

ARTICLE XI

DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

11-1 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

11-1.1 Application of Development Standards

The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use-specific and apply to those uses designated with a 'D' in Table 9-3-1 Table of Permitted Uses. Uses requiring approval of a Special Use or Conditional Use Permit (designated with a 'S' or 'C' in Table 9-3-1) shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit or Conditional Use Permit.

11-1.2 Standards for All Uses

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

(A) Property Separation

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

(B) Use Separation

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

(C) Outdoor Lighting

Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists.

(D) Noise

As a continuing condition of approval, all uses shall comply with the maximum permitted sound levels delineated in Chapter 13, Article II of *the City of Shelby Code of Ordinances*.

11-1.3 Accessory Dwelling Units (on Single-Family Lots)

(A) Where Development Standards Are Required:

R20, R10, R8, R6, RR, RO districts. **Note:** See Section 11-1.29 for Existing

Detached Garage Apartments.

(B) General Requirements

- (1) The accessory dwelling unit shall be on the same lot with a principal dwelling unit.
- (2) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
- (3) No accessory dwelling unit shall be permitted on the same buildable lot with a two-family or multi-family dwelling or family care home.
- (4) The lot meets the minimum dimensional requirements of the applicable zoning district.
- (5) The accessory dwelling unit does not exceed 50 percent of the gross floor area of the principal dwelling.

(C) Accessory Dwelling Unit Within A Detached Accessory Structure

- (1) Detached accessory dwelling units with a gross floor area of less than 600 square feet shall be located at least 10 feet from side and rear property lines. Accessory dwelling units with a gross floor area of 600 square feet or greater shall meet the setback requirements of the principal building.
- (2) Detached accessory dwelling units shall be located behind and at least 20 feet from the principal dwelling.
- (3) The lot containing both the principal dwelling and a detached accessory dwelling shall have one and one-half times the minimum lot area required for the district in which located.
- (4) A detached accessory dwelling unit may be a manufactured home in districts which permit manufactured homes.
- (5) A detached accessory dwelling unit may be a dwelling unit which is part of an accessory garage or a free-standing dwelling unit meeting the NC Building Code.
- (6) A detached accessory dwelling unit, other than a manufactured home, shall have no more that 50 percent of the gross floor area of the principal building.

(D) Accessory Dwelling Unit Within a Principal Single-Family Dwelling

- (1) The principal building shall not be altered in any way so as to appear from a public or private street to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways, or multiple mailboxes. Access to the accessory dwelling unit shall be by

means of an existing side or rear door, except where a new entrance is required by the NC Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.

- (2) An accessory dwelling unit shall occupy no more than 25 percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed 25 percent of the total floor area.

11-1.4 Airport or Air Transportation Facility

(A) Where Development Standards Are Required

LI, GI districts.

(B) Minimum Area

Fifty acres for Basic Utility Stage 1 airport with 2,000-foot runway. More area is required for larger airports. Airport size and layout shall conform to FAA Advisory Circular 150/5300-4B.

(C) Use Separation

There shall be a minimum 300-foot distance between the airport property and the nearest residence.

(D) Fencing

Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum 6 feet in height.

11-1.5 Ammunition, Small Arms Manufacture

(A) Where Development Standards Are Required

GI Districts.

(B) Use Separation

No such facility shall locate within a 500-foot radius of any residential or residential and office zoning district.

(C) Security Fencing

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of such a facility.

(D) Operation

The facility and its operation shall observe all City and state regulations regarding fire prevention and protection requirements.

11-1.6 Animal Slaughter or Rendering

(A) Where Development Standards Are Required

GI districts.

(B) Property Separation

All structures, buildings or enclosed areas used for the operation shall be a minimum of 150 feet from all property lines.

(C) Dust

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

(D) Fencing

Security fencing shall be provided around all outside storage areas.

(E) Access

A truck route plan shall be submitted showing routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other land uses that would be negatively impacted by truck traffic.

(F) Odors

The use shall not generate fumes or odors beyond what normally occurs in the zoning district in which it is located.

11-1.7 *(Reserved for future use)*

11-1.8 Athletic Fields

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR, RO districts.

(B) Access

All athletic fields shall have vehicular access to a collector or higher capacity street.

(C) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(D) Dust

All unpaved parking areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

11-1.9 Auditorium, Coliseum or Stadium

(A) Where Development Standards Are Required

GB, GB2, CPD districts.

(B) Access

The use shall have direct access to a thoroughfare or higher classified street.

(C) Use Separation

Fifty foot minimum distance from any residentially-used or zoned property.

(D) Traffic

The Board of Adjustment 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.

(E) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(F) Dust

All unpaved parking and storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

11-1.10 Automotive Repair Services; Automobile Towing Services

(A) Where Development Standards Are Required

GB, GB2 districts: Automotive Repair Services

GB, GB2, GI districts: Automobile Towing Services

(B) Storage and Screening

Wrecked vehicles shall be stored in a fenced-in area for a period not to exceed 120 days. Wrecked vehicles shall be screened from the street right-of-way and any residential dwelling or residential zoning district in accordance with the requirements of Section 14-5.3(D) and the City's general ordinances regulating wrecker operations.

11-1.11 Bar, Night Club, and Tavern

(A) Where Development Standards Are Required

NB, CB, GB, GB2, CPD districts.

(B) Use Separation

No bar, night club or tavern shall be located within 500 feet of any other bar, night club or tavern.

(C) Property Separation

No such establishment shall be located within 500 feet of a church, elementary or secondary school, public park or residentially-zoned property nor within 75 feet of a public street right-of-way.

(D) Frontage

The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for nonresidential use.

(E) Screening

A minimum 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences.

(F) Parking

Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.

11-1.12 Batting Cages

(A) Where Development Standards Are Required

GB, GB2 districts.

(B) Security Fencing

Fencing, netting or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.

(C) Minimum Property Setbacks

All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.

(D) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(E) Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the batting cage use. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

11-1.13 Bed and Breakfast

(A) Where Development Standards Are Required

R20, R6, RR, RO districts.

(B) Operation

- (1) The use must be owned and operated by a resident owner.
- (2) The use shall be located in a structure which was originally constructed as a dwelling.
- (3) Meals served on the premises of a bed and breakfast located in a residential zoning district shall be only for guests of the facility.

(C) Signs

- (1) A sign permit shall be obtained from the Zoning Administrator prior to erecting any sign.
- (2) In residential zoning districts, there may be one unlighted sign erected, not to exceed three feet in height and three feet in sign area. In nonresidential districts, signs shall comply with the applicable requirements of Article 12.

(D) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.14 Boarding and Rooming House

(A) Where Development Standards Are Required

R6, RO districts.

(B) Operation

- (1) The use must be operated by a resident owner or manager.
- (2) The use shall be located in a structure that was originally constructed as a single-family dwelling.
- (3) Meals served on the premises shall be only for residents of the facility.

(C) Signs

There may be one unlighted sign erected, not to exceed three feet in height and three feet in sign area.

(D) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(E) Property Separation

No such use shall be located within a 200-foot radius of another boarding and rooming house (as measured by a straight line and not street distance).

(F) Parking Spaces

Parking spaces, as required in Article XIII, shall be located on-site and located in the rear or to the side of the structure behind the building line.

(G) Permit Renewal

The zoning permit authorizing such use shall be renewed annually (every 12 months) by the Zoning Administrator. Failure to apply for renewal within the specified time period shall render the zoning permit null and void. The zoning permit may be revoked by the Zoning Administrator at any time upon a finding that the use has caused a habitual nuisance to adjacent properties.

11-1.15 Caretaker Dwelling

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR, RO, NB, LI, GI Districts.

(B) Operation

A building permit for the principal building must be obtained or the principal use must be initiated prior to occupancy.

(C) Number

No more than one caretaker dwelling unit shall be permitted per lot.

(D) Use of Manufactured Homes

A caretaker dwelling may be a manufactured home in nonresidential districts. In residential districts, a caretaker dwelling may be a manufactured home only in those districts which permit a manufactured home on an individual lot.

(E) General Requirements

A caretaker dwelling shall:

- (1) Have an approved sewage disposal connection or system;
- (2) Meet all setbacks applicable to the principal building or use;
- (3) Be erected in accordance with the NC Building Code or, in the case of permissible manufactured homes, the construction standards of the US Department of Housing and Urban Development.
- (4) Be located on a lot that has sufficient lot area to meet the minimum lot area requirements for both the principal use and a single-family residence. In nonresidential districts, a caretaker dwelling shall comply with R-6 density and dimensional requirements as required in Table 9-4-1.

11-1.16 Carnivals and Fairs

(A) Where Development Standards Are Required

GB, GB2, LI, GI districts.

(B) Minimum Lot Area

The minimum lot size shall be 3 acres.

(C) Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair.

(D) General

The Board of Adjustment 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.

(E) Dust

All unpaved parking and storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

11-1.17 Cemetery, Columbarium or Mausoleum

(A) Where Development Standards Are Required

R20, RR, RO districts.

(B) Minimum Lot Area

The minimum lot area for a cemetery shall be 5 acres. Free-standing columbarium or mausoleums that are not part of a cemetery operation shall be required to have a minimum lot area of one acre.

(C) General Requirements

- (1) All applicable requirements of the North Carolina General Statutes, the City of Shelby Code of Ordinances, and Cleveland County concerning the interment of human dead shall be met.
- (2) No interment shall take place within 100 feet of any property line or public street right-of-way.
- (3) Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot line that adjoins a residential zoning district. Otherwise, such buildings shall conform to the requirements of the principal use for the district in which located.

(D) Access

Access to the use shall be from a collector or higher capacity street.

11-1.18 Church or Other Place of Worship

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR districts.

(B) Access

Church facilities located on sites of 3 acres or more shall have direct vehicular access to a collector or higher capacity street.

(C) Minimum Property Setbacks

The minimum street setback shall be at least 25 feet greater than that required for a single-family dwelling for the zoning district in which located. The minimum side and rear setbacks shall be at least 50 feet.

(D) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.19 Civic, Social, and Fraternal Associations

(A) Where Development Standards Are Required

R20, R6, RR, RO districts.

(B) Location

Clubs shall have direct access to a collector or higher capacity street. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from an interior street within the residential development.

(C) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.20 College, University, Technical Institute

(A) Where Development Standards Are Required

RO, CPD, LI districts.

(B) Access

Access to the use shall be from a thoroughfare or higher capacity street.

(C) Use Separation

Outdoor recreational areas and all buildings shall be located a minimum of 50 feet from any adjacent residentially-zoned property.

(D) Dust

All unpaved parking and storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

11-1.21 Communication Tower Under 60 Feet In Height

(A) Where Development Standards Are Required

R20, R6, RR, RO, NB, CB, GB, GB2, CPD, LI, GI districts except that communication towers on government facilities and structures are allowed by right in all zoning districts, provided that applicable lease agreements are obtained.

(B) Location

In R20, R6, and RO districts, towers shall not be placed in any street setback yard or side setback yard. All supporting cables shall be contained on the property.

11-1.22 Concerts, Stage Shows

(A) Where Development Standards Are Required

CB, GB, GB2, CPD, LI, GI districts.

(B) Minimum Lot Area

The minimum lot size shall be 3 acres.

(C) Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the concert or stage show.

(D) Parking

The Board of Adjustment 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.

(E) Location

Principal access must be from a collector or higher capacity street.

(F) Dust

All unpaved parking and storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

11-1.23 Convenience Store

(A) Where Development Standards Are Required

RO, NB districts.

(B) Maximum Area

A maximum of 3,000 square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage

No outside storage of materials shall be permitted.

(D) Dispensers

There shall be no more than 4 Multiple Product Dispensers (MPDs) per store.

(E) Screening

Screening shall be provided in accordance with the requirements of Article XIV, Section 14-10. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 14-4.2(G)(4) the minimum height of the berm shall be six feet.

11-1.24 Correctional Institution

(A) Where Development Standards Are Required

GI districts.

(B) Minimum Setbacks

The use shall be set back 100 feet from all property lines and public street rights-of-way.

(C) Use Separation

All structures, enclosed areas, and fenced areas shall be located at least 200 feet from any residential zoning district.

(D) Location

Principal access shall be from a thoroughfare or higher capacity street.

11-1.25 Country Club with Golf Course

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR, RO districts.

(B) Minimum Area

The minimum area shall be 2 acres in addition to the golf course(s).

(C) Use Separation

Fifty-foot minimum distance between clubhouse, swimming pool, lighted tennis court, tees, greens, or fairways and any adjacent residentially-zoned property.

(D) Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the Cleveland County Health Department's public swimming pool regulations.

(E) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.26 Day Care Center, Child or Adult; 6 or More Clients

(A) Where Development Standards Are Required

R20, R6, RR, RO districts.

(B) Security Fencing

Outdoor activity area(s) for children shall be enclosed by a security fence at least 6 feet in height and shall be located outside of the street setback.

(C) Location

Centers on a site greater than 3 acres shall have access to a collector or thoroughfare street.

(D) Hours of Operation

In residential zoning districts, the use shall not be operated between the hours of 7 p.m. and 5 a.m.

11-1.27 Demolition Debris Landfill

(A) Where Development Standards Are Required

GI districts.

(B) Use Separation

Fifty feet minimum from any property line; three hundred feet minimum from any residence.

(C) Access

Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or vegetation to prevent unregulated dumping.

(D) Dust

All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.

(E) Operation

No filling is permitted in the 100-year floodplain of any stream; no filling is permitted in utility easements.

(F) Closure

Landfills shall be closed with a minimum of 2 feet of clean soil, graded to a maximum slope of 3:1 and stabilized with vegetation or in accordance with current state standards.

(G) Signs

An entrance sign shall be posted and maintained which lists the name and phone number of the current operator, the types of material accepted, the hours of operation, tipping charges and any other pertinent information.

11-1.27.1 Drugstore

(A) Where Development Standards Are Required

RO, NB, CPD districts.

(B) Maximum Area

A maximum of 3,000 square feet of gross floor area shall be permitted per establishment.

(C) Outside Storage

No outside storage of materials shall be permitted.

(D) Hours of Operation

Where the use abuts a residentially zoned or used lot, the use shall not be operated between the hours of 10 p.m. and 8 a.m.

(E) Screening

Screening shall be provided in accordance with the requirements of Article XIV, Section 14-10. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 14-4.2(G)(4) the minimum height of the berm shall be six feet.

11-1.28 Elementary or Secondary School

(A) Where Development Standards Are Required

All districts.

(B) Use Separation

Fifty feet minimum from any property line; three hundred feet minimum from any residence.

(C) Minimum Area

Minimum lot size shall be 3 acres.

(D) Access

Principal access shall be from a collector or higher capacity street. All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.

(E) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(F) Dust

All unpaved parking and storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

11-1.29 Existing Detached Garage Apartment

(A) Where Development Standards Are Required

R20, R10, R8, R6, RO districts.

(B) General

The detached garage apartment shall be on the same lot with a principal single-family dwelling unit. No detached garage apartment shall be permitted on the same buildable lot with a two-family dwelling, multi-family dwelling, or

a family care home. No more than one detached garage apartment shall be permitted on the same lot with a principal dwelling unit.

(C) Minimum Area

The lot containing the detached garage apartment shall have one and one-half times the minimum lot area required for the district in which located.

(D) Minimum Setbacks

Detached garage apartments with a gross floor area of less than 600 square feet shall be located at least 10 feet from side and rear property lines. Detached garage apartments with a gross floor area of 600 square feet or greater shall meet the setback requirements of the principal building. Detached garage apartments shall be located behind and at least 20 feet from the principal dwelling.

(E) Maximum Floor Area

A detached garage apartment shall have no more than 50 percent of the gross floor area of the principal building.

11-1.30 Explosives Manufacture

(A) Where Development Standards Are Required

GI districts.

(B) Property Separation

No facility shall locate within 500 feet of any residentially or residential-office zoned property.

(C) Minimum Property Setbacks

Buildings, including any accessory buildings for storage of explosive raw materials and/or final products, shall be not less than 150 feet from all property lines.

(D) Security Fencing

Security fencing, a minimum of 8 feet in height, shall be provided along the entire boundary of the facility.

(E) Operation

Building(s) shall meet the requirements for Hazardous Occupancy under the NC Building Code.

11-1.31 Fire Station/Emergency Medical Service

(A) Where Development Standards Are Required

All districts.

(B) Use Separation

All structures, buildings or enclosed areas used for the operation shall be a minimum of 50 feet from all residentially-zoned properties.

(C) Access

Access to the use shall be from a thoroughfare or higher capacity street.

(D) Location

The use shall be sited and operated so as to mitigate impacts to adjoining properties.

(E) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.32 Go-Cart Raceway

(A) Where Development Standards Are Required

GB, GB2 districts.

(B) Property Separation

No raceway shall be located within 500 feet of any residentially or residential-office zoned property.

(C) Dust

All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.

(D) Fencing

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway.

(E) Hours of Operation

No such facility that adjoins residentially-used or zoned property shall conduct business between the hours of 10 pm. and 8 am.

11-1.33 Golf Course

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR, RO districts.

(B) Use Separation

Fifty-foot minimum distance between clubhouse, tees, greens, or fairways and any adjacent residentially-zoned property.

11-1.34 Golf Course, Miniature

(A) Where Development Standards Are Required

GB, GB2 districts.

(B) Minimum Property Setbacks

All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.

(C) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(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 8 am.

11-1.35 Golf Driving Range

(A) Where Development Standards Are Required

GB, GB2 districts.

(B) Minimum Area

The minimum lot depth from the tees to the end of the driving area shall be 1,000 feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.

(C) Security Fencing

Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area so as to prevent golf balls from leaving the driving area.

(D) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(E) 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 8 am.

11-1.36 Group Care Facility

(A) Where Development Standards Are Required

R6, RO districts.

(B) Property Separation

No such facility shall be located within a 2000-foot radius (measured by a straight line and not street distance) of another group care facility.

(C) Operation

The facility must be operated by a resident owner or manager. The facility shall be limited to not more than 10 persons including resident managers.

(D) Location

The use shall be sited and operated so as to mitigate impacts on adjoining residential properties.

(E) Parking

Parking spaces shall be located on-site and located in the rear or to the side of the structure behind the building line.

(F) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.37 Halfway House

(A) Where Development Standards Are Required

RO, CB, GB, GB2 districts.

(B) Property Separation

No such facility shall be located within a 2000-foot radius (measured by a straight line and not street distance) of another halfway house.

(C) Operation

The facility shall be limited to not more than 30 persons including resident managers.

(D) Location

The use shall be sited and operated so as to mitigate impacts on adjoining residential properties.

(E) Parking

Parking spaces, as required in Article XIII, shall be located on-site and located in the rear or to the side of the structure behind the building line.

(F) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of 14-5.2.

11-1.38 Hazardous and Radioactive Waste (transportation, storage, and disposal)

(A) Where Development Standards Are Required

GI districts.

(B) The use shall comply with the Federal Resource Conservation and Recovery Act of 1976, as amended (PL 94-580) and the North Carolina Solid Waste Management Act, as amended (Article 13B, NCGS 130-166.16) for design, siting, and materials to be stored and treated.

(C) Property Separation

All storage, treatment, and loading facilities handling hazardous materials will be located at least 200 feet from any property line and at least 1,250 feet from any lot not located in an industrial district. The required separation area shall contain a sufficient amount of natural or planted vegetation so that such facilities are screened visually from an adjoining property not located in an industrial district.

(D) Fencing

A security fence at least 7 feet in height with a minimum 9-gauge fabric and 3 strands of barbed wire shall surround all facilities for the storage and handling of hazardous materials.

(E) Location

Vehicular access to the operation will be provided only by way of a US or NC numbered highway or an industrial area access street.

(F) All surface water and groundwater on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials.

(G) All sanitary sewer and stormwater management systems on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials. A stormwater management plan shall be prepared by the applicant and submitted to the City for review by the City and the Environmental Management Division of the NC Department of Environment and Natural Resources. A NPDES Permit for stormwater discharge shall also be obtained, if applicable.

11-1.39 Heliport

(A) Where Development Standards Are Required

LI, GI districts.

(B) Minimum Area

Heliport size and layout shall conform to applicable Federal Aviation Administration requirements.

(C) Use Separation

There shall be a minimum 300-foot distance between the heliport property and the nearest residence or residentially-zoned property.

11-1.40 Home Occupation

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR districts.

(B) Maximum Area

The area set aside for a home occupation shall occupy no more than 25 percent of the gross floor area of a dwelling unit.

(C) Outside Storage

No outside storage or display of items associated with the home occupation is permitted.

(D) Operation

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

(E) Signs

There may be one unlighted sign erected, not to exceed three feet in height and three feet in sign area.

11-1.41 Homeless Shelter

(A) Where Development Standards Are Required

RO, CB, GB, GB2 districts.

(B) Property Separation

No such facility shall be located within a 2000-foot radius (measured by a straight line and not street distance) of another homeless shelter.

(C) Operation

- (1) The use must be operated by a resident owner or manager.
- (2) The use shall be owned and managed by a charitable or benevolent operation qualifying for tax exemption under Section 501 of the Internal Revenue Code as amended.
- (3) There shall be no compensation required for occupancy in the shelter.
- (4) There shall be a minimum of fifty square feet of sleeping space per person.

(D) Permit Renewal

The conditional use permit authorizing such use shall be renewed annually (every 12 months) by the Board of Adjustment. Failure to apply for renewal within the specified time period shall render the special use permit null and void. The special use permit may be revoked by Board of Adjustment at any time upon a finding that the use has caused a habitual nuisance to adjacent properties.

(E) Signs

There may be one unlighted sign erected, not to exceed three feet in height and three feet in sign area.

11-1.41.1 Intensive Livestock Operation

(A) Where Development Standards Are Required

GI districts. **Note:** Chapter 3 of the City of Shelby Ordinances regulates the keeping of certain animals within the corporate limits of the City of Shelby. Consequently, intensive livestock operations may only be permissible within GI districts that are located outside of the Shelby corporate limits.

(B) Minimum Area

50 Acres

(C) Setbacks

All waste lagoons, land areas onto which waste is applied, structures, buildings or enclosed areas used for the housing of poultry, hogs, cattle, or other livestock or animals being bred shall be set back a minimum of (i) 5,500 feet from any existing residence, school, hospital, church, outdoor recreational facility, historic property, office building, commercial establishments, industries, institutional or governmental buildings, places of public assembly, nursing homes, or day care center; (ii) 2,500 feet from any perennial stream, river, or well supplying water to a public water system; and (iii) 1,500 feet from any other well that supplies water for human consumption

or the minimum setback established by State regulations, whichever is greater.

(D) Operation

Any violation of state regulations concerning the operation of the use shall be considered a violation of this Ordinance.

(E) Screening

All structures, buildings, or enclosed areas used to house animals being bred shall be screened from the view of adjoining residentially-used or zoned properties with natural or planted vegetation or a combination of vegetation, fences, walls, and berms. The required screening shall comply with the requirements of Section 14-5.3(D).

(F) Floodplains

No component of a liquid animal waste management system shall be constructed on land that is located within the 100-year floodplain.

11-1.42 Landing Strip, Flying Field

(A) Where Development Standards Are Required

LI, GI districts.

(B) Use Separation

There shall be a minimum distance of 200 feet between the use and the nearest residence or residentially-zoned lot.

(C) Minimum Area

The size and layout shall conform to applicable Federal Aviation Administration requirements.

11-1.43 Library

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR, RO districts.

(B) Location

Libraries shall have direct access to a collector or higher classified street.

(C) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.44 Manufactured Home Park

(A) Where Development Standards Are Required

R20 districts.

(B) General Requirements

- (1) Minimum Lot Area: 2 acres.
- (2) Minimum Number of Manufactured Home Spaces: At least 5 spaces shall be available at first occupancy.
- (3) Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured home owner shall be allowed to sell the manufactured home in which such owner resides.
- (4) The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
- (5) Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a zoning permit and a building permit is issued by the City.
- (6) Within a manufactured home park, one manufactured home may be used as an administrative office.
- (7) Convenience establishments of a commercial nature shall be limited to food stores and coin-operated laundromats. These may be permitted in manufactured home parks subject to the following restrictions:
 - (a) Such establishments shall be subordinate to the residential use and character of the park.
 - (b) Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
 - (c) Such establishment shall be designed to serve the trade and service needs of the park residents only.

- (8) Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of manufactured homes in the park. The register shall be available for the inspection at all times by the Zoning Administrator. The register shall contain the following information:
 - (a) Name of owner or occupant;
 - (b) Manufactured home space address;
 - (c) Make, model, and registration;
 - (d) Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases.
- (9) The person to whom an operating permit for a manufactured home park is issued shall operate the park in compliance with this Section and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.
- (10) The area beneath a manufactured home must be fully enclosed with durable skirting within 90 days of placement in the manufactured home park. Manufactured homes shall have a continuous and permanent skirting installed of brick, cement block or a corrosive-resistant, non-reflective skirt extending from the bottom of the manufactured home to the ground. Said skirt shall be provided with a door for crawl space measuring at least eighteen inches by twenty-four inches and installed in a uniform manner.
- (11) Site plans for manufactured home parks shall comply with the requirements of Article IV and Appendix A.

(C) Manufactured Home Space Requirements

- (1) All manufactured homes shall be located on individual manufactured home spaces. Spaces served by municipal water and sewer systems or community water and sewer systems shall have at least 5,000 square feet of lot area and a minimum lot width of 60 feet.

Spaces not served by either a municipal or community sewer system, shall have at least 10,000 square feet of lot area per manufactured home unit, allowing no more than one manufactured home per septic tank. However, a greater lot area may be required by the Cleveland County Health Department in those cases where public sewer is not available. Spaces shall not be less than 85 feet in width at the setback line. An individual manufactured home with neither municipal or community water service nor municipal or community sewer service shall not be permitted within a manufactured home park.

- (2) Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address.
- (3) Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
- (4) The manufactured home park shall provide the following minimum building setbacks along its external boundary: 50 feet from a public street right-of-way, 15 feet side property line, and 40 feet rear property line. Each manufactured home space shall have the following minimum building setbacks: 20 feet from the edge of the right-of-way of any private interior street right-of-way; 10 feet from a side property line, and 15 feet from a rear property line. Each manufacture home shall be located at least 20 feet from any other manufactured home or any building within the manufactured home park.

(D) Access, Street and Parking Requirements

- (1) No manufactured home space shall have direct vehicular access to a public street. All manufactured home spaces shall directly abut a private street contained within the park.
- (2) Each manufactured home space shall have vehicular access to a private, interior street that has a minimum pavement width of 15 feet for one-way streets and 25 feet for two-way streets. A minimum right-of-way of 50 feet shall be reserved for two-way streets and 40 feet for one-way streets. Private streets shall be constructed in accordance with the requirements of Section 15-7.3(G).
- (3) Proper sight lines shall be maintained at all public street intersections in accordance with the current NCDOT requirements for sight clearances.
- (4) New street names shall not duplicate or be similar to existing street names and shall be subject to approval by the Community Development Director.
- (5) A minimum of two automobile parking spaces shall be provided within each manufactured home space. Parking spaces shall not be located within any street in the park.
- (6) At least one entrance from a public street shall be provided to the manufacture home park for each 50 manufactured home spaces or fraction thereof.

(E) Utility Requirements

- (1) Water Supply: An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. Where a municipal water supply is available, connection shall be made thereto and its

supply used exclusively. When a municipal water supply is not available, a community water supply shall be developed, and its supply used exclusively in accordance with the standards of the NC Division of Health Services. Placement of water improvements to manufactured home spaces shall comply with the NC Building Code for Plumbing.

(2) Sewage Disposal:

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

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

(3) Solid Waste Disposal and Sanitation Requirements:

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

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

(4) Street Lighting Requirements: All streets in the manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size street light shall be a 175 watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet.

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

(F) Screening Requirements

Manufactured home parks shall provide screening in accordance with the requirements of Section 14-5.3 (D).

11-1.45 Manufactured Home, Class A, Class B or Class C on Individual Lots

(A) Where Development Standards Are Required

R20 districts.

(B) Permanent Curtain Wall

There shall be a continuous, permanent curtain wall, unpierced except for required ventilation and access, installed under the manufactured home.

(C) Underpinning

The area beneath a manufactured home must be fully enclosed with durable skirting within 60 days of placement on the lot. Manufactured homes shall have a continuous and permanent skirting installed of brick, cement block or a corrosive-resistant, non-reflective skirt extending from the bottom of the manufactured home to the ground. Said skirt shall be provided with a door for crawl space measuring at least eighteen inches by twenty-four inches and installed in a uniform manner.

(D) Removal of Towing Apparatus

The tongue, axles, transporting lights, and removable towing apparatus shall be removed after placement of the lot and before occupancy.

11-1.45.1 Microbrewery and Brewpub

(A) Brewpubs are allowed in CB, CP, GB, GB2, and LI District with the following prescribed conditions.

- (1) In the CB District, a brewpub shall not exceed 10,000 square feet gross floor area.
- (2) In the CP, GB, GB2, and LI Districts, a brewpub shall not exceed 10,000 square feet gross floor area.
- (3) No outdoor amplified sound will be permitted after 11:00 pm within 500 feet of a street level residential use.

(B) Microbreweries are allowed in CB, GB, GB2, and LI Districts, with the following prescribed conditions:

- (1) In the CB District, a microbrewery shall not exceed 10,000 square feet gross floor area.

- (2) In the CB District, microbreweries shall have a tap room that is oriented to the street or main pedestrian entrance of the building. A minimum of 500 square feet shall be provided for the tap room and this area shall be open for business at least one quarter of the time each week the business facility is operating.
- (3) In the GB, Gb2, and LI Districts, a microbrewery cannot exceed 10,000 square feet gross floor area.
- (4) No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00 pm and 7:00 am when the microbrewery is located within 500 feet of any residential or institutional use.

11-1.46 Mining, Quarrying, Sand Pits, and Mineral Extraction

(A) Where Development Standards Are Required

GI districts.

(B) Application

An application, environmental impact statement, and site plan for the use shall be submitted to the Zoning Administrator, who will consider and determine entitlement to the permit based upon the regulations contained in this Section. Once a complete application has been submitted, it will be forwarded to the Zoning Board of Adjustment after a review and recommendation by the Planning and Zoning Board for final approval. If additional land is being considered to expand the size of an existing quarry, a new application must be resubmitted and forwarded to the Zoning Board of Adjustment after a review and recommendation by the Planning and Zoning Board.

(C) Findings

As a prerequisite to the approval of a conditional use permit or the modification of an existing conditional use permit, the Zoning Administrator must satisfy himself that the following have been met or, in his opinion, will be met:

- (1) That the site contains at least 50 acres;
- (2) That the application specifies the future use of the property upon the cessation of mining activities to be a park or recreational use;
- (3) That the application includes a plan with provisions for the property owner to create a reserve fund to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future use of the property. Such capital expenses shall be in the minimum amount of \$1,000.00 times the number of acres in the total mining operations site. Provided, however, if it is found that the operation of

any mining operations is subject to the Mining Act of 1971 (NCGS 74-46 et seq.), the findings in subsection (C)(1) and (C)(2) are not required;

(4) That yard requirements will be as follows:

Required minimum distance from any public right of way or from adjacent property that is zoned:	Residential	Residential-Office or Business	Industrial
To any building or extraction area, road, driveway or pit	600 feet*	500 feet*	500 feet*
To any crushing or rock, processing of stone gravel or other material	700 feet	700 feet	600 feet
To any blasting	1,000 feet	1,000 feet	900 feet

*All existing trees and vegetation are to remain in an undisturbed condition. Where the natural growth is inadequate to materially screen the mining operations site from the view of adjoining residential properties and from a public street, a planted buffer shall be provided for the exterior 100 feet of the required separation adjacent to the exterior property. This 100-foot buffer can be the same minimum distance separation as stated above. The access to the site and utilities serving the site may cross all of these areas, however, underground utility areas will be replanted after installation. It is the intent of this provision that these driveways and utilities be basically in a straight line and as nearly perpendicular to the property line as possible.

The 100-foot planted buffer required above shall consist of 12 large maturing trees and 60 shrubs planted every 100 linear foot of required buffer. Shrubs used in the required buffer must be at least 3 feet tall when planted. Shrubs must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 4 years of planting. A large mature tree shall mean any tree, evergreen or deciduous, which normally grows to an average mature height of at least 35 feet, and a mature crown spread of at least 30 feet. At time of planting each tree shall have a caliper of at least 2 inches and a minimum height of 12 feet in accordance with AAN (American Association of Nurserymen) standards. In addition to the above buffer requirements, the remaining open areas of the required buffer is to be reforested with native species seedlings such as loblolly or Virginia pine in accordance with the NC Forest Service reforestation guidelines. These guidelines recommend a minimum of 1 seedling per 50 square feet of area.

The arrangement of trees and shrubs in the buffer shall be done in a manner that provides a visual separation between abutting land uses, properties and streets;

- (5) That during operation of and after termination of mining operations at the site, the following features, consistent with the reuse plan for the site, will be maintained unless the applicant installs a permanent fence of the type described in subsection (C)(10) around the entire perimeter of the quarry operations:

- (a) Rock Quarries:

From the edge of the pit, an area 20 feet wide must be maintained free of any soil cover.

From a point of 20 feet from the edge of the pit, the soil cover, if less than 20 feet in depth, must be graded back to a slope of 1 foot vertical, or less, to a foot horizontal from the rock level to the top of the soil cover.

If the soil cover to be stripped away exceeds 20 feet in depth, a ditch 8 feet wide and 3 feet deep at least 10 feet back from the edge of the cut may be substituted for the backsloping. If the pit has reached its maximum expansion to any direction, however, the permanent fence as described in subsection (C)(10), in connection with termination of mining operations, will suffice instead of the backsloping or ditch in that particular area.

- (b) Gravel Quarries and Sand Quarries:

When the pit exceeds a depth of 20 feet from the surface of the ground, all dense underbrush must be removed from the soil cover for a distance of 20 feet from the edge of the pit.

- (6) The environmental impact statement will, as submitted by the applicant, demonstrate no adverse environmental impact on adjoining properties;
- (7) That vehicular access to the facility will be paved and will be provided only from a public street or from any street built to commercial or industrial standards which leads directly from a public street. That acceleration/deceleration lanes will be provided unless the NCDOT or the Office of the City of Shelby City Engineer, as applicable, determines they are not suitable at that particular location;
- (8) That a metal fence and gate will be constructed at the entrance or at all entrances to the quarry site;
- (9) That all access driveways which serve the site for ingress or egress must be wide enough to accommodate two lanes of traffic. That an area on the site will be provided between the entrance off the street and the mining operation to accommodate ten vehicles, and that no vehicles will be allowed to back up on any public right-of-way; and

- (10) That upon the termination of mining operations at any pit that exceeds a depth of 20 feet from the surface of the ground, either the pit will be backfilled to a slope of 1 foot vertical, or less, to 1 foot horizontal from the bottom of the pit to the surface of the ground, or a fence designed to prevent access must be erected and maintained around the pit, or the site must be otherwise reclaimed in accordance with the reuse plan for the property. That if a fence is used, it must be a minimum of six feet high, a maximum of seven feet high, and must be constructed of galvanized wire mesh in rectangular shapes, and the size of the rectangles may not exceed two inches by four inches.

(D) Operation Requirements

Findings by the Zoning Board of Adjustment that the applicant has fulfilled or has appropriate plans to fulfill all requirements of the preceding subsections shall authorize the issuance of a conditional use permit or a modification of an existing permit by the Zoning Administrator. Nevertheless, mining operations upon the site shall not commence (or continue) until the applicant has delivered to the Zoning Administrator such permits or any written approvals which may be required by the State of North Carolina or by Cleveland County.

The property owner must place funds in the reserve fund annually in amounts equal to \$1,000.00 per acre in the total mining operation site increased by an assumed annual inflationary rate of five percent, divided by the number of years the mining operation is anticipated to be open, the first of such annual payment into the reserve fund must be made by the property owner prior to the commencement of mining operations. The evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the Zoning Administrator prior to the commencement of mining operations. On or before each subsequent annual anniversary date of the first such notarized statement, the property owner must make the required annual payment into the reserve fund and present to the Zoning Administrator a notarized statement from the property owner showing that the payment has been made in advance for the next year of operation of the mining operation, and showing the total amount held in the reserve fund. In addition, if the property owner prepares annual financial statements, a copy of such annual financial statement, showing the amount held in the reserve fund, must be sent annually to the Zoning Administrator during each year that the quarry is in operation.

In the event that the mining operations at the site cease prior to the estimated number of years of operation, prior to ceasing operations the property owner must pay all remaining amounts into the reserve fund and present to the Zoning Administrator a notarized statement showing that such payment has been made and showing the total amount in the reserve fund. Provided, however, that if the operation of the mining operation is subject to regulation under the Mining Act of 1971 (North Carolina General Statutes 74-46 et. esq.), and the applicant presents evidence to the Zoning Administrator that the applicant has complied with the provisions of that Act, as they might affect the mining operations site, including the obtaining of a mining permit, the filing of a reclamation plan and the posting of a performance bond with the

North Carolina Department of Environment and Natural Resources, as required by such Act, the applicant shall be exempt from fulfilling the requirements of this paragraph, of the immediately preceding paragraph in this subsection, and of subsection (C)(3).

Except in cases of emergency involving safety on the site, mining operations sites may not be operated on Sunday. The mining operations may not be operated earlier than 7:00 a.m. or later than 6:00 p.m. on any other day.

The applicant shall file with the City a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount naming the City of Shelby as an additional insured, for the purpose of payment of all damages to persons or property which arise from, or are caused by, the conduct of any act regarding the detonation of explosive materials within the mining operations site.

11-1.47 Multi-family Conversion of Single-family Detached Dwelling

(A) Where Development Standards Are Required

R6, RO districts.

(B) Minimum Lot Area

The use shall provide the minimum lot area as delineated in Table 9-4-1 for each proposed dwelling.

(C) Minimum Dwelling Unit Size

Each dwelling unit shall contain a minimum area of 650 square feet and shall include adequate cooking and sanitary facilities in accordance with the requirements of the NC Building Code.

(D) Screening

All off-street parking areas shall be screened from adjoining single-family areas in accordance with the requirements of Section 14-5.2.

(E) Appearance

Conversion of the single-family dwelling shall be undertaken so as to minimize the alteration of the appearance of a single-family structure.

(F) Sign

There may be one unlighted sign erected, not to exceed three feet in height and three feet in sign area.

(G) Parking Spaces

A minimum of two parking spaces per unit shall be provided on-site and in the rear of or on the side of the single-family residence that is proposed to be converted to a two-family dwelling.

11-1.48 Multi-family Dwelling (including condominium) and Duplex Communities

(A) Where Development Standards Are Required

All districts.

(B) Minimum Lot Area

The use shall provide the minimum lot area and dimensional requirements as delineated in Table 9-4-1.

(C) Minimum Spacing

The minimum spacing between multi-family residential structures shall be 20 feet.

(D) Screening

Screening shall be provided in accordance with the requirements of Article XIV, Section 14-10.

(E) Buffering

A minimum buffer shall be maintained around all sides of the development site abutting a residential district unless the immediately adjacent use is non-residential or contains multifamily or two-family residential units. Such buffer shall be 30 feet for proposed single story construction, 50 feet for proposed two-story construction, and 75 feet for proposed construction greater than two stories. In cases where the adjacent use is non-residential, multi-family or two-family development, the normal setback required shall serve as a buffer. No building or prescribed use of the property such as, but not limited to, parking, recreation, and internal drives may occur within the buffer. To the maximum extent practicable all existing healthy trees and shrubs contained on the property within a required buffer shall be maintained and protected during site development and shall be labeled as tree save areas on the site plan.

(F) Common Areas

Common areas shall be clearly labeled on the site plan and shall contain information sufficient to describe the proposed use or purpose of such common area, access restrictions, and maintenance responsibility. Each planned improvement shown on the site plan for a condominium development shall be labeled "MUST BE BUILT" or "NEED NOT BE BUILT" in accordance with the requirements of G.S. §47C-2-109.

(G) Phasing

If a development is to be phased, each phase of development shall demonstrate compliance with the requirements of this ordinance.

(H) Other Site and Building Requirements

- (1) Each dwelling unit shall be connected to a public water and sewer system.
- (2) If the developer is proposing the extension or construction of public streets and/or infrastructure to serve the site, all such improvements shall be completed or bonded in an amount equal to 110% of the estimated cost of completion in a manner acceptable to the city for each phase prior to issuance of a certificate of occupancy. All private streets shall be built to city standards prior to release of a certificate of occupancy.
- (3) To permit adequate fire protection, all portions of every building shall be located within 300 feet of a public street that furnishes direct access to the property unless the fire marshal determines that fire hydrants and service drives will offer adequate protection.
- (4) All common driveways shall have a traffic circulation pattern approved by the city and shall be kept available for emergency and service use by any public vehicle. All driveway connections to a public road shall require approval by the city.
- (5) A multifamily or duplex dwelling shall not be placed on the same zoning lot as a single family detached dwelling.
- (6) Off-street parking spaces shall be located within 200 feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with 5 or more spaces shall be located closer than 10 feet to a dwelling wall with windows or doors. A minimum 3 foot wide landscaped area shall be provided between any parking area and a building wall providing access into the unit(s).
- (7) Parking or maneuvering of motor vehicles upon private property shall not be permitted within 15 feet of the street right-of-way.
- (8) Permanent club houses, sales, or leasing offices associated with the development shall be located, designed, oriented and landscaped to serve as a focal point for the development community.
- (9) Walkways shall be provided between parking areas and building entrances. All walkways shall have a minimum width of 5 feet. Walkways shall be constructed of dustless all-weather surfaces.
- (10) No building shall exceed 250 feet in length or contain more than 8 units unless it is designed for the elderly, the physically handicapped,

or developmentally disabled and has central facilities for dining and recreation.

- (11) Stationary refuse containers (i.e. dumpsters or compactors) shall be provided in a number and size and emptied with a frequency sufficient to accommodate, within applicable City sanitary standards, all of the trash generated by the development. No container location shall interfere with sight distance or the free movement of vehicles on streets or access drives. All maneuvering space required to empty the containers shall be free from interference from utility lines or other structures and shall be designed to permit all vehicle movements related to collection to occur completely onsite; no such maneuvering shall occur on a public street. Concrete pads constructed in accordance with standards of the City shall be located beneath and in the approach to each container.
- (12) Variations in building facades, roofing, building layout, materials, etc. shall be used throughout the development site to avoid the appearance of identical buildings or units when viewed from the exterior.
- (13) When located adjacent to or across the street from detached single family residences, duplexes shall meet the following standards:
 - (a) The entrance to each unit may face different streets.
 - (b) The dwelling shall meet the minimum front yard setback from each street upon which a unit faces.
 - (c) The dwelling shall be designed and sited to complement and coordinate with the neighborhood in which it is located. This shall include the use of architectural features and site design techniques that are intended, as much as possible, to mimic the look and feel of a single-family detached residential structure and lot.
- (14) Individual parcels in townhouse developments and duplex communities shall have rights of access through a common area containing private streets and/or private drives at least twenty-five (25) feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with city approval.

(I) Additional Findings required.

In addition to any findings or conclusions required in section 4-7.5, any application for a special or conditional use permit shall be required to demonstrate and the approving body to conclude in the affirmative that the development as proposed meets the following findings:

- (1) That existing and/or proposed infrastructure to support the development including, but not limited to, public and private streets, utilities and storm drainage is sufficient; and
- (2) That the design as proposed will result in a viable community that will add to the quality and choice of housing in Shelby; and
- (3) That approving the location of the development does not have the effect of concentrating higher density housing in a particular area of the city.

11-1.48.1 Article 11-1.48.1 Neighborhood Food and Beverage Services

(A) Where Development Standards Are Required

NB district.

(B) Maximum Building Square Footage

1,800 sq. ft.

(C) Limited Uses

Provides no on-premises cooking of food.

11-1.49 Nursing and Convalescent Home

(A) Where Development Standards Are Required

R20, R6, RR, RO districts.

(B) Minimum Lot Area

The minimum lot area requirement for permissible nonresidential uses for the zoning district in which located plus 1,000 square feet for each additional patient bed, room, or suite after 5.

(C) Dimensional Requirements

The following minimum dimensional requirements shall apply to nursing and convalescent homes:

- (1) Street Right-of-Way Building Setback: 50 feet
- (2) Side Property Line Building Setback: 50 feet
- (3) Rear Property Line Building Setback: 50 feet
- (4) Minimum Lot Width: 100 feet
- (5) Minimum Building Separation: 20 feet

(6) Minimum Development Area: 2 acres

(D) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.50 Orphanage

(A) Where Development Standards Are Required

R20, RR districts.

(B) Minimum Lot Area

20,000 square feet for the first 5 client beds or rooms plus 1,000 square feet for each additional client bed or room after 5.

(C) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.51 Planned Unit Development

(A) Where Development Standards Are Required

R10, R8, R6, RO districts.

(B) General Requirements

The use shall comply with the requirements of Section 9-10.

11-1.52 Private Campground/RV Park

(A) Where Development Standards Are Required

R20, GB, GB2 districts.

(B) General Requirements

(1) Site plans for private campgrounds/RV parks shall comply with the requirements of Article IV and Appendix A.

(2) No campsite shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to be permanent occupancy.

- (3) Any action toward removal of wheels of a travel trailer except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes shall be prohibited.
- (4) All campsites proposed for sale shall be recorded with subsections 2 and 3 above as deed restrictions.
- (5) Accessory uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly accessory to the principal use as a campground/recreational vehicle park. Accessory uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park. In addition, stores, restaurants, beauty parlors, barber shops, and other convenience establishments shall be permitted as accessory uses in zoning districts permitting such uses subject to the following conditions:
 - (a) Such establishments and the parking areas primarily related to their operation shall not occupy more than 5 percent of the gross area of the park;
 - (b) Such establishments shall be restricted in their use to occupants of the park and/or related park association members; and
 - (c) Such establishments shall present no visible evidence from any public street of their commercial character.
- (6) Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- (7) Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. A soil sedimentation control plan shall be submitted in accordance with Section 10-4.
- (8) Surface drainage plans for the entire tract shall be reviewed by the Zoning Administrator to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

(C) Dimensional Requirements

- (1) Maximum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
- (2) In no case shall any campsite contain less than 1,500 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. Campsites shall be level and well-drained.
- (3) Recreational vehicles shall be separated from each other and from other structures within the campground/RV park by at least 10 feet. Any accessory structures such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered part of the recreational vehicle.
- (4) Recreational vehicle sites and off-street parking spaces shall not be within the setback areas required for main buildings or principal structures.
- (5) Setback areas for recreational vehicle sites shall contain natural vegetation or be landscaped and shall be used for no other purposes.
- (6) The minimum setback of any building, structure, or recreational vehicle site from a public street right-of-way shall be the same as that required for the zoning district in which the park is located.
- (7) The minimum setback from any private, interior street shall be 20 feet from the edge of pavement.
- (8) The minimum exterior side property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior side property line setback shall be at least 20 feet.
- (9) The minimum exterior rear property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior rear property line setback shall be at least 30 feet.

(D) Access and Street Requirements

- (1) Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
- (2) The campground/RV park shall have all weather streets that directly abut each campsite. All streets shall have a minimum width of 12 feet for one-way streets and 20 feet for two-way streets.
- (4) Entrances and exits to campgrounds/RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic into and out of the park. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Radii of curbs and

pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within (a) 100 feet where the speed limit is 45 mph or (b) within 150 feet where the speed limit is over 45 mph or any portion of the approach lane of the access way within 25 feet of its intersection with the right hand of the lane.

(E) Parking Requirements

- (1) There shall be at least 3 off-street parking spaces designated in a campground/RV park for each 2 campsites. At least 1 space must be provided on each campsite with any residual spaces provided within 100 feet of the site.
- (2) Each campsite shall contain a stabilized vehicular parking pad of paving or other suitable material.

(F) Utility Requirements

- (1) No on-site water or sewer facilities shall be permitted on any campsite. Proposals for dumping stations and common toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the Cleveland County Health Department. All community water facility proposals shall be approved and be subject to the requirements of the Cleveland County Health Department.
- (2) All water supply facilities shall have the approval of the Cleveland County Health Department and/or NC Division of Health Services. All sewer facilities improvements shall have the approval of the Cleveland County Health Department and the NC Division of Environmental Management.
- (3) All water and sewer improvements within the campground/RV park shall comply with the NC Building Code for Plumbing.

(G) Screening Requirements

Where campgrounds/RV parks abut a residential area, a permanent buffer yard of at least 50 feet shall be established with adequate restrictive covenants to prohibit development within the buffer yard. A natural year-round screen shall be planted in accordance with the requirements of Section 14-5.3(D). Such screening shall complement the adjacent environment.

(H) Recreational Space Requirements

A minimum of 8 percent of the gross site area of the campground/RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

11-1.53 Private Club or Recreation Facility, Other

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR, RO districts.

(B) Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

(C) General

The Zoning Administrator shall not grant the permit unless the Zoning Administrator determines that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

(D) Location

Principal access must be from a collector or higher capacity street for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.

(E) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with requirements of Section 14.5.2.

(F) Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the Cleveland County Health Department's public pool regulations.

11-1.54 Public Park or Recreational Facility, Other

(A) Where Development Standards Are Required

R10, R8, R6, RO, NB districts.

(B) Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

(C) General

The Zoning Administrator shall not grant the permit unless the Zoning Administrator determines that the parking generated by the facility can be

accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

(D) Location

Principal access must be from a collector or higher capacity street for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.

(E) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14.5.2.

(F) Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the County Health Department's public pool regulations.

(G) Dust

All unpaved parking and storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

11-1.54.1 Public Safety Communications Tower

(A) Where Development Standards Are Required

NB,CB,GB, GB2, LI, GI districts. **Note:** Telecommunications towers, other than public safety communications towers, are governed by Section 11-1.56. Telecommunications facilities on existing antenna support structures and buildings are allowed by zoning permit with development standards (See Section 11-1.71).

(B) Submission Requirements

The Telecommunications Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the City Council to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards.

An application for a public safety communications tower and facilities shall include:

- (1) The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is proposed to be situated. If the applicant is not the owner of the parcel of land upon which the tower is proposed to be situated, the written consent of the owner shall be attached to or contained in the application.

- (2) A statement documenting the need for or purpose of the proposed tower.
- (3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is proposed to be situated.
- (4) Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in subsection (E), Structural Requirements.
The Zoning Administrator may require an applicant to supplement any information that the Zoning Administrator considers inadequate or that the applicant has failed to supply. The Zoning Administrator may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection.

(C) Height

Public safety communications towers are exempt from the maximum height restrictions of the districts where located.

(D) Setbacks

Public safety communications towers are exempt from the setback restrictions of the districts where located.

(E) Structural Requirements

All public safety communications towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the state building code, and any other standards outlined in this Ordinance.

(F) Illumination

Public safety communications towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).

(G) Landscaping

All landscaping on a parcel of land containing public safety communications towers, antenna support structures, or telecommunications facilities shall be in accordance with Section 14-10. The City Council may require landscaping in excess of the requirements of Section 14-10 in order to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing.

(H) Access/Parking

A parcel of land upon which a public safety communications tower is located must provide access to at least one maintained vehicular parking space on site.

(I) Telecommunication Facilities on Antenna Support Structures

Any public safety telecommunications facilities which are not attached to a tower may be permitted by zoning permit with development standards in accordance with the provisions of Section 11-1.71.

(J) Certifications and Inspections

- (1) All public safety communications towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the state building code and all other applicable construction standards of city, federal, and state law.
- (2) The city or its agents shall have authority to enter on the property upon which a public safety communications tower is located to inspect the tower for the purpose of determining whether it complies with the state building code and all other construction and operational standards provided by the city, federal, and state law.
- (3) The city reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner.

(K) Maintenance

- (1) Public safety communications tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- (2) Public safety communications tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electric safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- (3) All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.
- (4) All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed maintenance and construction personnel.
- (5) All towers shall maintain compliance with current RF emission standards of the FCC.
- (6) In the event that the use of a public safety communications tower is discontinued by the tower owner, the tower owner shall provide written

notice to the city of its intent to discontinue use and the date when the use shall be discontinued.

(L) Criteria for Site Plan Development Modifications

- (1) Notwithstanding the tower requirements provided in this Section, a modification to the requirements may be approved by the City Council as a special use in accordance with the following:
 - (a) In addition to the requirement for a public safety communications tower application, the application for modification shall include the following:
 - (i) A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.
 - (ii) A description of off-site or on-site factors which mitigate any adverse impacts that might occur as a result of the modification.
 - (iii) A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.
 - (iv) The Zoning Administrator may require the application to be reviewed by an independent engineer under contract to the city to determine the basis for the modification requested. The cost of review by the city's independent engineer shall be reimbursed to the city by the applicant.
 - (b) The City Council shall consider the application for modification based on the following criteria:
 - (i) That the public safety communications tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.
 - (ii) Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.
 - (iii) In addition, the City Council may include conditions on the site where the public safety communications tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed tower and mitigate any adverse impacts which arise in connection with the approval of the modification.

(M) Abandonment

- (1) If any public safety communications tower shall cease to be used for a period of 365 consecutive days, the Zoning Administrator shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the Zoning Administrator that such site has been abandoned. The owner shall have thirty days from receipt of said notice to show, by a preponderance of the evidence, that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the Zoning Administrator shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five days, dismantle and remove the tower. Failure to comply with the order to remove the tower shall subject the owner to the remedies and penalties as may be provided by law and Article V of this Ordinance.

11-1.55 Race Track Operation

(A) Where Development Standards Are Required

R20 districts.

(B) Minimum Lot Area

The minimum lot area shall be 40 acres.

(C) Location

The use shall have direct access to an arterial or higher capacity street.

(D) Minimum Property Setbacks

All buildings and structures shall be a minimum of 500 feet from any residentially-zoned or used lot.

(E) Screening

All off-street parking lots shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 14.5.2.

(F) 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 8 am.

(G) Dust

All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.

(H) Fencing

Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the raceway.

11-1.56 Radio, Television, or Communication Tower Over 60 Feet in Height; Not Located on an Existing Structure

(A) Where Development Standards Are Required

GB, GB2, LI, GI districts. **Note:** Telecommunication facilities on existing antenna support structures and buildings are allowed by zoning permit with development standards. See Section 11-1.71. Communications towers 60 feet or less in height are governed by Section 11-1.21. Public safety communications towers are governed by Section 11-1.54.1.

(B) Submission Requirements

An application for a telecommunications tower and facilities shall include:

- (1) The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is proposed to be situated. If the applicant is not the owner of the parcel of land upon which the tower is proposed to be situated, the written consent of the owner shall be evidenced in the application.
- (2) A statement documenting the need for or purpose of the proposed tower.
- (3) The legal description, parcel identification number, and address of the parcel of land upon which the tower is proposed to be situated.
- (4) The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, including city-owned property.
- (5) A description of the design plan proposed by the applicant. The applicant must identify how the design of the tower has incorporated the most recent technologies available for tower design especially in the areas of stealth and co-location. The applicant must demonstrate the need for towers and why design alternatives cannot be utilized to accomplish the provision of the applicant's telecommunications services.
- (6) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's

telecommunications facilities on towers or usable antenna support structures owned by other persons located within a one-half mile radius of the proposed tower site.

- (7) Written technical evidence from an engineer(s) that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structures owned by other persons located within one-half mile radius of the proposed tower site.
- (8) A written statement from an engineer(s) that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties.
- (9) Written, technical evidence from an engineer(s) that the proposed structure meets the standards set forth in subsection (E), Structural Requirements.
- (10) Written, technical evidence from a qualified engineer(s) acceptable to the Fire Chief and the Zoning Administrator that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
- (11) In order to assist the City staff and the Board of Adjustment in evaluating visual impact, the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent streets.
- (12) The Telecommunications Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the Board of Adjustment to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.
- (13) The Planning Director may require an applicant to supplement any information that the Planning Director considers inadequate or that the applicant has failed to supply. The Planning Director may deny an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection.

(C) Height

Towers are exempt from the maximum height restrictions of the districts where located. Towers may be permitted to a height in excess of one hundred and fifty feet in accordance with subsection (P), Criteria for Site Plan Development Modifications. Measurement of tower height for the purpose of determining compliance with all requirements of this Section shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend more than twenty feet over the top of the tower structure itself. Tower height shall be measured from the existing, undisturbed grade.

(D) Setbacks

- (1) All towers up to one-hundred feet in height shall be set back on all sides a distance equal to the underlying building setback requirement in the applicable zoning district. Towers in excess of one hundred feet in height shall be set back one additional foot per each foot of tower height in excess of one hundred feet.
- (2) Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
- (3) Setback requirements may be modified, as provided in subsection (P) (2) (a), when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the tower.

(E) Structural Requirements

No new tower shall be built, constructed, or erected unless the tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower within six months of the completion of the tower construction.

All towers must be designed and certified by an engineer to be structurally sound and, at minimum, in conformance with the state building code, and any other standards outlined in this Ordinance.

Any application for a new tower shall indicate how many antenna sites the tower is designed to accommodate and how many of those sites will be available for co-location opportunities. The owner of the tower shall be required to negotiate in good faith with any potential co-locator and shall, at the time of application, submit an affidavit or other legal instrument signed by all owners affirming the owners' knowledge of this requirement and their intent to comply.

(F) Separation or Buffer Requirements

For the purpose of this Section, the separation distances between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan of the proposed tower. Tower separation distances from residentially-zoned lands shall be measured from the base of a tower to the closest point of residentially-zoned property. The minimum tower separation distances from residentially-zoned land and from other towers shall be calculated and applied irrespective of city jurisdictional boundaries.

- (1) Towers shall be separated from all residentially-zoned lands by a minimum of two hundred feet or two hundred percent of the height of the proposed tower, whichever is greater.
- (2) Proposed towers must meet the following minimum separation requirements from existing tower or towers which have a conditional use permit but are not yet constructed at the time a conditional use permit is granted pursuant to this Section:
 - (a) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed, by a minimum of seven hundred and fifty feet.
 - (b) Self-supporting lattice or guyed tower structures shall be separated from all other self-supporting or guyed towers by a minimum of fifteen hundred feet.
 - (c) Self-supporting lattice or guyed tower structures shall be separated from all monopole towers by a minimum of seven hundred and fifty feet.

(G) Illumination

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). Upon commencement of construction of a tower, in cases where there are residential uses located within a distance which is three hundred percent of the height of the tower from the tower and when required by federal law, dual mode lighting shall be requested from the FAA.

(H) Exterior Finish

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, as approved by the Board of Adjustment.

(I) Landscaping

A landscaping buffer in accordance with Section 14-10.3 shall be installed around the footprint of the tower and support equipment. Landscaping shall

be equally proportioned around the tower. The Board of Adjustment may require landscaping in excess of the requirements of with Section 14-10 in order to enhance compatibility with adjacent land uses. Landscaping shall be installed on the outside of any fencing.

(J) Access/Parking

A parcel of land upon which a tower is located must provide access to at least one maintained vehicular parking space on site.

(K) Stealth Design

All towers which must be approved as a conditional use shall be of stealth design, i.e., designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower such as light poles, power poles, and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole tower designs.

(L) Telecommunication Facilities on Antenna Support Structures

Any telecommunications facilities which are not attached to a tower may be permitted by zoning permit with development standards in accordance with the provisions of Section 11-1.71.

(M) Modification of Towers

A tower existing prior to the effective date of this Ordinance, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt without complying with any of the additional requirements of this Section, except for subsections (F), Separation or Buffer Requirements, (N), Certification and Inspections, and (O), Maintenance, provided:

- (1) The tower is being modified or demolished and rebuilt for the sole purpose of accommodating, within six months of the completion of the modification or rebuild, additional telecommunications facilities comparable in weight, size, and surface area to the discrete operating telecommunications facilities of any person currently installed on the tower.
- (2) An application for a zoning permit is made to the Zoning Administrator who shall have the authority to issue a zoning permit without further approval. The grant of a zoning permit pursuant to this subsection allowing the modification or demolition and rebuild of an existing nonconforming tower shall not be considered a determination that the modified or demolished and rebuilt tower is conforming.

- (3) The height of the modified or rebuilt tower and telecommunications facilities attached thereto do not exceed the maximum height allowed under this Section.
- (4) Except as provided in this subsection, a nonconforming structure or use may not be enlarged, increased in size, or discontinued in use for a period of more than one hundred eighty days. This Section shall not be interpreted to legalize any structure or use existing at the time this Ordinance is adopted which structure or use is in violation of the city's zoning ordinance prior to enactment of this Ordinance.

(N) Certifications and Inspections

- (1) All towers shall be certified by an engineer to be structurally sound and in conformance with the requirements of the state building code and all other construction standards set forth by city, federal, and state law. For new monopole towers, such certification shall be submitted with an application pursuant to subsection (B) of this Section and every five years thereafter. For existing monopole towers, certification shall be submitted within sixty days of the effective date of this Ordinance and then every five years thereafter. For new lattice or guyed towers, such certification shall be submitted with an application pursuant to subsection (B) of this Section and every two years thereafter. The tower owner may be required by the Zoning Administrator to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.
- (2) The city or its agents shall have authority to enter on the property upon which a tower is located, between the inspections and certifications required above, to inspect the tower for the purpose of determining whether it complies with the state building code and all other construction standards provided by the city, federal, and state law.
- (3) The City reserves the right to conduct such inspections at any time, upon reasonable notice to the tower owner.

(O) Maintenance

- (1) Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
- (2) Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the national electric safety code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
- (3) All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition,

order, and repair so that the same shall not menace or endanger the life or property of any person.

- (4) All maintenance or construction of towers, telecommunications facilities, or antenna support structures shall be performed by licensed maintenance and construction personnel.
- (5) All towers shall maintain compliance with current RF emission standards of the FCC.
- (6) All landscaping and fencing shall be maintained in accordance with Section 14-10.6.
- (7) In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the city of its intent to discontinue use and the date when the use shall be discontinued.

(P) Criteria for Site Plan Development Modifications

- (1) Notwithstanding the tower requirements provided in this Section, a modification to the requirements may be approved by the Board of Adjustment as a conditional use in accordance with the following:
 - (a) In addition to the requirement for a tower application, the application for modification shall include the following:
 - (i) A description of how the plan addresses any adverse impact that might occur as a result of approving the modification.
 - (ii) A description of off-site or on-site factors which mitigate any adverse impacts that might occur as a result of the modification.
 - (iii) A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding rights-of-way and properties.
 - (iv) For a modification of the setback requirement, the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contract and negotiate an agreement for collocation, and the result of such attempts. Documentation of undertaking these actions shall be provided by the applicant.

- (v) The Zoning Administrator may require the application to be reviewed by an independent engineer under contract to the city to determine the basis for the modification requested. The cost of review by the city's engineer shall be reimbursed to the city by the applicant.
- (b) The Board of Adjustment shall consider the application for modification based on the following criteria:
 - (i) That the tower as modified will be compatible with and not adversely impact the character and integrity of surrounding properties.
 - (ii) Off-site or on-site conditions exist which mitigate the adverse impacts, if any, created by the modification.
 - (iii) In addition, the Board of Adjustment may include conditions on the site where the tower is to be located if such conditions are necessary to preserve the character and integrity of the neighborhoods affected by the proposed tower and mitigate any adverse impacts which arise in connection with the approval of the modification.
- (2) In addition to the requirements of subparagraph (1) of this subsection, in the following cases, the applicant must also demonstrate, with written evidence, the following:
 - (a) In the case of a requested modification to the setback requirements, subsection (D), that the setback requirement cannot be met on the parcel of land upon which the tower is proposed to be located and the alternative for the person is to locate the tower at another site which is closer in proximity to a residentially-zoned land.
 - (b) In the case of a request for modification to the separation and buffer requirements from other towers of subsection (F), Separation or Buffer Requirements, that the proposed site is zoned 'industrial' or 'general industrial' and the proposed site is at least double the minimum standard for separation from residentially zoned lands as provided for in subsection (F).
 - (c) In the case of a request for modification of the separation and buffer requirements from residentially-zoned land of subsection (F), if the person provides written technical evidence from an engineer(s) that the proposed tower and telecommunications facilities must be located at the proposed site in order to meet the coverage requirements of the applicants wireless communications system and if the person is willing to create approved landscaping and other buffers to screen the tower from being visible to residentially-zoned property.

- (d) In the case of a request for modification of the height limit for towers and telecommunications facilities or to the minimum height requirements for antenna support structures, that the modification is necessary to: (i) facilitate collocation of telecommunications facilities in order to avoid construction of a new tower, or (ii) to meet the coverage requirements of the applicant's wireless communications system, which requirements must be documented with written, technical evidence from an engineer(s) that demonstrates that the height of the proposed tower is the minimum height required to function satisfactorily, and no tower that is taller than such minimum height shall be approved.

(Q) Abandonment

- (1) If any tower shall cease to be used for a period of 365 consecutive days, the Zoning Administrator shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the Zoning Administrator that such site has been abandoned. The owner shall have thirty days from receipt of said notice to show, by a preponderance of the evidence, that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the Zoning Administrator shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within seventy-five days, dismantle and remove the tower.
- (2) To secure the obligation set forth in this Section, the applicant (and/or owner) shall post a bond in an amount to be determined by the Zoning Administrator based on the anticipated cost of removal of the tower.

11-1.57 Retreat/Conference Center

(A) Where Development Standards Are Required

RO districts.

(B) Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

(C) General

The Board of Adjustment shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

(D) Location

Principal access must be from a collector or higher capacity street.

(E) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

11-1.58 Riding Academy

(A) Where Development Standards Are Required

R20, RR districts.

(B) Use Separation

There shall be minimum 100-foot distance between manure storage areas, barns or stables and any adjacent residentially-zoned property.

(C) Dust

All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.

11-1.59 Rural Family Occupation

(A) Where Development Standards Are Required

R20, RR districts.

(B) Minimum Area

- (1) The Rural Family Occupation (RFO) must be located on a tract of 50,000 square feet or more.
- (2) A portion of the tract containing at least 20,000 square feet in area with 100 feet of lot width must be designated and reserved as exclusively residential.

(C) Maximum Area

The total floor area of all buildings occupied by the RFO shall not exceed 5,000 square feet. The maximum land area that may be used in conjunction with the Rural Family Occupation is 15,000 square feet.

(D) Use Separation

All operations of the RFO shall observe a 50-foot setback from all property lines.

(E) Location

All operations of the RFO shall be located behind the rear line of the building occupied as the principal residence.

(F) Screening

All operations of the RFO, including buildings, outside storage areas, and parking shall be treated as a separate use and shall be screened in accordance with the requirements of Section 14-10.

(G) Operation

- (1) The RFO shall be owned by the landowner who must reside on the property.
- (2) No more than 5 persons shall be employed other than those residing on the property.
- (3) Outside storage and parking of commercial vehicles is permitted. The applicant shall indicate on the site plan the type and location of outside storage and the location and proposed number of vehicles to be parked on the lot.
- (4) The RFO shall not be operated between the hours of 9 p.m. to 6 a.m.
- (5) Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, professional and business services, or stock-in-trade clearly incidental to such services. Commercial retail or wholesale operations which bring to the site goods specifically for the purpose of resale shall be prohibited.

11-1.60 Salvage Yards, Auto Parts; Scrap Processing

(A) Where Development Standards Are Required

GI districts.

(B) Minimum Area

The minimum area required to establish a salvage yard shall be 5 acres.

(C) Use Separation

The operations of salvage yards shall not be any closer than 300 feet to any residential property line. Neither should any such operations be closer than 300 feet to the property line of any school, hospital, nursing and convalescent home, or day care facility.

(D) Screening

Salvage yards shall be enclosed by a sight obstructing screen of at least 6 feet in height adjacent to public streets and 8 feet in height adjacent to properties of a residential, educational or institutional nature. All such screens shall be maintained in a sound and stable manner for the life of the operation. Entrances and exits shall be secured when the salvage yard is closed. If state or federal requirements for screening are more stringent, such requirements shall be applicable.

(E) Vibration

No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the lot line; nor will any vibration produce a particle velocity of 2.0 inches per second measured at or beyond the property line.

(F) Dust and Particulates

Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborn will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved/hard-surfaced with either concrete or asphalt.

(G) Smoke and Burning

Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site of a salvage yard.

(H) Trash and Garbage

Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.

(I) Disposal of Toxic/Hazardous Matter

Disposal of toxic/hazardous matter on any salvage yard site shall be expressly forbidden.

(J) Storage of Fuels

Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina. No such fuel storage shall be within 1000 feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.

(K) Drainage

Salvage yard sites shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.

(L) Weeds and Vegetation

Weeds and vegetation on the premises, other than trees and required screening materials, shall be kept at a height of not more than 6 inches.

(M) Storage

Salvage materials shall be stored in piles not exceeding 10 feet in height and shall be arranged as to permit easy access to all such salvage for fire fighting purposes.

(N) Permit Requirements

The facility shall obtain all applicable state and federal permits.

11-1.61 Satellite Dish Antenna

(A) Where Development Standards Are Required

All districts.

(B) Location

- (1) All supporting cables and anchors shall be contained on the property.
- (2) In residential and residential-office districts, satellite dish antennas shall not be located or placed within any street right-of-way building setback or side building setback.
- (3) Satellite dish antennas shall not exceed the maximum height restriction of the applicable zoning district.

11-1.62 Service Station, Gasoline Sales

(A) Where Development Standards Are Required

NB, CB, CPD districts.

(B) Operation

- (1) Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto-washing equipment, and similar equipment shall be entirely enclosed within the principal structure.
- (2) No vehicle shall be parked or stored as a source of parts and no vehicle shall be parked for the purpose of sale or lease/rent.

- (3) All repairs and storage shall be contained within the principal structure. Temporary vehicle storage may be allowed in an outdoor storage area that shall be no larger than 20 percent of the total lot area. Such areas shall be located in the rear of the principal structure and shall be screened from offsite views by a solid fence 8 feet minimum/maximum height. The height of the materials stored shall not exceed the height of the fence.
- (4) No vehicle that has been repaired and awaiting removal or that is awaiting repair, shall be stored for more than 30 consecutive days.
- (5) Service station repair bays shall be located in the rear of the principal structure.
- (6) Exterior lights must be shielded to eliminate direct light trespass and glare onto neighboring properties.
- (7) Carwash facilities are only allowed as an ancillary use and shall be located behind the principal structure.

(C) Gasoline Pumps, Islands and Canopy

- (1) There shall be no more than one canopy for the purpose of fuel dispensing located on the property.
- (2) There shall be no more than three fuel service pump islands with a combined total of four fuel pump dispensers. In addition to the fuel pump dispensers a total of one additional dispenser shall be permitted to provide that such dispensers are not located on an island.
- (3) All other associated fuels such as propane and the like shall be displayed behind the principal structure.

(D) Screening

Screening shall be provided in accordance with the requirements of Article XIV, Section 14-10. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 14-4.2(G)(4) the minimum height of the berm shall be six feet.

11-1.63 Sewage Treatment Plant

(A) Where Development Standards Are Required

GB, GB2, LI, GI districts.

(B) Use Separation

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 300 feet from a residentially-used or zoned lot.

(C) Security Fencing

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by the City of Shelby, involved with the use.

11-1.64 Sexually-Oriented Business

(A) Where Development Standards Are Required

GB, GB2 districts.

(B) Property Separation

- (1) No sexually-oriented business shall locate within 1,320 feet of any other sexually-oriented business.
- (2) No sexually-oriented business shall locate within 500 feet of a church, public or private school, day care center or nursery school, public park, or residentially-zoned or used property.

(C) Prohibition of Sleeping Quarters

Except for adult motels, no sexually-oriented business shall have sleeping quarters.

(D) Restriction of Uses on the Same Property or in the Same Building

There shall not be more than one sexually-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 sexually-oriented business.

(E) Signs

Except for a business identification signs permitted in accordance with Section 12-1 no other exterior advertising, promotional materials, or signage that is visible to the public from a street, sidewalk, or walkway shall be permitted.

(F) Hours of Operation

The hours of operation shall be compatible with the land uses adjacent to the proposed site.

11-1.65 Shooting Range, Indoor

(A) Where Development Standards Are Required

GB, GB2, G1 districts.

(B) General

The facility shall, to the maximum extent feasible, be designed to absorb sound and shall comply with the noise standards of Chapter 13, Article II of the *City of Shelby Code of Ordinances* and shall be designed to meet the standards for indoor shooting ranges as established by the National Rifle Association.

11-1.66 Shooting Range, Outdoor

(A) Where Development Standards Are Required

R20, GI districts.

(B) Use Separation

Separation shall be a minimum 300 feet between the range and the closest exterior property line.

(C) Access

Access shall be controlled to prevent unregulated entrance to the firing area.

(D) Security Fencing

Security fencing shall be provided to prevent an individual from crossing the property downrange.

(E) Backstops

The design of the backstop downrange shall be in accordance with standards established by the National Rifle Association.

11-1.67 Shopping Center

(A) Where Development Standards Are Required

GB, GB2, CPD districts.

(B) Access

Access to the use shall be from a thoroughfare or higher classified street that has the capacity to accommodate the additional traffic projected to be generated by the shopping center.

(C) Screening

Screening shall be provided in accordance with the requirements of Article XIV, Section 14-10. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 14-4.2(G)(4), the minimum height of the berm shall be six feet.

(D) Uniform Design Plan

Exterior building materials, signs, and outdoor lighting used in a shopping center development, including outparcels, shall be coordinated so as to provide a uniform design scheme for the entire development. The uniform design plan shall be submitted for review at the time of site plan submission. The uniform design plan shall include drawings, specifications, dimensions, and maps.

11-1.67.1 Solar Energy Systems: Ground-mounted ≤1/2 acre (Level 2)

(A) Where Development Standards Are Required

RR, R20, GB, GB2, LI, and GI.

(B) Environmental Standards

See 10-9.1 Solar Energy Systems.

11-1.67.2 Solar Energy Systems: Ground-mounted ≤10 acres (Level 2)

(A) Where Development Standards Are Required

GB, GB2, LI, and GI.

(B) Environmental Standards

See 10-9.1 Solar Energy Systems.

11-1.67.3 Solar Energy Systems: Ground-mounted >10 acres (Level 3)

(A) Where Development Standards Are Required

LI and GI.

(B) Environmental Standards

See 10-9.1 Solar Energy Systems.

11-1.68 Solid Waste Disposal (Non-hazardous), Including Sanitary Landfills

(A) Where Development Standards Are Required

GI districts.

(B) Use Separation

All structures, buildings, and landfilling operations shall be a minimum of 300 feet from a residentially-used lot.

(C) Access

- (1) Access to the facility shall be by way of a collector or higher classified street.
- (2) Entrances shall be controlled to prevent unregulated access to the facility.
- (3) Access streets leading to any part of the facility shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
- (4) No part of access streets shall be located closer than 15 feet to an external property line other than a limited access highway or railroad right-of-way line.
- (5) A truck route plan shall be submitted showing truck routes to and from the facility. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses which will be negatively affected by truck traffic.

(D) Minimum Area

- (1) A minimum of 50 acres shall be required to establish a sanitary landfill facility.
- (2) All other types of solid waste disposal facilities such as collection sites, convenience centers, and transfer sites shall have sufficient land area to adequately accommodate the facility's operations and to sufficiently separate the facility from adjoining land uses.

(E) Siting and Design

The siting and design of the facility shall comply with the applicable requirements of the NC Solid Waste Management Rules.

(F) Operation

The operation of the facility shall be in compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

11-1.69 Swim and Tennis Club

(A) Where Development Standards Are Required

R20, R10, R8, R6, RR, RO districts.

(B) Minimum Area

The minimum area shall be 2 acres.

(C) Use Separation

There shall be a minimum 50-foot distance between clubhouses, swimming pools, and lighted tennis courts and any adjacent residentially used or zoned property.

(D) Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

(E) Screening

Parking lots shall be screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2.

(F) Security Fencing

Outdoor swimming pools shall be protected by a fence in accordance with the Cleveland County Health Department's public swimming pool regulations.

11-1.70 Swimming Pool

(A) Where Development Standards Are Required

All districts. **Note:** The regulations of this Section shall be applicable to swimming pools located on private property which are under the control of a homeowner and the use of which is limited to the family members and invited guests.

(B) Use Separation

- (1) Pools shall be located so as to comply with the minimum setback requirement for accessory structures for the district in which it is located.
- (2) Pools which are not an integral part of the principal building shall be located a minimum of 10 feet from the principal building.

(C) Security Fencing

Swimming pools located outdoors shall be protected by a fence in accordance with the Cleveland County Health Department's public swimming pool regulations.

11-1.70.1 Tattoo Studio

(A) Where Development Standards Are Required

GB and GB2 districts.

(B) Use Separation

No tattoo studio shall be located within 500 feet of any other tattoo studio.

11-1.71 Telecommunication Facilities on Existing Antenna Support Structures

(A) Where Development Standards Are Required

GB, GB2, LI, GI districts. **Note:** Communication facilities not located on existing facilities and structures are allowed by conditional use permit. See Section 11-1.56

(B) Submission Requirements

An application for telecommunications facilities on existing antenna support structures shall include:

- (1) The legal description, parcel identification number, and address of the existing support structure upon which the facilities are proposed to be situated.
- (2) A statement documenting the need for or purpose of the proposed facilities.
- (3) A written statement from an engineer(s) that the construction and placement of the facilities will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services enjoyed by adjacent residential and nonresidential properties.
- (4) Written, technical evidence from a qualified engineer(s) acceptable to the Fire Chief and the Zoning Administrator that the proposed site of the telecommunications facilities does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
- (5) The Telecommunications Act gives the FCC sole jurisdiction of the field of regulation of RF emissions and does not allow the Zoning Administrator to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. Applicants shall be required to submit information on the proposed power density of their proposed telecommunications facilities and demonstrate how this meets FCC standards.
- (6) The Zoning Administrator may require an applicant to supplement any information that the Zoning Administrator considers inadequate or that the applicant has failed to supply. The Zoning Administrator may deny

an application on the basis that the applicant has not satisfactorily supplied the information required in this subsection.

(C) Telecommunication Facilities on Antenna Support Structures

Any telecommunications facilities which are not attached to a tower may be permitted on any antenna support structure at least sixty feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities are prohibited on all other structures. The owner of such structure shall, by written certification to the Zoning Administrator, establish the following at the time plans are submitted for a building permit:

- (1) That the height from grade of the telecommunications facilities shall not exceed the height from grade of the antenna support structure by more than twenty feet;
- (2) That any telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, are set back one foot from the edge of the primary roof for each one foot in height above the primary roof of the telecommunications facilities. This setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the primary roof of an antenna support structure, if such facilities are appropriately screened from view through the use of panels, walls, fences, or other screening techniques approved by the Zoning Administrator. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the primary roof but, which do not protrude more than eighteen inches from the side of such an antenna support structure.

11-1.72 Temporary Emergency, Construction, and Repair Residence

(A) Where Development Standards Are Required

All districts.

(B) Time Limitation

- (1) Temporary residences and offices used on construction sites of nonresidential premises shall be removed within 30 days after the issuance of a final certificate of occupancy.
- (2) Permits for temporary residences and offices to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within 12 months after the date of issuance, except that the Zoning Administrator may renew such permit if it 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) Use of Manufactured Home

The use of Class A, B, or C manufactured homes as temporary emergency, construction and repair residences is permissible in all zoning districts.

11-1.73 Temporary Shelter

(A) Where Development Standards Are Required

R20, R6, RR, RO, NB, CB, GB, GB2, CPD, LI, GI districts.

(B) Time Limitation

The Board of Adjustment shall initially establish an automatic expiration date for the permit for such a facility with provisions for a maximum 6-month renewal, if necessary.

(C) Location

The facility shall be contained within the building of and operated by a government agency or nonprofit organization.

(D) Minimum Floor Area

A minimum floor space of 50 square feet shall be provided for each individual sheltered.

(E) Operation

The facility shall provide continuous on-site supervision during the hours of operation.

11-1.74 Theater (Outdoor)

(A) Where Development Standards Are Required

GB, GB2 districts.

(B) Hours of Operation

The hours of operation allowed shall be compatible with the land uses adjacent to the outdoor theater.

(C) General

The Board of Adjustment 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.

(D) Access

Principal access must be from a collector or higher capacity road.

(E) Location Requirements

No part of any theater screen, projection booth, or other building shall be located closer than 500 feet to any residentially-used or zoned property or any closer than 50 feet to any other property line or public street right-of-way. No parking space shall be located closer than 100 feet to any residentially-used or zoned property.

(F) Orientation of Screen

The theater screen shall not face a street or highway.

11-1.75 Townhouse Dwelling

(A) Where Development Standards Are Required

R6, RO districts.

(B) Minimum Lot Area

The use shall provide the minimum lot area as delineated for multi-family dwellings in Table 9-4-1, as applicable.

(C) Minimum Development Area

The minimum development area for a townhouse development area shall be one acre.

(D) Minimum Spacing

The minimum spacing between townhouse structures shall be 20 feet.

(E) Screening

Screening shall be provided in accordance with the requirements of Article XIV, Section 14-10. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 14-4.2(G)(4) the minimum height of the berm shall be six feet.

11-1.76 Turkey Shoots

(A) Where Development Standards Are Required

LI, GI districts.

(B) Setbacks

- (1) No turkey shoot shall be allowed within a required setback.
- (2) All turkey shoots shall be established with the line of fire perpendicular to and away from a street right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The backstop or target area shall be located not less than 500 feet from the street right-of-way.
- (3) Sites adjacent to more than one street right-of-way must designate the higher classified street as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a street must be a minimum distance of 200 feet from and parallel to the street right-of-way.
- (4) All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side of the backstop. The backstop shall be designed to meet the standards established by the National Rifle Association.

(C) Parking

An off-street parking area adequate in size to park 2 cars for every backstop shall be provided.

(D) Operation

- (1) Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of 2 feet and maintained at a height of 4 feet above the target.
- (2) The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight. No firearms may be used which have been altered from manufacturer's specifications.
- (3) The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.
- (4) Turkey shoots shall be limited to Thursdays, Friday, Saturdays, and be in operation no later than 10:00 pm.
- (5) Provisions for sanitation and refuse disposal must be made in accordance with health standards.

(E) Permit Review

The Zoning Administrator shall coordinate the review of a request for a turkey shoot with the Cleveland County Health Department, Shelby Police or

Cleveland County Sheriff's Department, and Emergency Management Service.

(F) Permit Limitation

The Zoning Administrator shall issue a permit not to exceed 90 days in a given year for a qualifying turkey shoot.

11-1.77 Utility Related Appurtenances, Substations

(A) Where Development Standards Are Required

All districts.

(B) Dimensional Requirements

All buildings and fenced substations shall meet the setback and dimensional requirements for the district in which the lot is located, except that lots containing only such structures and facilities are exempt from the lot size requirement as long as setbacks are met and from the street frontage requirement whenever a legally binding and permanent access easement to the site has been recorded in the office of the Register of Deeds.

(C) Location

To the maximum extent practicable, all buildings and fenced substations shall be located away from residential areas and public streets.

(D) Security Fencing

As determined necessary by the City of Shelby, security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by Shelby, involved with the use.

(E) Screening

Any outdoor storage area and the fenced portion of substations shall be screened from abutting lots, unless such are located in an LI or GI districts, and/or from all public streets by a buffer yard which complies with the requirements of Section 14-10 or by buildings, existing tree stands or similar means acceptable to the City of Shelby.

(F) Dust

All unpaved outdoor use areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(G) Design

All buildings, structures and facilities on a site should conform as closely as possible to the character of the area or neighborhood in which they are located.

11-1.78 Veterinary Clinic

(A) Where Development Standards Are Required

RO, CPD districts.

(B) Outside Storage

Pens and runs located outdoors are prohibited.

(C) Signs

There may be one freestanding sign erected per public street frontage. The sign(s) shall not exceed three feet in height and fifteen square feet in sign area when located within ten feet of the right-of-way. When located more than ten feet from the right-of-way, the sign(s) shall not exceed five feet in height and twenty-five square feet in sign area.

11-1.78.1 Video Gaming Arcade

(A) Where Development Standards Are Required

GB districts.

(B) General

The requirements of Section 11-1.78.1 are applicable to a video gaming arcade operated as a principal use, a combination use, or as an accessory or ancillary use to a principal use. These requirements do not apply to coin-operated arcades or businesses that do not include one or more video gaming machines as defined in Section 2-4, Definitions. Video gaming arcades shall comply with the requirements of NCGS 14-306.1. If there is conflict between the requirements of NCGS 14-306.1 and the requirements of this Ordinance, the more restrictive standard shall apply.

(C) Use Separation

No video gaming arcade shall be located on a property that lies within 500 feet of any other property containing a video gaming arcade, a church, residentially-zoned property, a public or private school of any kind, a public park, a daycare facility for children, a boys or girls club, or a similar place where children or minors congregate. See section 2-1.5.1 for the method of measuring distance between such properties.

(D) Location

A video gaming arcade shall be operated only within a permanent building.

(E) Signs

No sign advertising the presence or operation of video gaming machines shall be allowed.

11-1.79 Water Treatment Plant

(A) Where Development Standards Are Required

GB, GB2, LI, GI districts.

(B) Use Separation

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from a residentially used or zoned lot.

(C) Security Fencing

Security fencing, a minimum of 6 feet in height, shall be provided around hazardous operations, as determined by the City of Shelby, involved with the use.

11-1.80 Wineries and Associated Vineyards

(A) Where Development Standards Are Required

R-20 and RR districts.

(B) General

Wineries are permitted with a conditional use permit when located on the same development tract as the vineyard producing the grapes. The principal source of grapes for processing shall be grapes grown on the premises. Shipping grapes to the winery for processing is limited. This allows the winery to remain viable during years when the vines do not produce as many grapes.

(C) Location

A setback of all principal buildings of not less than 100' from a public street and adjacent properties is required to maintain a rural agricultural and residential atmosphere.

(D) Screening

Parking lots, outdoor storage areas, retail operations and the winery shall be

screened from adjoining single-family residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 14-5.2. The site plan shall indicate any outdoor storage areas not associated with the agricultural operation to determine additional screening requirements.

(E) Retail Operations

Retail operations accessory to the winery, such as a gift shop, tasting room, and a restaurant are permitted, but are subject to approval by the Board of Adjustment in terms of location, intensity, and square footage. The type of merchandise retailed from the premises is limited to products produced on the premises related to the vineyard and winery (wine, jellies, vine crafts, etc.) and products normally associated with such (wine crackers, stemware, cheese, etc).

(F) Hours of Operation

Facilities that are open to the general public shall not conduct business between the hours of 10 p.m. and 8 a.m.

(G) Dust

All unpaved parking and storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

(H) Vehicular Access

Access to the premises shall be from a street or road that has the functional capacity to accommodate the anticipated traffic volume of the proposed operation. Generally, access shall be from a collector or higher capacity street.

(I) Signs

There may be one freestanding sign erected per public street frontage. The sign(s) shall not exceed three feet in height and fifteen square feet in sign area when located within ten feet of the right-of-way. When located more than ten feet from the right-of-way, the sign(s) shall not exceed five feet in height and twenty-five square feet in sign area.

11-1.81 Machine Welding Shop

(A) Where Development Standards Are Required

GB and GB2 districts.

(B) Location

In no event will a machine welding shop be permitted to locate on the same parcel/track as a retail business.

(C) Outside Storage

Dumpsters must comply with Section 15-3 of the UDO and must be within the setbacks of the building's underlying zone. Any outdoor storage of materials, parts or inventory shall be screened from the street right-of-way and the neighboring properties in accordance with the requirements of Section 14-5.3 (D).