wholesaling and Distribution (C-2*, M-1) *Special Use

1. Outdoor storage of goods or materials shall be permitted in rear yard only and enclosed by a fence or wall and screened with Type A transition yard (see Section 8.9).
2. All vehicle storage areas shall be located at the rear of the building and enclosed by a fence or wall and screened from the street right-of-way with a Type A transition yard (see Section 8.9).
3. All trailers, tow motors and tractors shall be licensed and in operable condition and used as a part of the operation.
4. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

RR. Wireless Telecommunication Facility – Cellular Tower Regulation

In recognition of the Telecommunications Act of 1996, it is the intent of the Town of Fletcher to allow Wireless Telecommunication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Fletcher. Wireless Telecommunication Facilities may be considered undesirable with other types of uses, most notably residential, therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.

1. Stealth / Type I (All Districts)

- a. All facilities shall be mounted in a manner such that the personal wireless service facilities do not extend beyond the top of the building or structure on which they are being mounted.
- b. Such facilities shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate.

2. Towers / Type II (M-1*) *Special Use

- a. All personal wireless service facilities must be of a monopole design and construction. Towers of the lattice variety may be used if documentation is provided by the applicant that demonstrates that a monopole tower cannot adequately serve the area.
- b. **Maximum Height:** The maximum allowable height of a tower is 199.9 feet. 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 meet reasonable service coverage area).

The maximum tower height may be increased by a ratio of one foot for every one linear foot of distance beyond 1,000 linear feet between the base of the proposed tower and any Residential (R) districts or platted

subdivisions. In such instances, the maximum tower height shall be 240 feet (see example below).

- c. **Co-Location Encouraged:** It is the intent of the Town to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Fletcher's jurisdiction. The Town may require providers to negotiate in good faith with other providers' space at a reasonable lease cost, and to publicize the fact that space is available on a lease basis as part of the conditional use process. No tower may be located within 1,500 linear feet of an existing tower unless the applicant can prove that co-location is not a viable option.
- d. **Tower Location and Setbacks:** Where a tower is located on a lot with an existing non-residential principal use, the tower must be located in the rear or side yards. If the principal use is residential, the tower must be located in the rear yard only.
- e. A minimum setback requirement, on all sides of the property, shall be one (1) foot for every one (1) foot of actual tower height (i.e. a 199 foot tower would require a 199 foot setback). Additions to a tower for the purpose of co-location must meet the setback requirements of the existing tower only (i.e. a ten foot antenna may be added to a 150 foot tower and maintain the 150 foot setback).
- f. **Federal Radio Frequency Emission Standards compliance:** The Town of Fletcher recognizes that a tower 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 tower complies with the Federal Radio Frequency Emission Standards. The Town requires that the applicant must provide documentation proving that the proposed tower does comply with the Federal Radio Frequency Emission Standards.
- g. **Design of Accessory Structures:** Wherever feasible, all accessory structures on the ground which contain switching equipment or other related equipment must be designed to closely resemble the neighborhood's basic architecture, or the architecture and style of the principal use on the property.
- h. **Screening Required:** Screening is required along all sides of the perimeter of the telecommunication tower site as per Article 8 of the ordinance. In addition, a minimum eight foot high fence is required immediately around the tower and any equipment buildings(s), with the screening to be located on the outside of the fenced area. It will be the responsibility of the provider to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where screening is required, shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep

planting areas neat in appearance. Any vegetation that constitutes part of the screening shall be replaced in the event it dies.

- i. **Evidence of No Negative Impact required:** Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. Elected officials must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.
- j. **Lighting of Towers:** Towers having a height of 200 feet or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses.
- k. **Removal due to Abandonment:** Towers and related facilities must be removed if abandoned (no longer used for its original Intent) for a period greater than ninety (90) consecutive days.
- l. **Repair/Replacement Procedure:** Any replacement or improvement to an existing telecommunication tower, including if the tower is blown over or considered inoperable, requires the provider to apply for a new review and approval process by the Planning Board and Town Council. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Administrator.
- m. **Signage:** Free-standing signs are prohibited. Wall signs limited to identification are allowed on equipment structures of fences surrounding the telecommunication tower provided it does not exceed nine square feet in size. Any signage must be specifically addressed in the special use permit.
- n. **Insurance Required:** The provider must show proof of adequate insurance coverage for any potential damage caused by or to the tower prior to the issuance of a special use permit.
- o. **No Outdoor Storage:** Outdoor storage of equipment or other related items is prohibited.
- p. **Placement on Water Towers and Power Transmission Towers:** The Town encourages the placement of personal wireless service towers on existing water towers or power transmission towers whenever feasible. No tower may be located within 3,000 linear feet (as measured using the shortest straight line distance between each tower) of a water tower or power transmission tower unless the applicant can prove that locating on such tower is not feasible.
- q. **Application Content:** All applications for a Special Use permit for a telecommunication tower must include the following information in

addition to any other applicable information contained in the Zoning Ordinance.

- (1) Identification of intended providers(s);
- (2) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable;
- (3) A statement from the owner indicating intent to allow shared use of the tower and how others will be accommodated, if applicable;
- (4) Evidence that the property owners of residentially zoned property within 300 feet of the site have been notified by the applicant of the proposed tower height and design;
- (5) Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standard;
- (6) Documentation that towers over 199.9 feet are necessary for a minimal level of service;
- (7) Screening, if applicable, must be shown on the site plan detailing the type, amount of planting, and location; and
- (8) Documentation of collapse area, if applicable.