
UNIFIED DEVELOPMENT ORDINANCE

ARTICLE VI: SPECIAL PURPOSE REGULATIONS



CATAWBA COUNTY, NORTH CAROLINA



ARTICLE VI. SPECIAL PURPOSE REGULATIONS

This Article establishes additional regulations for particular uses, which are either permitted by right or as a special use, within the zoning districts established in Article IV. These criteria are designed to ensure that the listed uses are compatible with the other permitted uses in the zoning district and to implement the policies of all adopted plans.

Division 1. Generally

Sec. 44-600. General provisions.

- (a) *Applicability.* The provisions of Division 2 - supplemental uses, and Division 3 - special uses in this Article are supplemental to the general provisions of the other Articles of this Chapter. All uses and structures must comply with all other applicable provisions of this Chapter.
- (b) *Relationship to Use Table.* Uses listed as permitted, special use or having a reference to supplemental regulations in Table 44-403-1 must satisfy these additional criteria before development will be approved.
- (c) *Site Plans.* A detailed site plan, complying with any applicable standards in Sec. 44-317 and the supplemental use or special use standards listed in this Article, must be submitted.
- (d) *Application Approval.* The planning director has the authority to approve, approve with modifications, or deny applications for supplemental use authorizations in Division 2 of this Article. The board of adjustment has the authority to approve, approve with modifications or deny applications for special use authorizations in Division 3 of this Article.

Sec. 44-601 - 605. Reserved.

Division 2 Supplemental Uses

Sec. 44-606. Standards for individual supplemental uses.

The following Sections contain standards relevant for each individual supplemental use and are in addition to the applicable regulations in Article V.

Sec. 44-607. Accessory structure.

An accessory structure cannot be permitted unless a principal structure exists on the same zoning lot or a building permit for a principal structure has been issued at the same time the accessory structure permit is issued.

- (a) Residential single-use accessory structure.
 - (1) Accessory structures must not exceed the maximum permitted height for the zoning district in which the property is located.
 - (2) Accessory structures must not be erected in any required front setbacks.



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- (3) Accessory structure must be separated from the principal structure by at least 5 feet of open space.
 - (4) Accessory structures may not be located any closer than 10 feet from any side lot line and 5 feet from any rear lot line with exception of accessory structures on Lakes Hickory, Lookout and Norman or the Catawba River main stem where the rear setback must be a minimum 30 feet, or more when required by the State's Catawba River Basin Riparian Buffer Rules (15A NCAC 2B.0243), as enforced by the NCDENR.
 - (5) Manufactured homes or truck trailers, either with current tags or untagged, may not be used for accessory structures and cannot be converted for storage or other purposes.
 - (6) Fences and walls are regulated only to the extent that they cannot exceed 6 feet in height when located in the front setback. A zoning authorization permit is not required for fences and walls.
- (b) Residential multi-use, multi-story, or habitable space accessory structure.
- (1) Accessory structures must meet the requirements of Subsections (a)(1), (2) and (3) above.
 - (2) Accessory structures must meet the required setbacks for a principal structure in the underlying zoning district.
- (c) Non-residential accessory structure.
- (1) Must meet the requirements of Subsections (a)(1), (2) and (3) above.
 - (2) Accessory structures must meet the required setbacks for a principal structure in the underlying zoning district.
 - (3) Storage/shipping containers must also comply with Sec. 44-623.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-608. Animal hospital and veterinary clinic.

- (a) All activities of animal hospitals and veterinary clinics, with the exception of animal exercise yards, must be conducted within an enclosed building.
- (b) Buildings housing animal hospitals or veterinary clinics must be located a minimum of 100 feet from any adjacent residential property.
- (c) Exercise and confinement yards must be a minimum of 200 feet from any dwelling unit on any adjacent residential property.

Sec. 44-609. Assembly/theater facility - outdoor or drive-in.

- (a) No part of any assembly area, projection screen, projection booth, or other building may be located closer than 300 feet from any adjacent residential property or closer than 50 feet from any lot line.



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- (b) The image on the projection screen may not be visible from any arterial or collector street or from any adjacent residential property.
- (c) Audio amplification systems must be set in such a way to minimize impact to adjacent properties.
- (d) Lighting must be directed away from adjacent properties and public right-of-ways.
- (e) Queuing space within the zoning lot must be provided for patrons awaiting admission in an amount equal to 30% of the vehicular capacity of the assembly or theater facility.

Sec. 44-610. Automatic Teller Machine (ATM), portable concession stands, ice machines - freestanding.

- (a) Freestanding facilities and associated queuing lanes must not interfere with traffic access areas.
- (b) Freestanding facilities and associated queuing lanes must not occupy principal use required parking spaces.
- (c) Facilities must be located outside required setbacks and with the exception of ATMs, must be located at the side or rear of the principal use.
- (d) Low growing landscaping or portable planters must surround 3 sides of the facility.
- (e) The facility must be underskirted with a material designed for that purpose.
- (f) Mechanical equipment must be screened from public view.
- (g) Concession stands must meet all applicable state and local regulations.
- (h) Only one wall sign is allowed, which has a maximum area of 10% of the wall surface, up to a maximum total of 32 square feet in area.

Sec. 44-611. Boarding house, rooming house and bed and breakfast.

- (a) All required off-street parking must be located outside of required setbacks.
- (b) No more than 6 bedrooms may be devoted to guest accommodations.
- (c) The operators must be full-time residents of the premises.

Sec. 44-612. Campground (in commercial district) - Group or primitive camping and recreational vehicle parks:

- (a) Group camp facilities are operated on a profit or nonprofit basis. Standards for group camp facilities are as follows:
 - (1) The minimum size for a group camp facility is 5 acres.
 - (2) Each group camp must provide a minimum of ¼-acre per each person camping.



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- (3) All buildings and areas for organized recreational use must be set back a minimum distance of 100 feet from any exterior property line.
- (4) Cabins must be at least 75 feet, but no more than 150 feet, from toilet facilities.
- (5) Interior roads must be paved.
- (b) Campgrounds or recreational vehicle parks provide sites for tents and recreational vehicles. Standards for campgrounds or recreational vehicle parks are as follows:
 - (1) The minimum size for a campground or recreational vehicle park is 5 acres.
 - (2) A minimum of 1,500 square feet of area must be provided for each tent, cabin or vehicle space.
 - (3) All buildings, tent spaces, and vehicle spaces must be set back a minimum distance of 100 feet from any exterior property line.
 - (4) A sanitary source of drinking water must be at least 200 feet, but no more than 400 feet, from toilet facilities. A bathhouse may not be more than 1,500 feet from any tent or vehicle space. This does not apply where public water and sewer connections are provided to vehicles having self-contained kitchens and bathroom facilities.
 - (5) A minimum of 1,500 square feet of area per tent, cabin or vehicle space must be provided for active or passive recreation.
 - (6) Interior roads must be paved.

Sec. 44-613. Construction trailer as a temporary office.

- (a) A North Carolina licensed contractor working on a project, with a valid building permit, may temporarily use a construction trailer for office facilities.
- (b) The construction trailer must be placed on the property where the building permit authorizes construction.
- (c) The construction trailer must be removed within 30 days following completion of the work for which the permit was issued.

Sec. 44-614. Dwelling, 2 family - duplex.

- (a) A duplex must be designed to resemble a single-family home having:
 - (1) Building facades containing setback relief utilizing a variety of roof designs and shapes;
 - (2) Metal, when used, incorporated as part of an architecturally designed scheme; and
 - (3) Garage fronts de-emphasized and not be the most prominent architectural feature of the house.



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- (b) Driveways serving front loaded garages should be shared to reduce driveway cuts. Other driveways servicing garages must have side or rear access.
- (c) If garages are not provided, 2 parking spaces per unit are required. Parking areas must be paved but are not required to be lined. The parking area perimeter does not have to be buffered or landscaped.

Sec. 44-615. Home occupation.

Purpose: A home occupation, by its very nature, is a “low” intensive use occupying a minority area of the principal structure and in general centers around a home office environment. It also recognizes the trend of telecommuting and entrepreneurial opportunities. Such businesses may be located in any residential district, recognizing that certain residential and nonresidential uses can co-exist in the same structure. Adequate standards should be in place to mitigate adverse impacts to adjacent residential uses.. The services provided by the home occupation may be on or off site. When the business grows beyond the point of meeting the regulations below, the business will have to upgrade to a cottage business or move to a more appropriate commercial or industrial location.

The NAICS document (current addition) is made a part of the UDO and will be utilized in helping staff make interpretations of permitted home occupations when not specifically listed under this Section. If the planning director determines that the use may be incompatible with the spirit and intent of this Ordinance, the director may refer to the BOA for an interpretation. Compliance must be in accordance with the standards listed in this Section.

- (a) Home occupations are permitted in all residential districts, provided that they meet the requirements of Subsection (b) below. Certain categories may be allowed including but not limited to:
 - (1) Computer programming;
 - (2) Catering, cooking and baking;
 - (3) Direct marketing enterprises;
 - (4) Dressmaking, sewing and tailoring;
 - (5) Electronic equipment repair and maintenance;
 - (6) Employment services;
 - (7) Hair salons – may include nail salon and tanning bed(s) only as accessory uses;
 - (8) Home crafts, such as weaving, jewelry making, or pottery;
 - (9) Housekeeping and janitorial services;
 - (10) Lawn care services;
 - (11) Management of companies and enterprises;
 - (12) Painting and sculpting;
 - (13) Printing and related support activities;



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- (14) Professional services, technical services, and health care professional services;
 - (15) Real estate, rental or leasing;
 - (16) Specialty trade – contractor offices, where services are provided off-site (including but not limited to plumbing, electrical, and general contracting);
 - (17) Taxidermy;
 - (18) Telephone answering service;
 - (19) Travel agency;
 - (20) Tutoring or instruction of no more than 4 students at a time; and
 - (21) Woodcarving.
- (b) No home occupation shall be permitted that:
- (1) Changes the outside appearance of the dwelling unit or is visible from a street.
 - (2) Creates a hazard to persons or property or is a nuisance. (Hazard or nuisance is defined as anything harmful or offensive to the community or a member of it and for which a legal remedy exists. A hazard or nuisance including excessive noise, odor, dust shall be determined by the applicable agency.)
 - (3) Generates more than 2 customer vehicles at any given time.
- (c) The following standards shall apply:
- (1) A maximum of 25% of the aggregate total of the usable floor area of the principal dwelling unit may be devoted to the home occupation. Accessory structures may not be used for business purposes.
 - (2) No outside storage and/or display of product or services is allowed.
 - (3) The following single-motor vehicles, excluding trailers, associated with a home occupation are permitted to be parked or stored outside, on the site of the home occupation:
Dump truck,
Box truck,
Bucket truck,
Pump truck, and
Tow trucks
 - (4) Only one commercial vehicle per employee up to a maximum of 3 associated with the home occupation, are allowed to be parked or stored on the site of the home occupation. No more than 2 commercial vehicles



associated with the business use are allowed to be parked or stored in the front or side yard.

- (5) One non-illuminated sign is permitted, with a surface area not to exceed 4 square feet. The height, including the supporting structure shall not exceed 4 feet.
- (6) Only one person shall work on the site of the home occupation, other than those residing on the property.

(Ord. No 2009-12, 11/16/09)

Sec. 44-616. Junkyard.

- (a) The site must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (b) All junkyards must provide a perimeter buffer, including road frontage. The buffer must consist of a double row of evergreens staggered at a maximum of 6 feet apart, and having a minimum height of 6 feet to block visual access to all adjoining properties.
- (c) No material may be stored closer than 100 feet from any property lines.

Sec. 44-617. Landfill - beneficial fill.

Beneficial fill landfills are subject to the following:

- (a) The land is used for the disposal of inert debris strictly limited to concrete, brick, concrete block, used asphalt pavement, uncontaminated soil, rock or gravel.
- (b) Construction and demolition debris or land-clearing debris are not beneficial fill material and cannot be placed in a beneficial fill landfill.
- (c) The applicant must submit a surveyed map of the property prepared by a registered land surveyor. The survey map shall be either 8 1/2 inches by 11 inches or 8 1/2 inches by 14 inches. The map must show the following:
 - (1) The name of the owner, property lines, north arrow, scale, bearings and distances taken from the deed.
 - (2) Disposal area delineated.
 - (3) Certification and seal of the registered land surveyor or registered engineer.
 - (4) The review officers' certificate to be signed by a County review officer.

A memorandum of beneficial fill landfill, along with an attached survey map delineating the beneficial fill landfill, must be recorded at the office of the County register of deeds. After the documents are recorded, a copy must be furnished to the County planning office.



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- (d) Adequate soil cover must be applied monthly, as inspected by utilities and engineering department. The final cover must be a minimum of 2 feet of compacted earth, properly graded with establishment of suitable vegetative cover.
- (e) No excavation is allowed. The landfill site can only be used for the purpose of improving land use potential.
- (f) The applicant must agree to make the facility available for unannounced periodic inspections by County or state officials.

Sec. 44-618. Marina and dry storage facility.

- (a) All operations must be located to prevent hazards to navigation.
- (b) Open storage of equipment, materials, and/or supplies associated with business operations is prohibited.
- (c) Ground-level storage of boats, trailers and other watercraft is allowed, but must not be visible from any adjacent property with a less intensive use of land or any public right-of way.
- (d) Dry storage facilities that store boats or marinas that moor boats for living purposes which have marine sanitation devices (MSD) must provide a pump out facility.
- (e) Marinas or dry storage facilities that provide a boat launch site must install low impact development storm water management devices. See Sec. 44-428.
- (f) Marinas that provide a boat launch site must construct the launch site a minimum of 50 feet from any residential zoned side property line.
- (g) The height of a dry storage facility cannot exceed the height limitations of the underlying zoning district and must be setback 50 feet from any residential zoned side property line.
- (h) Assembling of seawalls, docks and piers except for the express use of the marina facility is strictly prohibited.
- (i) A minimum of 7 acres is required when a campground is planned as part of a marina.
- (j) Dry storage facilities should be sited with the open storage bays shielded from adjoining properties, to the extent feasible. The dominant exterior building color of the dry storage facility should be chosen to blend in with the natural surroundings.

Sec. 44-619. Mini-warehouse.

- (a) All mini-warehouse compartment doors must open on an internal access driveway having a minimum paved width of 20 feet.
- (b) Facilities can only be used for dead storage of materials or articles and must not be used for assembly, fabrication, processing or repair.



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- (c) The storage of hazardous, toxic, explosive substances, or any other substance requiring a “704 placard,” is prohibited.
- (d) Outdoor lighting must be directed away from adjacent properties and public rights-of-ways.
- (e) Mini-warehouse units must be constructed with the compartment doors facing internally, not facing a public street. An exception is allowed for mini-warehouses located on corner lots provided that shrubbery or low-growing evergreens are planted every 5 feet along the frontage of the secondary road.
- (f) Any side of a building facing a public street must be constructed with a façade of brick, stone, wood, or split-faced block. An exception is allowed for mini-warehouses located on corner lots provided that shrubbery or low-growing evergreens are planted every 5 feet along the frontage of the secondary road. Building facades which do not face a public street are not required to meet overlay or special district architectural regulations concerning metal treatment.
- (g) If the mini-warehouse facility has a locked and keyed entrance, 2 staging spaces must be located outside of the public right-of-way.
- (h) Open storage is prohibited.

Sec. 44-620. Public use facility.

- (a) The facility must have frontage on a public street.
- (b) Front, rear, and side setbacks must be a minimum of 35 feet.
- (c) The parcel perimeter buffer standards of Sec. 44-523(f) must be met.

(Ord. No. 2007-24, 11-19-2007)

Sec. 44-621. Sales - outdoor seasonal.

Outdoor seasonal sales are subject to the following standards:

- (a) Prior to conducting business, the operator of a seasonal sales business must obtain a permit which describes the type of sales involved and the duration of the sales operation.
- (b) The applicant, if different from the property owner, must furnish written approval from the owner of the property before a permit will be issued.
- (c) Under no circumstance may the business operate more than a cumulative total of 45 days during any calendar year. The owner of the business must maintain an account of the days of sales operations and make such records available to the planning department.
- (d) The business must not involve the construction of a permanent building.
- (e) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use such as a business, church, or school. The use must not operate as an accessory to a principal residential use on a lot.



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- (f) 5 off-street parking spaces must be provided for the use. Seasonal sales located on commercial properties must not utilize more than 20% of the required parking spaces provided on the site.
- (g) All parking, sales, and displays must be located outside of public right-of-ways and sight triangles.
- (h) One non-illuminated sign with a maximum area of 16 square feet is permitted if the sales area is located in a residential district. The sign regulations in Article V, Division 7 shall be met.

Sec. 44-622. Sales office or model dwelling units for residential development.

In any residential district, the developers, builders or their agents may operate one residential development sales office or model dwelling unit within the development, as a sales office for the specific project under construction, subject to the following restrictions:

- (a) The use of the office must be for the initial sale of properties and buildings within the developing subdivision;
- (b) The sales office or model dwelling unit must meet all district requirements for lot and setback dimensions;
- (c) One non-illuminated sign with a maximum area of 16 square feet is permitted;
- (d) One temporary off-street parking space per 300 square feet of office floor area, but in no case shall less than 3 temporary off-street parking spaces, is provided. The off-street parking surface must be gravel or asphalt;
- (e) The model dwelling unit must not be used for any business activity past 9:00 p.m.;
- (f) The building used for the sales office must either be constructed for ultimate residential use or be a temporary modular office unit. If a temporary modular office unit is used, the following additional conditions must be met:
 - (1) The modular office unit must be placed on a proper foundation, as recommended by the manufacturer;
 - (2) The skirting must consist of any weatherproof material providing a visual barrier between the ground and the underside of the modular office unit; and
 - (3) The modular office unit must comply with all building code requirements; and
- (g) The residential development sales office or model dwelling unit must be discontinued when the specific residential project is sold out and shall thereafter comply with regulations generally applicable within the district.



Sec. 44-623. Shipping/storage container.

- (a) Containers, shipping containers or other portable storage containers are temporarily allowed for a dwelling in a residential district for a 7-day period during moving and are not subject to the standards listed in Subsection (b) below. The time period can be extended in cases deemed as a hardship as defined by the planning director.
- (b) Containers are allowed on bonafide farms, but must be totally screened from view of all roads, public places and adjoining properties, through the use of features such as berms, fences, building walls, false facades or dense landscaping.
- (c) Containers, shipping containers or other portable storage containers are allowed in office, commercial and industrial districts, subject to the following:
 - (1) *Screening.* Containers must be screened from view of all streets, public places and adjoining properties, through the use of features such as berms, fences, building walls, false facades, or dense landscaping (with exception for access to the unit).
 - (2) *Location.* Containers should be located behind the principal building, or at the side if the physical nature of the site renders rear placement impossible, as determined by the planning director.
 - (3) *Setbacks.* Containers must comply with the principal setbacks for the district.
 - (4) Containers must meet building code requirements if electrical or plumbing is installed.
 - (5) A “704 placard” must be displayed when storing hazardous, toxic or explosive substances.

Sec. 44-624. Swimming pool, private – in ground and above ground.

- (a) Swimming pools must not be erected in any required front setbacks.
- (b) Swimming pools must be separated from the principal structure by at least 5 feet. For the purpose of this regulation, a deck will not be counted as part of the principal structure, making it acceptable for the dwelling and the pool to be connected by a 5-foot or larger deck.
- (c) Swimming pools may not be located any closer than 10 feet from any side lot line and 10 feet from any rear lot line.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-625. Temporary use/special event.

- (a) The applicant must submit a statement, with a description of the proposed use, hours of operation, the proposed number of people expected to attend the temporary use/special event, location of parking, driveways, and any other pertinent information.



- (b) The following standards must be met when issuing a temporary use/special event permit:
 - (1) If not on the applicant's privately owned property, the applicant must provide written approval of the temporary use from the property owner.
 - (2) The location of the temporary use/special event must minimize adverse effects on surrounding properties, including traffic generation and impacts. The site should contain sufficient land area to accommodate all proposed activities. The owner or event organizer shall notify surrounding property owners of the times of the event, activities planned, and measures to be taken to ensure that traffic congestion is mitigated. Temporary uses/special events are prohibited between the hours of 11pm and 7am;
 - (3) Adequate off-street parking must be provided. The use must not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances;
 - (4) Display areas and/or temporary structures must comply with the required setbacks and must not interfere with the sight triangle of any intersection of roads or streets;
 - (5) Only one temporary use/special event can be permitted for a single parcel of land at any given time;
 - (6) Any applicable permits must be obtained from the NCDOT;
 - (7) Signage, meeting the requirements of Sec. 44-561, is permitted 14 days before the event and must be removed at the close of the event;
 - (8) Each event must not exceed 14 days and not to exceed 2 times during any 12-month period; and
 - (9) The temporary use must comply with the County division of environmental health regulations regarding sewage disposal.
- (c) If a particular use is not listed in the definition of temporary use/special event, the planning director has the authority to grant a temporary use/special event permit for a similar and compatible use.

(Ord. No. 2009-12, 11/16/09)

Sec. 44-626. Vehicle minor maintenance/repair in residential districts.

- (a) Minor maintenance may be performed including changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil; replacement of sparkplugs and ignition points; rotation of tires and checking of adequate pressure; and replacement of drive belts and hydraulic lines.
- (b) Any other repairs on a motor vehicle are restricted to enclosed spaces and only on privately registered vehicles to the occupant of the residence.



- (c) Under no circumstance may any individual perform any type of maintenance on a vehicle and receive compensation for the work performed.

Sec. 44-627. Vehicles parking - domestic, recreational and commercial.

- (a) *Domestic and recreational vehicles.* An owner of a domestic or recreational vehicle may park or store such vehicle on his private residential property, subject to the following limitations:
 - (1) At no time may the vehicle be occupied or used for living, sleeping, or housekeeping purposes except as allowed in accordance with Subsection (c) below.
 - (2) At no time may the vehicle be connected to any utility service except as allowed in accordance with Subsection (c) below.
- (b) Commercial vehicles.
 - (1) The parking of a tractor in any residential district is permitted, but the parking of trailers or tractor-trailer combinations in any residential district is prohibited, except where such vehicles are located within entirely enclosed structures which meet the regulatory requirements for the applicable zoning district. This requirement shall not be interpreted to prohibit vehicles from loading and unloading in any residential area for a period less than 24 hours. The parking of commercial truck-trailers in residential districts for use as permanent storage is prohibited.
 - (2) The parking of other commercial vehicles used as the primary means of transportation to and from the work site and/or the off-site business location is allowed in a residential district.
 - (3) If a commercial vehicle is parked and stored outside of an enclosed garage, it must be parked or stored 20 feet or more from any street line, and 5 feet or more from any interior lot line.
- (c) *Recreational vehicle temporary use permit.* A temporary permit for the placement of a recreational vehicle is allowed in all residential zoning districts in accordance with the following standards:
 - (1) The principal occupied structure was destroyed by an act of God, including but not limited to, a fire, tornado, hurricane, and a temporary permit for a recreational vehicle is necessary to allow the owner to live on the property during the reconstruction of the principal structure.
 - (2) A visual inspection will be conducted by the County to determine that the home is rendered uninhabitable prior to the issuance of a temporary recreational vehicle permit.
 - (3) Electrical connections must be made in accordance with the building code.
 - (4) Permits are valid for one year. Under extenuating circumstances, the planning director has the authority to grant an extension.



(Ord. No. 2009-12, 11/16/09)

Sec. 44-628. Wood waste grinding operation in industrial districts.

- (a) The minimum lot size must be 2 acres.
- (b) All grinding operations must have an approved driveway permit from the NCDOT.
- (c) All traffic areas, including entrances and exits, within the area of operation must be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
- (d) No grinder, screener or other similar equipment shall be located within 500 feet of any residential dwelling with the exception of the owner's or applicant's own residential dwelling. The detailed site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings located on adjoining properties.
- (e) Any grinder, screener, or similar equipment must be located a minimum of 50 feet from any property or road right-of-way lines. Any mulch, dirt, wood waste, or other similar material stored on the property must be setback from any right-of-way or property lines in accordance with the setback required for a principal structure (see Table 44-404-1).
- (f) Retention of existing vegetation must be maximized to the extent practicable to buffer the operation from adjoining property or road rights-of-way and to serve as a noise and dust barrier. Where vegetation does not exist, a combination of a berm and landscaped buffer to achieve an initial screen of 10 feet must be installed which will achieve 75% opacity within 2 years.
- (g) The grinding operation must comply with any applicable regulations enforced by the state department of environment and natural resources. These include, but may not be limited to, those laws under the divisions of waste management and air quality. Copies of all materials submitted to the state, either as part of a notification or a permit application, must be submitted to the County.

Sec. 44-629. Yard/garage sale.

Garage, yard, tag, patio, estate and apartment sales are permitted as an accessory use in all residential districts. A maximum of 4 sales are permitted during each 12-month period. Each sale cannot last more than 3 days.

Sec. 44-630. Temporary manufactured home during site-built home construction.

- (a) A Class B (singlewide) manufactured home meeting appearance criteria can be temporarily located on a parcel, if it is located within the DWMH-O, for a period of 2 years, in association with an active building permit and construction of a stick built principal dwelling.



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- (b) The manufactured home must meet the principal structure setbacks as required in Table 44-404-1.
- (c) A temporary certificate of occupancy may be issued, for a period of 60 days, during the transition of moving out of the singlewide and into the permanent dwelling unit; however, a final certificate of occupancy will not be issued until the singlewide is removed from the site.
- (d) At the time permanent power is connected to the new stick built dwelling, power must be disconnected to the singlewide.
- (e) Doublewide manufactured homes would not be allowed due to their more permanent nature as compared to singlewide manufactured homes.

Sec. 44-631. Accessory dwelling unit/guesthouse.

- (a) The following are allowed to be used as an accessory dwelling unit/guesthouse:
 - (1) Stick-built home meeting all applicable sections of building code;
 - (2) Modular home meeting all applicable sections of building code; or
 - (3) Class A or B (doublewide/multi-section or singlewide) manufactured home subject to:
 - a. A lineal family member or sibling use; and
 - b. Parcel must be located within the DWMH-O district
- (b) The use must comply with all requirements of the County division of environmental health, for on-site sewage and well regulations.
- (c) A detached accessory dwelling unit shall be permitted as an accessory to any detached primary single-family dwelling unit. A manufactured home may be considered a primary residence only if it is categorized as real estate by the Catawba County tax office, as opposed to personal property. The accessory dwelling unit must be clearly subordinate to the principal structure.
- (d) No more than one accessory dwelling unit shall be permitted on a single deeded lot in conjunction with the principal dwelling unit.
- (e) The accessory dwelling unit and the principal dwelling must be owned by the same person. The owner must reside in one of the dwellings or on an adjacent parcel.
- (f) Accessory dwelling units must adhere to the maximum permitted height requirement for the zoning district.
- (g) Unless the accessory dwelling unit is accessed from a different road or street than the principal structure, the accessory dwelling unit must share a driveway with the principal structure.
- (h) Where a stick-built or modular unit is the principal dwelling, the accessory dwelling unit must not exceed 650 square feet or 50% of the gross heated floor area of the principal dwelling, whichever is greater.



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- (i) Where a manufactured home is the principal dwelling, the accessory dwelling unit must occupy less than the square footage of the principal dwelling.
- (j) The accessory dwelling unit may be combined with a garage, workshop, etc.
- (k) An accessory dwelling unit must adhere to the principal setbacks for the district.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-632. Winery or brewery.

- (a) Applies to R-80 and R-40 zoning districts only.
- (b) All buildings must meet the minimum principal setbacks for the district.
- (c) The parcel must be a minimum of 10 acres.
- (d) The winery cannot be located in a major subdivision.
- (e) The winery building(s) is allowed as a principal structure.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-633. Reserved.

Sec. 44-634. Other Supplemental Regulations

Sec. 44-634.1 Back Yard Business

Purpose: A back yard business, by its very nature, is a “low” intensive use occupying an accessory structure(s) and in general includes skilled hand labor, such as independent artisans, craftsmen, and small scale repair shops. It is intended to operate in a rural environment and may be located in any residential district, recognizing that certain residential and nonresidential uses can co-exist on the same parcel. Adequate standards should be in place to mitigate adverse impacts to adjacent residential uses. The services or products provided by the back yard business may be on or off site. The back yard business, like the home occupation, is intended to be a small non-invasive business. If the business grows beyond the point of complying with the regulations below, the use may be better suited as a cottage business or within a commercial location.

The NAICS document (current addition), supplemental to the UDO, will be utilized in helping staff make interpretations of permitted uses allowed within a back yard business when not specifically listed under this Section. Compliance must be in accordance with the standards listed in this Section.

- (a) Back yard businesses are permitted in all residential districts, provided that they meet the requirements of Subsection (b) below. Certain categories may be allowed including but not limited to:
 - (1) All uses allowed as a home occupation;
 - (2) Cabinet and woodworking shops;



- (3) Furniture upholstery; and
- (4) Household repair and maintenance (white goods and small appliances).
- (b) The following specific standards shall apply:
 - (1) One non-illuminated sign is permitted, with a surface area not to exceed 4 square feet. The height, including the supporting structure shall not exceed 4 feet.
 - (2) Only one person is permitted to work on the site of the back yard business, other than those residing on the property.
 - (3) Back Yard Businesses established:
 - a. After effective date of this regulation (November 16, 2009)
 1. Shall be located in accessory structures which conform to the principal setbacks for the zoning district.
 2. May occupy an aggregate area equivalent to no more than 50% of the primary residence.
 - b. Prior to the effective date of this regulation (November 16, 2009)
 1. May be located in accessory structures which conform to the accessory setback for the zoning district.
 2. Not subject to subsection (b)(3)(a) above, however any additional square footage associated with the business cannot exceed an aggregate area of more than 50% of the primary residence.
 3. Not subject to subsection (b)(1) above.
 - (4) Back yard businesses are not permitted in approved major subdivisions.
 - (5) All equipment, raw materials, machinery, equipment or future job units waiting for assembly or repair shall be stored within the back yard business structure.
 - (6) A manufactured home cannot be used as a detached back yard business.
 - (7) Businesses that utilize power tools, air compressors, and other machinery must be conducted entirely within an enclosed structure.
 - (8) No outside display of product(s) is allowed.
 - (9) All back yard businesses shall have adequate land area to accommodate customer parking outside of public and private rights-of-way.
 - (10) The following single-motor vehicles, excluding trailers, associated with a back yard business are permitted to be parked or stored outside, on the site of the back yard business:
Dump truck,
Box truck,



Bucket truck,
Pump truck, and
Tow trucks.

- (11) Only one commercial vehicle per employee up to a maximum of 3 associated with the back yard business, are allowed to be parked or stored on the site of the back yard business. No more than 2 commercial vehicles associated with the business use are allowed to be parked or stored in the front or side yard.

(Ord. No. 2009-12, 11/16/09)

Division 3 Special Uses

Sec. 44-635. Intent.

- (a) The intent of the board of commissioners is to create, and from time to time amend, a list of special uses within the table of permitted and permissible uses which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation.
- (b) In addition to the listing of such uses, the board of commissioners intends that the general standards, established in Sec. 44-328, and the more specific requirements established in this Article shall be used by the board of adjustment when considering applications for the approval of special uses.

Sec. 44-636. Contents of application.

The application for approval of a special use must meet the requirements of Sec. 44-328 of this Chapter.

Sec. 44-637. Standards for individual special uses.

All special uses must meet the landscaping buffers, screening, signage and parking regulations in Article V or the specific standards for the individual special use, if noted. Access to and from the special use site must comply with NCDOT standards for a driveway connection permit. The following sections contain standards applicable to each individual special use.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-638. Reserved.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-639. Adult use.

- (a) All windows, doors, and entries for all adult uses must be located, covered, screened, or otherwise treated so that any view of the interior of the establishment are not possible from any public or semipublic area, street, or way.



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- (b) No adult use shall be located within a 1,000-foot radius of another adult use. Distance shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
- (c) No adult use shall be located within 500 feet of any adjacent residential property.
- (d) Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Chapter or the laws of the County or state.

Sec. 44-640. Airport/airstrip/runway/taxiway.

- (a) No airstrip/runway/taxiway shall be located on a parcel of land less than 10 acres.
- (b) Proof in writing of compliance with all FAA and NCDOT regulations.
- (c) The minimum length for the landing strip, approach zones and other land and air space criteria must comply with FAA and NCDOT regulations.
- (d) No structure can be located within the area identified in (c) above.
- (e) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-641. Animal facility - kennel.

- (a) The kennel facility must have a minimum lot size of 10 acres.
- (b) All activities, with the exception of animal exercise areas, must be conducted within an enclosed building.
- (c) A 300-foot separation must be maintained between the kennel, which includes any exercise area, and any property line.
- (d) The disposal methods for wastes generated must be reviewed and approved by the County division of environmental health.
- (e) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-642. Animal facility – stable-public.

- (a) Front, rear, and side setbacks for the stable structure must be a minimum of 50 feet.
- (b) Parking must be provided at a ratio of one parking space for every 5 stalls.
- (c) The operator of the stable must be responsible for using good management practices to discourage undesirable odors and insects.
- (d) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-643. Art gallery.

- (a) The site must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.



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- (b) A minimum lot size of 40,000 square feet shall be provided.
- (c) No external evidence of retail sales shall be permitted.
- (d) The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which the fixture is located.
- (e) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-644. Boardinghouse, rooming house or bed-and-breakfast operation.

- (a) All required off-street parking must be located outside of required setbacks. Parking must be in accordance with Article V, Division 5, with the exception that the parking area does not have to be lined.
- (b) No more than 4 bedrooms may be devoted to guest accommodations.
- (c) The operators must be full-time residents of the premises.
- (d) One non-illuminated sign, no more than 4 square feet, is permitted.

Sec. 44-645. Campground (in residential districts) - Group or primitive camping and recreational vehicle parks.

- (a) Group camp facilities can be operated for a profit or nonprofit basis. Standards are as follows:
 - (1) The minimum size for a group camp facility is 5 acres.
 - (2) Each group camp must provide a minimum of ¼-acre per person camping.
 - (3) All buildings and areas for organized recreational use must be set back a minimum distance of 100 feet from any exterior property line.
 - (4) Cabins must be at least 75 feet, but no more than 150 feet, from toilet facilities.
 - (5) Interior roads must be paved.
 - (6) One non-illuminated sign with a maximum area of 16 square feet is permitted.
- (b) Campgrounds or recreational vehicle parks providing sites for tents and recreational vehicles.
 - (1) The minimum size for a campground or recreational vehicle park is 5 acres.
 - (2) A minimum of 1,500 square feet of area must be provided for each tent, cabin or vehicle space.
 - (3) All buildings, tent spaces, and vehicle spaces must be set back a minimum distance of 100 feet from any exterior property line.
 - (4) A sanitary source of drinking water must be at least 200 feet, but no more than 400 feet, from toilet facilities. A bathhouse may not be more than



1,500 feet from any tent or vehicle space. This does not apply where public water and sewer connections are provided to vehicles having self-contained kitchens and bathroom facilities.

- (5) A minimum of 1,500 square feet of area per tent, cabin or vehicle space must be provided for active or passive recreation.
- (6) Interior roads must be paved.
- (7) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-646. Care facility - child and adult care center.

- (a) A paved semicircular driveway, 20 feet in width with a minimum inside radius of 20 feet.
- (b) A fenced outdoor play area for children must be placed in the rear or side yard.
- (c) Uses designed to accommodate more than 30 patrons must have:
 - (1) Frontage on a minor collector road or higher classification as shown on the County Thoroughfare Plan or a minor thoroughfare or higher classification as shown on the Urban Transportation Plan.
 - (2) A minimum lot size of 40,000 square feet shall be required.
 - (3) An improved impervious walkway connecting a child care facility to the street where buses may drop off school children.
- (d) The design, intensity, and scale of the child and adult care center must be compatible with surrounding land uses and zoning.
- (e) All state rules and requirements must be met.
- (f) One non-illuminated sign with a maximum area of 16 square feet is permitted.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-647. Care facility – hospice/palliative or residential care facility.

- (a) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (b) There must be a minimum lot size of 40,000 square feet with a minimum road frontage of 150 feet.
- (c) Front, rear, and side setbacks shall be a minimum of 50 feet.
- (d) One non-illuminated sign with a maximum area of 16 square feet and a maximum height of 4 feet from the ground.



Sec. 44-648. Cemetery - human beings and pet.

- (a) *Cemetery, human beings, public.*
 - (1) All requirements of state law regarding the interment of human dead must be met.
 - (2) A minimum lot size of 5 acres shall be provided.
 - (3) There must be adequate space within the site for the parking and maneuvering of funeral corteges.
 - (4) Interments must be at least 30 feet from any property line.
 - (5) All structures must be set back a minimum of 25 feet from any property line and cannot be placed in any required setbacks.
 - (6) All structures over 25 feet in height must be set back a minimum of 25 feet plus 2 feet for each one foot of height over 25 feet to the maximum height permitted by the zoning district in which it is located or 50 feet, whichever is more restrictive.
 - (7) Church cemeteries are exempt from these special use requirements and are accessory to the use of the church.
 - (8) One non-illuminated sign with a maximum area of 16 square feet is permitted.
- (b) *Cemetery, pet.*
 - (1) All applicable federal and state regulations governing animal cemeteries must be met.
 - (2) A minimum lot size of 40,000 square feet shall be provided.
 - (3) Interments must be at least 30 feet from any property line.
 - (4) All structures shall be set back a minimum of 25 feet from any property line and cannot be placed in any required setbacks.
 - (5) All structures over 25 feet in height must be set back a minimum of 25 feet plus 2 feet for each one foot of height over 25 feet to the maximum height permitted by the zoning district in which it is located or 50 feet, whichever is more restrictive.
 - (6) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-649. Conference/retreat center.

- (a) A minimum lot size of 5 acres.
- (b) The facility may only be used by organized groups for educational or recreational purposes.
- (c) All setbacks must be at least 100 feet.



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- (d) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (e) The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which the fixture is located.
- (f) The facility must meet County division of environmental health regulations.
- (g) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-650. Dragstrip or racetrack.

- (a) A minimum lot size of 40 acres.
- (b) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (c) The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which the fixture is located.

Sec. 44-651. Firing range – outdoor.

- (a) The use must not be located within 2,640 feet of any residence.
- (b) All state and federal requirements must be met.
- (c) A projectile-proof backstop, consisting of concrete, steel, earth, or any combination, at least 15 feet high must be erected and maintained behind all target areas.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-652. Flea market – outdoor.

- (a) There must be a minimum of at least 5 acres fronting along a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (b) All area used for vendors and aisles must be paved.
- (c) Front, rear and side setbacks must be a minimum of 60 feet.
- (d) Evidence must be presented that the requirements and standards of the County division of environmental health have been met.

Sec. 44-653. Greenhouse – commercial.

- (a) The use must provide for all required off-street parking and loading on private property.
- (b) The use must have frontage on a state road.



- (c) No sales or display activity can be located on public land or within state road right-of-way.
- (d) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-654. Landfill - land-clearing and inert debris (LCID).

- (a) Where the designated area of the landfill is less than 2 acres, a special use permit is required by the County with notification to the state. Where LCID landfills are 2 acres or larger, a special use permit is required by the County and a state permit is required. Only one LCID is permitted per parcel.
- (b) The facility may only be used for the purpose of disposal of land-clearing debris, concrete, brick, concrete block, uncontaminated soil, used pavement asphalt, gravel or rock, untreated or unpainted wood, or yard waste. The facility may not be used for the disposal of construction or demolition debris.
- (c) The landfill must be located out of the 100-year floodplain and not in a wetland, as defined by Section 404(b) of the Clean Water Act.
- (d) The landfill must be 100 feet from any property line.
- (e) The landfill must be 100 feet from any residential dwelling or commercial or public building.
- (f) The landfill must be 100 feet from any well.
- (g) The landfill must be 50 feet from all surface waters.
- (h) The landfill must be placed above the seasonal high groundwater table.
- (i) The applicant must furnish a certified soil analysis, prepared by a soil scientist, indicating that the proposed landfill will be located above the seasonal high water table and if located where proposed, will provide adequate separation from any source of groundwater to protect the groundwater from contamination.
- (j) The facility must be adequately secured by means of gates, chains, berms, or fences.
- (k) A sign, with minimum letter size of 4 inches, must be posted at the entrance stating "Authorized Persons Only" and "No Trespassing - Keep Out."
- (l) A survey map of the property must be prepared by a registered land surveyor. The survey map must be either 8 ½ inches by 11 inches or 8 ½ inches by 14 inches. The map must show the following:
 - (1) Name of the owner, property lines, north arrow, scale, bearings and distances taken from the deed.
 - (2) Disposal area delineated which meets all setback noted above.
 - (3) Certification and seal of the registered land surveyor or registered engineer.



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- (4) The review officers' certificate to be signed by a County review officer. A memorandum of the land-clearing and inert debris landfill along with an attached survey map delineating the landfill must be recorded at the office of the County register of deeds. After the documents are recorded, a copy must be furnished to the County planning office.
- (m) Adequate soil cover must be applied monthly, as inspected by the utilities and engineering department. The final cover must be a minimum of 2 feet of compacted earth properly graded with establishment of suitable vegetative cover.
- (n) The permit shall be issued for not more than 5 years. After the 5 year period, the landfill must be properly closed or another LCID application must be submitted and approved.
- (o) A LCID landfill permit must be obtained from the County.
- (p) The facility must meet be permitted and operated in accordance with the state solid waste management's rules.
- (q) The applicant must agree to make the facility available for unannounced periodic inspections by County or state officials.
- (r) The facility or practices must no cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife.
- (s) The facility or practices must not damage or destroy an archaeological or historical site.
- (t) Open burning of solid waste is prohibited.

Sec. 44-655. Marina and/or dry storage facility.

- (a) All operations must be located to prevent hazards to navigation.
- (b) Open storage of equipment, materials, and/or supplies associated with business operations is prohibited.
- (c) Dry storage of boats, trailers and other watercraft is allowed, but must not be visible from any adjacent less intensive use of land or any public right-of way.
- (d) Dry storage facilities that store boats or marinas that moor boats for living purposes which have marine sanitation devices (MSD) must provide a pump out facility.
- (e) Marinas that provide a boat launch site must set back the launch site 50 feet from the side property line.
- (f) Marinas or dry storage facilities that provide a boat launch must install low impact development storm water management devices. See Sec. 44-428, Catawba River Corridor Overlay (CRC-O) district.
- (g) Watercraft sales are permitted.



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- (h) The height of a dry storage facility cannot exceed the height limitations of the underlying zoning district and must be setback 50 feet from any residential zoned side property line.
- (i) Assembling of seawalls, docks and piers except for the express use of the marina facility is strictly prohibited.
- (j) A minimum of 7 acres is required when a campground is planned as part of a marina.
- (k) Dry storage facilities should be sited with the open storage bays shielded from adjoining properties, to the extent feasible. The dominant exterior building color of the dry storage facility should be chosen to blend in with the natural surroundings.
- (l) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-656. Membership organization.

- (a) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (b) The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which the fixture is located.
- (c) All required setbacks must be 40 feet.
- (d) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-657. Mining of earth products.

- (a) Two copies of a completed mining application form and an approved mining permit from the state department of environment, health and natural resources, land quality section.
- (b) An operation plan, which must include the following:
 - (1) The date proposed to commence operations and their expected duration.
 - (2) Proposed hours and days of operations.
 - (3) Estimated type and volume of extraction.
 - (4) Description of method of operation, including the disposition of topsoil, overburden, and byproducts.
 - (5) Description of equipment to be used in the extraction process.
 - (6) Any phasing of the operation and the relationship among the various phases.
 - (7) Operating practices to comply with the performance standards applicable to the operation.



- (c) For mining activities, not including sand, soil and clay, the following specific standards must be used in deciding an application for approval of a special use permit:
 - (1) The permanent roads, defined as those to be used in excess of 1 year, within the excavation site shall be surfaced with a dust-free material from the nearest public road to the yard area. Also all permanent roads within 300 feet of any residentially zoned land should be treated the same.
 - (2) Roads, other than permanent roads, must be treated with dust inhibitors, such as water wagons, to reduce the generation of dust.
 - (3) Where the proposed extraction takes place within 300 feet of a dwelling, school, church, hospital, or commercial or industrial building, public building, or public land, a security fence at least 6 feet high must be installed.
 - (4) An undisturbed buffer of a minimum of 100 feet must be maintained around the mining activity at all times, excluding entrance roads.
 - (5) No off-site refuse may be dumped on site unless a permit has been issued by the state division of solid waste management for such an activity.

Sec. 44-658. Museum.

- (a) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (b) A minimum lot size of 40,000 square feet is required.
- (c) Retail sales are limited to 5% of the total usable floor area of the use.
- (d) No external evidence of retail sales is permitted.
- (e) The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which the fixture is located.
- (f) One non-illuminated sign with a maximum area of 16 square feet is permitted.
- (g) The board of adjustment may grant a special exception for the pavement of parking spaces if graveled spaces would better preserve the historic character of the property.

Sec. 44-659. Nursery/landscaping business.

- (a) The site must have at least 150 feet fronting along a state-maintained road.
- (b) The minimum lot size must be 40,000 square feet and a maximum of 120,000 square feet, or a detailed site plan showing a maximum square footage dedicated to the business. Areas dedicated to growing plant products or a house site are not included in this calculation.
- (c) All vehicles and/or equipment must be stored in an enclosed building.



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- (d) Front, rear, and side setbacks must comply with the minimum required setbacks for the zoning district, but must at least be a minimum of 40 feet.
- (e) Maximum lot coverage for structures may not exceed 30%.
- (f) Mulch and gravel piles, etc., must be located out of the front, rear and side setbacks. If the mulch and gravel piles, etc. are stored in the front or side, they must not be visible from the state maintained road or adjacent properties.
- (g) The board of adjustment may grant a special exception for the pavement of parking spaces.
- (h) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-660. Public service facility.

Facilities exceeding 200 square feet must meet:

- (a) The landscape buffer, screening and parking regulations in Article V; and
- (b) 50-foot front, rear and side setbacks.

Sec. 44-661. Recreation - community.

- (a) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (b) All required setbacks are a minimum of 40 feet.
- (c) A minimum lot size of 20,000 square feet is required.
- (d) The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which it is located.
- (e) No business activities may be conducted on the site.
- (f) Waterfront public access sites must install low impact development storm water management devices. See Sec. 44-428, Catawba River Corridor overlay (CRC-O).

Sec. 44-662. Recreational fish lake or pond.

- (a) A minimum lot size of 5 acres must be provided.
- (b) All required setbacks are 100 feet.
- (c) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (d) The board of adjustment may grant a special exception for the pavement of parking spaces.



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- (e) The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which it is located. All lighting must be shown on the detailed site plan with applicable typical diagrams.
- (f) No alcohol is permitted on the premises.
- (g) Electronic sound amplification is not permitted.
- (h) Proof of commercial insurance is required.
- (i) The requirements and standards of the County division of environmental health must be met for adequate sewage disposal facilities and water.
- (j) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-663. Roadside stand-commercial.

- (a) The use must provide for all required off-street parking and loading on private property.
- (b) The use must have frontage on a state road.
- (c) No sales or display activity can be located on public land or within state road right-of-way.
- (d) One non-illuminated sign with a maximum area of 16 square feet is permitted.

Sec. 44-664. Zoo.

- (a) Minimum lot size is 10 acres.
- (b) The facility must have frontage on a major collector road or higher classification as shown on the County thoroughfare plan or a major thoroughfare as shown on the urban area transportation plan.
- (c) The light source of outdoor lighting fixtures must not be directly visible from property outside the zoning lot on which the fixture is located.
- (d) Paved parking spaces are required as follows:
 - (1) One space for each 3 persons able to use the facility at its maximum capacity.
 - (2) Plus ten waiting spaces.
 - (3) Plus 1 parking space for each 2 employees.
- (e) All required setbacks are 100 feet.
- (f) One non-illuminated sign with a maximum area of 16 square feet is permitted.
- (g) No more than 25% of any area under roof, exclusive of animal containment areas, may be dedicated to retail sales.



Sec. 44-665. Cottage Business.

Purpose: The County promotes economic development and supports the entrepreneurial spirit and valuable role that small businesses play. A cottage business may be located in any residential district, recognizing that certain residential and nonresidential uses can co-exist on the same site or adjacent to each other. It is further recognized that cottage businesses will not adversely impact adjacent residential uses, provided certain standards are in place. By its very nature, the cottage business is a “moderate” intensive use occupying the principal structure and/or an accessory structure or on an adjacent property. The services provided by the cottage business may be on or off site. The cottage business is intended to be a non-invasive business and should not compromise the health, safety, welfare, the quiet enjoyment of surrounding properties or contribute to diminishing property values. When the business grows beyond the point of meeting the regulations below, the business will have to move to a more appropriate commercial or industrial location.

The NAICS document (current addition) is made a part of the UDO and will be utilized in helping staff make interpretations of permitted cottage businesses used when not specifically listed under this Section. If the planning director determines that the use may be incompatible with the spirit and intent of this Ordinance, the director may refer to the BOA for an interpretation. Compliance must be in accordance with the special use general and supplemental standards.

- (a) Cottage businesses are permitted in all residential districts, provided that they meet the requirements of Subsection (b) below. Certain categories may be allowed including but not limited to:
 - (1) All uses allowed as a home occupation or back yard business;
 - (2) Commercial machinery repair and maintenance;
 - (3) Contractors—specialty trades, such as:
 - Drywall contractors;
 - Electrical contractors;
 - Masonry contractors;
 - Painting contractors;
 - Plumbing contractors;
 - Residential, commercial and industrial building construction contractors;
 - Roofing contractors.
 - (4) Upholstery (full-service).
- (b) The following specific standards shall be used in deciding an application for approval of a cottage business:
 - (1) The cottage business must not alter the residential character of the parcel/neighborhood.



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- (2) The use shall not generate more than 50 average daily trips (ADT) per day as determined by the current Institute of Transportation Engineers (ITE) Trip Generation manual.
- (3) The business must be operated by the landowner living on the site or on an adjacent parcel.
- (4) Such use may be carried out in an accessory building(s) on the same lot or on a lot adjacent to the principal dwelling owned and occupied by the same person. A manufactured home may be considered a principal dwelling only if it is categorized as real estate by the Catawba County tax office, as opposed to personal property.
- (5) A manufactured home cannot be used as a detached cottage business.
- (6) The parcel occupied by the cottage business must be a minimum lot size of 1 acre.
- (7) Only one cottage business is permitted per lot.
- (8) No more than 2 persons shall work on the site of the cottage business, other than those residing on the property.
- (9) New accessory structures constructed for a business use established after the adoption of this ordinance (February 6, 2007) must meet front, rear, and side principal setbacks based on the zoning district in which the use is located. A previously established business use located within an existing structure must meet the setbacks for an accessory structure.
- (10) The site shall front along a dedicated 45-foot ROW and must meet the lot frontage requirements at the time the lot was created.
- (11) The area of the site, where the business use is conducted, must be screened from the view of adjacent residential properties in accordance with Section 44-523(f). Screening and buffering requirements can be altered by the board of adjustment at the time the special use permit is issued. Also, additional screening and buffering may be required at a later date if the business intensifies, in order to protect the health, safety and general welfare of the new residents of the surrounding area, subject to an amendment to the original special use permit.
- (12) The detached business accessory structure shall be located in the side or rear yard if located on the same lot as the primary dwelling.
- (13) The area devoted for the business use cannot occupy more than 75% of the square footage of the principal dwelling structure associated with the business, which is located on the business parcel or on the adjacent parcel.
- (14) All equipment shall be stored in an enclosed building.
- (15) Raw materials, machinery, equipment or future job units waiting for assembly or repair shall be stored within the structure.



- (16) Outside storage is prohibited.
- (17) One non-illuminated sign is permitted, with a surface area not to exceed 4 square feet. The height, including the supporting structure shall not exceed 4 feet.
- (18) Off-street parking shall be provided for all employees, with an additional maximum of 5 spaces for clients. The surface must at a minimum consist of crushed stone, or grass-crete.
- (19) Off-street parking for the business use in an accessory structure shall be located in the side or rear of the dwelling unit. Off street parking for the business use on an adjacent parcel may be located in the front, side or rear of the business structure.
- (20) The perimeter of the parking area shall be landscaped in accordance with Sec. 44-523(d). The board of adjustment may alter the parking area landscaping requirement based upon, but not limited to, location of the parking area, existing vegetation, and distances from adjacent properties, provided that the existing vegetation meets or exceeds the requirements of Section 44-523(d).
- (21) Only one commercial vehicle per employee up to a maximum of four (4) associated with the cottage business, are allowed to be parked or stored on the site of the cottage business. No more than two (2) commercial vehicles associated with the business use are allowed to be parked or stored in the front or side yard.
- (22) The following single-motor vehicles, excluding trailers, associated with a cottage business are permitted to be parked or stored outside, on the site of the cottage business:
 - Dump truck,
 - Box truck,
 - Bucket truck,
 - Pump truck, and
 - Tow trucks
- (23) No vehicle, for the primary purpose of advertising may be displayed in the front or side yard of the business.
- (24) The use shall comply with all applicable federal, state and local regulations including applicable building codes.
- (25) Cottage businesses are not permitted in approved subdivisions of more than 3 lots.

(Ord. No. 2009-12, 11/16/09)



Sec. 44-666. Animal hospitals/veterinary clinics.

The following standards shall be used in deciding applications for approval of an animal hospital/veterinary clinic:

- (a) A minimum lot size of five (5) acres shall be required.
- (b) The maximum square footage of the animal hospital/clinic building shall be 8,000 square feet.
- (c) All activities, with the exception of the common animal exercise yards, shall be conducted within an enclosed building.
- (d) No individual outside runs shall be allowed.
- (e) Common exercise yards shall be no closer than 200 feet from an adjacent residential property line.
- (f) Buildings where animals are cared for or boarded shall be located no closer than 200 feet from an adjacent residential property line.
- (g) The veterinarian or caretaker of the business may occupy a residence on site as an accessory use.
- (h) A perimeter buffer, as defined in Section 44-523(f), shall be provided.
- (i) The disposal methods for wastes generated shall be reviewed and approved by the Environmental Health Section of the County Health Department.
- (j) Signage shall be limited to one non-illuminated sign with a maximum area of sixteen (16) square feet.

Sec. 44-667. Dredging, shoreline stabilization and off-site construction operations.

- (a) A minimum lot size of 2 acres is required.
- (b) Hours of operation, including the running of equipment, is limited to 7:00 am to 6:00 pm on weekdays.
- (c) Storage of spoil materials are limited to a maximum height of 10 feet and must be screened to comply with Sec. 44-527.
- (d) All landscaping requirements of Sec. 44-523 must be met.
- (e) The board of adjustment may wave off-street parking requirements in Sec. 44-534, based on the nature and size of the business or the topography of the site.
- (f) The use cannot be located in a major subdivision.
- (g) All state, federal and Duke Energy Lake Management Permits must be obtained.

(Ord. No. 2008-17, 10/20/08)



Sec. 44-668. Sanitary landfill.

In addition to compliance with the submission requirements and regulations associated with all special uses, the following is required:

- (a) Two copies of a completed landfill permit application form from the solid waste management section of the division of health services.
- (b) A reclamation plan must be submitted with the application.
- (c) The landfill will be considered a LI/GI (light industrial/general industrial) use intensity as shown in Table 44-523-1 to meet parcel perimeter requirements of Sec. 44-523(f). If existing vegetation is used to meet the buffer requirements, as allowed in Sec. 44-523(f)(3)b., the vegetative buffer must be 50 feet in width.
- (d) In addition to the parcel perimeter screening requirements of Sec. 44-523(f) at property lines, the use must be screened from any rights-of-ways.
- (e) The landfill must be set back 100 feet from any right-of-way or adjoining property line.
- (f) All applicable state and federal regulations must be met.

(Ord. No. 2008-17, 10/20/08)

Sec. 44-669 - 684. Reserved.

Division 4. Wireless Facilities

Purpose: The Telecommunications Act of 1996 affirmed the County's authority concerning the placement, construction and modification of wireless telecommunications facilities. The North Carolina General Assembly adopted additional regulations through general statutes 153A-349.50 through 153A-349.53, effective December 1, 2007. The County finds that wireless telecommunications facilities may pose a unique hazard to the health, safety, public welfare, character and environment of the County and its citizens. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its citizens. In order to insure that the placement, construction or modification of wireless telecommunications facilities is consistent with the County's land use policies, the County is adopting a single, comprehensive, wireless telecommunications facilities application and permit process which complies with the Telecommunications Act of 1996, and North Carolina statutes 153A-349.50 through 153A-349.53. The intent of this Chapter is to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the citizens of the County. In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protects the County's health, safety, public welfare, environmental features and the nature and character of the community and neighborhood and other aspects of the quality of life, and is consistent with the County's adopted comprehensive plan and development policies, the County hereby establishes an overall policy with respect to a zoning authorization permit for wireless telecommunications facilities for the express purpose of achieving the following goals:



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- ◆ *Implementing an application process for person(s) seeking a zoning authorization permit for wireless telecommunications facilities;*
- ◆ *Establishing a policy for examining an application for and issuing a zoning authorization permit for wireless telecommunications facilities that is both fair and consistent.*
- ◆ *Establishing reasonable time frames for granting or not granting a zoning authorization permit for wireless telecommunications facilities, or re-certifying or not re-certifying, or revoking the zoning authorization permit granted under this Chapter.*
- ◆ *Promoting and encouraging, wherever possible, the sharing and/or collocation of wireless telecommunications facilities among service providers;*
- ◆ *Requiring, promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner as to minimize any adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in the same general area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.*

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685. Applicability.

- (a) No person shall be permitted to site, place, build, construct, modify, or prepare any site for the placement or use of, wireless telecommunications facilities as of the effective date of this Chapter (July 1, 2003) without having first obtained a zoning authorization permit for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no zoning authorization permit under this Chapter is required for those non-commercial exceptions noted in the definition of wireless telecommunications facilities.
- (b) The holder of a special use permit must notify the County of any intended changes that constitute a modification of a wireless telecommunication facility and apply to the County to modify, relocate or rebuild a wireless telecommunications facility. Nothing in this Chapter shall be deemed to require an approval of a permit for maintenance of existing antennas or base station electronic equipment at a wireless transmission facility.
- (c) The collocation and/or shared use of antennas on existing telecommunication towers or compatible use structures, such as utility poles, water towers, and other towers must comply with this Chapter and are subject to administrative review by the County.
- (d) Construction of new wireless telecommunications facilities must comply with the requirements of this Chapter.
- (e) All wireless telecommunications facilities existing on or before the date of adoption of this Chapter (July 1, 2003) will be allowed to continue as they presently exist. If any modification to existing wireless telecommunications facilities, other than the modification, relocation or replacement of existing antenna(s) with functionally identical antennas or antennas of the same size and



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weight, or base station electronic equipment, is done the entire wireless telecommunication facility must comply with this Chapter.

- (f) The maintenance of any components of a wireless facility, where the replacement is identical to the component being replaced, or that involve normal repair and maintenance of the facility is exempt from the review process. Maintenance, by definition cannot increase the height of the antennae or structure, increase the footprint of the facility, increase the weight load on the tower or structure or involve additional construction or site modification.
- (g) Facilities used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications which are 90 feet or less in height are exempt from this Chapter, except for meeting setback requirements shown in Sec. 44-685.11.
- (h) State and federal applicants are exempt from the regulations in this Chapter.
- (i) Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a,b,g services (i.e. WI-FI and Bluetooth) where the facility does not require a new tower or increase the structure height to which it is being attached.
- (j) Facilities used for non-profit fire and/or rescue departments, in conjunction with County emergency 911 operations are exempt from this Chapter, except for meeting setback requirements shown in Sec. 44-685.11. The facility can be exempted from setback requirements if the following conditions are met:
 - (1) The adjacent landowner signs a written, notarized acknowledgment of their consent to the waiver of the setback;
 - (2) The waiver is recorded at the register of deeds in both the grantor's and grantee's names, and a copy of the recorded document is given to the planning department; and
 - (3) There is no dwelling located within the communication facility setback area.
- (k) The installation of battery backup systems to existing facilities, is exempt from this Chapter, but must meet building inspection requirements.
- (l) Any and all representations made by the applicant on the record during the application process, whether written or verbal, will be deemed a part of the application and may be relied upon in good faith.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.01. Definitions of terms specific to this Chapter.

ANSI – American National Standards Institute

Abandoned towers – Towers which have no active telecommunications service providers on the tower, for a period of 5 or more years.



Accessory facility or structure - An accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Alternative tower structure - Clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

Applicant - Any person or entity submitting an application for a zoning authorization permit for wireless telecommunications facilities.

Application - All necessary and appropriate documentation that an applicant submits in order to receive a zoning authorization permit for wireless telecommunications facilities.

American National Standards Institute (ANSI) – The entity which sets the requirements by which existing towers are evaluated for ongoing safety.

Antenna - A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. This includes, but is not limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority.

BOA – Catawba County Board of Adjustment.

BOA - Catawba County Board of Adjustment.

BOC - Catawba County Board of Commissioners.

Board of commissioners (BOC) - Catawba County Board of Commissioners.

Collocation - The installation of new wireless facilities on previously-approved structures, including towers, buildings, utility poles, and water tanks. In a collocation, the height of the tower or structure cannot be increased by more than 6 feet. Appendages are not permitted.

Commercial impracticability or commercially impracticable - The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project.

Completed application - An application that contains all information and/or data necessary to enable the County to evaluate the merits of the application, and to make an informed decision with respect to the effect and impact of wireless telecommunications facilities on the County in the context of the permitted land use for the particular location requested.

DAS – Distributive Access System

Distributive access system (DAS) - A technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling or fiber optics.



EPA - State and/or Federal Environmental Protection Agency or its duly assigned successor agency.

FAA - Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC - Federal Communications Commission, or its duly designated and authorized successor agency.

Free standing tower - A tower that is not supported by guy wires and ground anchors.

Geomorphologic study - A study that shows the structural relationship of the soils and the appropriateness of the soils for the foundation of a wireless telecommunication tower as designed.

Height - When referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightening protection device.

Modification or modify - The addition, removal or change of any of the physical and/or visually discernable components or aspects of a wireless facility, such as antennas, cabling, generators, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications site is a modification and qualifies as a collocation.

Maintenance – Replacement of plumbing, electrical or mechanical elements, that may or may not require a building permit, but does not constitute a modification according to the definition in this Chapter. The replacement of any components of a wireless facility where the replacement is identical, or substantially identical, to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding additional weight or equipment. Upgrading to equipment, such as heavier cable or antennae, that would increase the weight load on the tower is not considered maintenance, but rather is considered a modification and must to through the permitting process.

Necessary – Technology that is required for the equipment to function, and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service that is intended and described in the narrative of the application.

Person - Any individual, corporation, estate, trust, partnership, joint stock company, or association of 2 or more persons having a joint common interest.

Personal wireless facility - See definition for wireless telecommunications facilities.

Personal telecommunications service (PTS) - Has the same meaning as defined and used in the 1996 Telecommunications Act.

Preexisting towers and antennas - Any tower or antenna on which a permit has been properly issued prior to the effective date of the ordinance (July 1, 2003) from which this definition is derived.



Radio or television transmitting facility and radio or television receiving facility - The use of land, buildings, or structures for the aboveground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas, except accessory radio or television receiving antennas and dishes.

Special use - A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size location or relation to the neighborhood, would promote the public health, safety and general welfare. All special use requests will be reviewed, and approved or denied, by the board of adjustment.

Special use permit - The official document or permit by which an applicant is allowed to file for a building permit to construct or increase the height and use wireless telecommunications facilities as granted. The permit is revocable for cause.

Stealth technology - To use techniques and/or technology intended to minimize adverse aesthetic and visual impacts on, and harmonize with, the land, property, buildings, and other facilities in generally the same area as the requested location of such wireless telecommunications facilities, by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as DAS, or its functional equivalent of camouflage, where the tower is disguised to make it less visually obtrusive and not recognizable to the average person as a WTF.

Telecommunications - The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunication site - See definition for wireless telecommunications facilities.

Telecommunications structure - A structure used in the provision of services described in the definition of wireless telecommunications facilities.

Temporary - Something that exists or is intended to exist for fewer than 90 days.

Tower - Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Tower structure, alternative - Clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

Towers and antennas, preexisting - Any tower or antenna on which a permit has been properly issued prior to December 16, 1996.

WTF - Wireless Telecommunications Facility.

Wireless telecommunications facility - A structure, facility or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes without limit, the telecommunication site, towers of all types and kinds, including, but not limited to free standing towers, guyed



towers, mono poles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC but not expressly exempt from the County's siting, building and permitting authority.

Zoning authorization permit - A permit issued for residential and nonresidential uses, prior to any land or structural improvements, stipulating conditions for compliance with this Chapter as to design, use, activity, height, setbacks, density, site planning, special use and/or special district development.

Zoning compliance certificate - A document issued by the County after construction for nonresidential uses, and required before occupancy, with the exception of single family dwellings, stating that detailed site plan was complied with, and the property can be used for the purpose stated on the zoning authorization permit.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.02. Pre-application meeting.

- (a) A pre-application meeting is required, unless waived by the County. The purpose of the pre-application meeting is to address issues which will help to expedite the review and permitting process. The applicant will be provided a written or electronic copy of the instructions for completing an application at or before the pre-application meeting. The instructions are controlling regarding the form and substance of the issues addressed in the instructions and must be followed.
- (b) Depending upon recent site visits, a pre-application site visit may be waived, providing certain criteria can be met.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.03. Relief.

Any applicant or permittee (person party to the zoning authorization permit) desiring relief or exemption from any aspect or requirement of this Chapter may request such from the County at a pre-application meeting, provided that the relief or exemption is contained in the original application for either a special use permit, or in the case of an existing or previously granted special use permit, a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the County. However, the burden of proving the need for the requested relief or exemption is solely on the applicant to prove to the satisfaction of the County. The applicant must bear all costs of the County in considering the request and the relief is not transferable to a new or different holder of the permit or owner of the tower or facilities without prior written authorization from the County. Authorization will not be unreasonably withheld or delayed. No such relief or exemption shall



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be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the relief or exemption will have no significant affect on the health, safety and welfare of the County, its residents or other service providers.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.04. Shared use of wireless telecommunications facilities and other structures.

- (a) Shared use of existing wireless telecommunications facilities is preferred by the County, as opposed to the construction of a new telecommunications support facility. Where such shared use is unavailable, location of antennas on other pre-existing structures is preferred. The applicant must submit a comprehensive report inventorying existing towers and other appropriate compatible structures within 4 miles of any proposed new tower site, unless the applicant can show that some other distance is more reasonable, outlining opportunities for the shared use of existing facilities and the use of other pre-existing compatible structures as a preferred alternative to new construction.
- (b) An application must address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why collocation is commercially or otherwise impracticable including if the owner of the tower is unwilling to enter into a contract for such use at fair market value. The County will require information necessary to determine whether collocation on existing structures is reasonably feasible.
- (c) An applicant intending to locate on an existing telecommunications tower or other compatible structure is required to document the intent of the existing owner to permit its use by the applicant.
- (d) Such shared use must consist only of the minimum antenna array technologically required to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.05. Location of wireless telecommunications facilities.

- (a) Applicants for wireless telecommunications facilities must locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one being the highest priority and 4 being the lowest priority.
 - (1) On existing telecommunications towers or compatible use buildings or structures, such as tall utility poles;
 - (2) On other industrial, commercial, or residential property, located outside a major subdivision;
 - (3) In a major subdivision; and
 - (4) In the Mixed Use Overlay (MUC-O), on Bakers Mountain, on Anderson Mountain.



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- (b) If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- (c) An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An application must address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why collocation is commercially or otherwise impracticable including if the owner of the tower is unwilling to enter into a contract for such use at fair market value. The County will require information necessary to determine whether collocation on existing structures is reasonably feasible.
- (d) An existing lease or lease option for a particular piece of property is not, in and of itself, grounds for locating a tower or wireless facility where the County deems it not to be in the best interest of the County and the public.
- (e) Notwithstanding the above, the County may approve any site within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the county and its inhabitants and will not have a negative effect on the nature and character of the community and neighborhood.
- (f) The applicant must submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected must be included with the application.
- (g) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an application for any of the following reasons:
 - (1) Conflict with safety and safety-related codes and requirements;
 - (2) Conflict with traffic laws or adverse impact upon traffic needs or definitive plans for changes in traffic flow;
 - (3) Adverse impact upon historic nature or character of a neighborhood or historical district;
 - (4) The use or construction of wireless telecommunications facilities, which is contrary to an already stated purpose of a specific zoning or land use designation;
 - (5) The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of



such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers; or

- (6) Conflicts with the provisions of this Chapter.
- (h) Notwithstanding anything to the contrary in this Chapter, for good cause shown, such as the ability to utilize a shorter or less intrusive facility elsewhere and still accomplish the primary service objective stated on the application the County may require the relocation of a proposed site. This may require the applicant to use more than one site to provide substantially the same service if the relocation could result in a less intrusive facility or facilities, singly or in combination. The existence of a lease that was entered into prior to the approval of an application does not constitute justification for the requested location.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.06. Height of telecommunications tower(s).

- (a) The maximum permitted total height of a new tower is 120 feet above pre-construction ground level, unless it can be proven that additional height is necessary to provide service in the intended service area.
- (b) All new towers must be designed to structurally support a total of at least 6 wireless facilities similar in size, scope and weight to those of the initial carrier attaching to the tower.
- (c) Subject to the test of commercial impracticability, the County shall not be obligated to grant a special use permit for a new tower simply to enable a gap in service to be filled from a single site, as opposed to 2 or more sites, if more than one site of minimum height and visual intrusiveness is deemed in the public interest to protect the area aesthetics.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.07. Type and appearance of wireless telecommunications facilities.

- (a) Wireless telecommunications facilities cannot be artificially lighted or marked, except as required by law.
- (b) Telecommunications towers must be constructed as a freestanding lattice or monopole structures. New guyed towers will not be permitted after November 19, 2007.
- (c) Towers must be of a galvanized finish or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings, as approved by the board of adjustment, and must be maintained in accordance with the requirements of this Chapter.
- (d) For any wireless facility for which lighting is required under the FAA's regulations, or any legal requirements has lights attached, the lighting must be a fast flashing strobe, and include technology that enables the light to be seen as



intended from the air, but that prevents the ground scatter effect so that it is not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least one mile in a level terrain situation. Such device must be compliant with FAA regulations. A physical shield may be used with the strobe, as long as the light is able to be seen from the air, as required by the FAA.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.08. Security of wireless telecommunications facilities.

All wireless telecommunications facilities and antennas must be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- (a) All antennas, towers and other supporting structures, including guy wires, must be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
- (b) Transmitters and telecommunications control points must be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Sec. 44-685.09. Signage.

Wireless telecommunications facilities must contain signs to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities.

- (a) A sign on the facility enclosure must contain the FCC registration site, the name(s) of the owner(s) and operator(s) of the facility as well as emergency phone number(s).
- (b) A sign must be on the equipment shelter or shed of each service provider and be located so as to be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign must contain the name(s) of the owner(s) of the equipment as well as emergency phone number(s).
- (c) Signs cannot be larger than 4 square feet in area. Signs cannot be lit unless the lighting is required by applicable provisions of law. No other signage, including advertising, is permitted on any facilities, antennas, or antenna supporting structures, unless required by law.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.10. Utilities.

- (a) Prior to the issuance of a zoning authorization permit, the applicant may be required to submit a National Environmental Policy Act checklist required by the FCC.
- (b) All utilities at a wireless telecommunications facilities site must be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical



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Safety Code and the National Electrical Code where appropriate. The County may waive or vary the requirements of underground installation of utilities when, in the opinion of the County such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.

Sec. 44-685.11. Lot size and setbacks.

All proposed wireless telecommunications facilities must be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances:

- (a) A distance equal to the height of the tower or other wireless telecommunications facility structure plus 10% of that height; or
- (b) The existing setback requirements of the underlying zoning district.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.12. Fees.

Non-refundable fees, which are set by the board of commissioners and subject to change as may be warranted and justified, will be charged for the following:

- (a) Zoning permit fees for the construction of a new tower or increasing the height of a tower by more than 6 feet;
- (b) Attaching or collocating on an existing tower or structure, where the height is either not increased, or is increased by 6 feet or less; or
- (c) A modification to an existing facility.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.13. Retention of expert assistance.

- (a) The County may hire a consultant and/or expert necessary to assist the County in reviewing and evaluating the application for a proposed tower, collocation, or modification. The County may also request expert assistance for other issues, in order to ensure the general health, safety and welfare of the public.
- (b) The cost of the expert assistance will be paid by the applicant. The cost is included in the zoning authorization permit fee.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.14. Submittal requirements – New wireless telecommunication facilities/or modifications that increase the height of the facility by more than 6 feet.

All applications for a special use permit or a zoning authorization permit for wireless telecommunications facilities, or any modification of such facility which increases the



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height of a facility structure by more than 6 feet, must comply with the requirements of this Chapter and include the following unless waived at the pre-application meeting pursuant to Sec. 44-685.02. Any required certifications must be done by a qualified North Carolina licensed professional engineer acceptable to the County, unless otherwise noted.

Note: A collocation, where the antennae increases the height of the facility by 6 feet or less, is located on the top of a tower, and does not contain appendages for multiple additional collocations, would constitute a collocation and must comply with the requirements of Sec. 44-685.18.

All applications must be submitted to the County Planning Department. The following information must be included:

- (a) The non-refundable special use, zoning authorization permit fee;
- (b) The name, address and phone number of the person preparing the application;
- (c) The 911 address and tax map parcel number of the property;
- (d) The name, address and phone number of the property owner;
- (e) The name, address and phone number of the applicant (service provider), including the legal name;
- (f) If the owner of the tower or structure is different than the applicant, both names and all necessary contact information must be provided;
- (g) Site plan requirements.
 - (1) The zoning district or designation in which the property is situated;
 - (2) The size of the property on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
 - (3) The location, size and height of all existing and proposed structures on the property on which the structure is located and that is the subject of the application;
 - (4) If attaching to an existing tower, an elevation plan showing the vertical rendition of the tower identifying all users and attachments to the tower and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - (5) If attaching to a building or other structure, a site plan showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate;
 - (6) The azimuth, size and centerline height location of all proposed and existing antennae on the supporting structure;
 - (7) The number, type and model of the antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas;



- (8) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
- (9) The number, type and design of the telecommunications tower(s) and antenna(s) proposed and the basis for the calculations of the telecommunications tower's capacity to accommodate multiple users.
- (h) A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities.
- (i) All wireless telecommunications facilities must contain a demonstration that the facility be sited so as to be the least visually intrusive as reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the community in the area of the wireless telecommunications facility. The County reserves the right to require the use of stealth or camouflage technology or technologies such as distributive antenna system technology (DAS) or its functional equivalent to achieve this goal, subject to approval by the board of adjustment. This may require the placement of 2 visually unobtrusive towers, as opposed to one tower which compromised the viewshed.
 - (1) All antennas attached to a tower or other structure must be flush mounted or as near to flush mounted as is possible without prohibiting or having the effect of prohibiting the provision of service, or prove technically with hard data and a detailed narrative, that flush mounting cannot be used and would serve to prohibit or have the effect of prohibiting the provision of service.
 - (2) Any antennas attached to a building or other structure with a facade, must be mounted on the facade, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure on which the antenna is attached.
 - (3) If attaching to a water tank, mounting on the top of the tank or the use of a corral is only permitted if the applicant can prove that to locate elsewhere will prohibit or have the effect of prohibiting the provision of service. The provisions of the preceding subsection (n)(2) also apply to any attachment to a water tank.
- (j) A Visual Impact Assessment must be furnished which must include:
 - (1) A computer generated "zone of visibility map," with a minimum of one mile radius from the proposed structure, must be provided in order to illustrate locations from which the tower may be seen.
 - (2) Pictorial representations (photo simulations) of "before and after" views from key viewpoints both inside and outside of the County as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves



and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. The applicant must provide a map showing the locations of where the pictures were taken and the distance(s) of each location from the proposed telecommunications facility.

- (3) A written description of the visual impact of the proposed facility, including, as applicable, the tower base, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
 - (4) The applicant must, in a manner approved by the County, demonstrate and provide in writing and/or by drawing how it will effectively screen from view the base and all related facilities and structures of the proposed wireless telecommunications facilities.
 - (5) The applicant must furnish written certification that the wireless telecommunications facilities will be effectively grounded and bonded so as to protect persons and property and installed with appropriate surge protectors.
- (k) Both the wireless telecommunications facility and any and all accessory or associated facilities must maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This includes the utilization of stealth or concealment technology as may be required by the board of adjustment.
- (l) If deemed appropriate at telecommunications site, by the planning director, an access road, turn-around space and parking must be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, must be made to the extent practicable. If the current access road or turn around space is deemed in disrepair or in need of remedial work to make it serviceable and safe, as determined at a site visit, the application must contain a commitment to remedy or restore the road or turn around space so that is serviceable, safe and in compliance with applicable regulations. Road construction must at all times minimize ground disturbance and vegetation cutting. Road grades must closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. Road construction must comply with all applicable regulations.
- (m) A person who holds a special use permit for wireless telecommunications facilities must construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless telecommunications facilities in strict compliance with all current applicable technical, construction, safety and safety-related codes adopted by the County, state, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of



Tower Erectors. (The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.)

- (n) A holder of a special use permit or other authorization granted under the provisions of this Chapter, must obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the applicant.
- (o) The telecommunications tower must be structurally designed to accommodate at least 6 antenna arrays in regard to the load and stress created on the structure, with each array to be sited in such a manner as to provide for flush attachments to the greatest extent possible with the minimum separation necessary without causing interference. An intermodulation study must be submitted to justify design claims related to interference. A claim of interference because of a need to have greater than 6 feet of vertical clearance between facilities, measured from the vertical centerline of one array to the vertical centerline of another, must be proven by technical data showing that there is no technological alternative that would enable the service to be provided that would require less vertical space. This requirement may be waived, provided the applicant, in writing, demonstrates that the provisions of future shared usage of the wireless facility is not feasible or if collocation is technically or commercially impracticable.
- (p) A statement that the proposed wireless telecommunications facilities will be maintained in a safe manner, and in compliance with all conditions of the zoning authorization permit, without exception, unless specifically granted relief by the board of adjustment in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, state and Federal laws, rules, and regulations;
- (q) Verification that the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in North Carolina.
- (r) The application must be signed by an authorized individual on behalf of the applicant.
 - (1) The applicant must disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new telecommunication tower that it constructs;
 - (2) If attaching to an existing tower, the age of the tower in years, including the date of the grant of the original permit or authorization for the tower;
- (s) Additional submittal requirements – for constructing a new tower.
 - (1) A written report demonstrating meaningful efforts to secure shared use of existing telecommunications tower(s) or the use of alternative buildings or other structures within the County that are at or above the surrounding tree



height or the tallest obstruction and are within one mile of the proposed tower. Copies of written requests and responses for shared use must be provided along with any letters of rejection stating the reason for rejection.

- (2) Telecommunications towers are prohibited in major subdivisions, in the Mixed Use Overlay (MUC-O), on Bakers Mountain and Anderson Mountain unless the applicant provides documentation to demonstrate that the tower is necessary, that the area cannot be served from outside the district even by adding additional height to an existing facility, that no existing or previously approved wireless telecommunications or existing structure can reasonably be used for the antenna placement, and that an alternative type of facility cannot be used to provide wireless telecommunications service to the district.
- (3) The applicant must provide certification by a professional engineer licensed in the state, along with documentation (a structural analysis), including calculations, that prove that the tower or other structure and its foundation as proposed to be utilized are designed and were constructed to meet all local, state, federal and ANSI structural requirements for loads, including wind and ice loads and the placement of any equipment on the roof a building after the addition of the proposed new facility.
- (t) Any existing towers, and towers which were approved but not yet constructed, must be shown on the propagation map.
- (u) The applicant for a new tower must submit a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for the shared use of the proposed tower by other telecommunications service providers in the future. This letter is a condition of the permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special use permit. The letter must commit the new tower owner and their successors in interest to:
 - (1) Respond within 60 days to a request for information from a potential shared-use applicant;
 - (2) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications service providers; and
 - (3) Allow shared use of the new tower if another telecommunications service provider agrees in writing to pay reasonable charges.
 - (4) Failure to abide by the conditions outlined above may be grounds for revocation of the special use permit.
- (v) The holder of a special use permit must notify the County of any intended modification of a wireless telecommunication facility and shall apply to the County to modify, relocate or rebuild a wireless telecommunications facility.
- (w) *Lighting.* The applicant must provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the telecommunications



tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. This requirement is for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted, then all filings with, and all responses from the FAA, along with any related correspondence must be provided before an application can be considered complete.

- (1) For any wireless facility for which lighting is required under the FAA's regulations, or for any reason has lights attached, all lighting must be a fast flashing strobe, acceptable to the FAA, affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it is not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA regulations. A physical shield may be used with the strobe, as long as the light is able to be seen from the air, as intended by the FAA.
 - (2) In the event a tower that is lighted is modified, at the time of the modification the County may require that the tower be retrofitted with the technology set forth in Subsection (aa)(1) above.
- (x) Additional submittal requirements — when increasing the height of an existing tower by more than 6 feet, or adding appendages to accommodate multiple collocations:
- (1) If attaching to an existing tower, a description of the type of tower, i.e. e.g. guyed, self-supporting lattice or monopole;
 - (2) If attaching to an existing tower, a description of the make, model, type and manufacturer of the tower and the structural design calculations, certified by a professional engineer licensed in North Carolina, proving the tower's capability to safely accommodate the facilities of the applicant without change or modification;
 - (3) If attaching to an existing tower, a copy of the latest ANSI report done pursuant to the latest edition of ANSI-EIA/TIA 222F - Annex E for any self-supporting tower that is 5 years or older, or for a guyed tower that is 3 years or older. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report must be done and submitted as part of the application, along with evidence that any dangerous conditions have been corrected;
 - (4) A signed statement, signed and sealed by a professional engineer licensed in North Carolina, that the facility complies with all applicable federal requirements relating to radio frequency (RF) regulations.
- (y) Additional submittal requirements — when attaching to a structure, as opposed to a tower:



- (1) If the structure proposed to be attached to is a tower that has not previously been permitted under this Chapter, or unless the applicant can provide proof that this was provided at the time of the initial application for the tower or other structure, the applicant must provide a copy of the installed foundation design, as well as a geo-technical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure;
 - (2) If attaching to an existing structure, as opposed to a tower, a structural report signed by a professional engineer licensed to do business in North Carolina and bearing that engineer's currently valid stamp, showing the structural adequacy of the structure to accommodate the proposed wireless facility(s), including any equipment shelter, unless the equipment shelter is located on the lowest floor of a building;
 - (3) A signed statement, signed and sealed by a professional engineer licensed in the state, that the facility complies with all applicable federal requirements relating to radio frequency (RF) regulations.
- (z) If any change or modification to the tower, or other structure to be attached to, is needed, a detailed narrative explaining what changes are needed and why and who will be responsible to assure that the changes are made;

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.15. Balloon test.

All new towers or attachments on an existing tower/structure that increases the height must have a balloon test in order to better inform the public. The applicant must complete a "balloon test," prior to the board of adjustments public hearing on the application, as follows:

- (a) Applicant must arrange to fly, or raise upon a temporary mast, a minimum of a 3 foot diameter brightly colored balloon at the maximum height of the proposed new tower.
- (b) At least 14 days prior to conducting the balloon test, a sign must be erected which is clearly visible from the road nearest the proposed site. The sign must be removed no later than 14 days after conducting the balloon test. The sign must be at least 4 feet by 8 feet in size and be readable from the road by a person with 20/20 vision.
- (c) The sign must be placed just outside the right-of-way line.
- (d) The sign must contain the times and date(s) of the balloon test and the date, time and location of the required board of adjustment hearing, as well as County contact information.
- (e) The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test must be advertised by the applicant 7 and 14 days in advance of the first test date in a newspaper with a general circulation in the County and as agreed to by the County. The applicant must inform the



County in writing, of the dates and times of the test, at least 14 days in advance. The balloon must be flown for at least 8 consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the dates chosen. The primary date must be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday. A report, with pictures, from various locations of the balloon, and copies of the newspaper advertisements must be submitted to the County prior to the public meeting.

- (f) The County will notify all property owners, within 1,500 feet of the proposed tower, and the dates and times of the balloon test via first class mail.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.16. Extent and parameters of special use permits, zoning authorization permits and zoning compliance certificates for wireless telecommunications facilities.

The extent and parameters of a special use permit for wireless telecommunications facilities are as follows:

- (a) No public hearing is required for an application to attach to an existing tower or other structure or to modify an existing wireless telecommunications facility, as long as there is no proposed increase in of height that is greater than 6 feet, including attachments.
- (b) A special use permit will run with the land and is enforceable, by the County, upon successor owners.
- (c) A permit may, be revoked for a violation of the conditions and provisions of the permit. The County will give written notice to come into compliance of the violations, to the holder of the permit, along with any options to correct the violation, if any, and a reasonable time frame.
- (d) A special use permit to allow for construction of a new tower, expires 24 months from the date of approval, unless tower construction is complete. After obtaining a special use permit from the board of adjustment, but prior to beginning construction, the applicant must submit a signed agreement with a service provider who will actively use the facility within 60 days after tower construction is completed.
- (e) After a zoning authorization permit is issued, the applicant must meet all requirements of the County building inspection department. After the final approval from the building inspection department, the applicant must schedule an appointment with the Catawba County Planning Department for the final zoning inspection. The new facility or collocation is not permitted to have power, or provide service until the zoning compliance certificate has been issued by the planning director or his designee.
- (f) A bond or security must be submitted to the County within 30 days after tower construction is completed, as outlined in Sec. 44-685.20.



- (g) Abandoned towers must be removed at the tower owner's expense.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.17. Submittal requirements – Collocations on existing or approved towers and attachments to existing structures, which do not increase the height of the tower or structure by more than 6 feet. and do not contain appendages for multiple additional collocations.

All applications must be submitted to the County Planning Department. The following information must be included:

The following must be included in the application package:

- (a) The non-refundable zoning authorization permit fee, set by the board of commissioners, for attaching to an existing tower or other structure without increasing the height.
- (b) Documentation must be provided proving that the applicant has the legal right to proceed as proposed on the site, including an executed copy of the lease with the owner of the facility proposed to be attached to, or a letter of agency, showing the right of the applicant to attach to the structure.
- (c) In its application the applicant must identify on the propagation map, any and all wireless facilities that exist or are planned or approved to be adjacent, or hand-off facilities that would be constructed in the 24 months following the date of the application.
- (d) The applicant must include a written statement that the proposed wireless telecommunications facility will be maintained in a safe manner, and in compliance with all conditions of all applicable permits and authorizations, without exception, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, state and federal laws, rules, and regulations.
- (e) The applicant must include a written statement that the construction of the wireless telecommunications facility is legally permissible, including, that the applicant is authorized to do business in North Carolina.
- (f) Ownership and management requirements.
 - (1) The name, address and phone number of the person preparing the application;
 - (2) The 911 address and tax map parcel number of the property;
 - (3) The name, address and phone number of the property owner;
 - (4) The name, address and phone number of the applicant (service provider), including the legal name;
 - (5) If the owner of the tower or structure is different than the applicant, both names and all necessary contact information must be provided;



- (6) A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities.
- (g) Site plan requirements.
 - (1) The zoning district or designation in which the property is situated;
 - (2) The size of the property on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
 - (3) The location, size and height of all existing and proposed structures on the property, identifying the structure where the collocation will be placed.
 - (4) The azimuth, size and center line height location of all proposed and existing antennae on the supporting structure;
 - (5) The number, type and model of the antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas;
- (h) If any change or modification of the tower or other structure to be attached to is needed, a detailed narrative explaining what changes are needed and why and who will be responsible to assure that the changes are made;
- (i) If the structure proposed to be attached to is a tower that has not previously been permitted under this Chapter, the applicant must provide a copy of the installed foundation design, as well as a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure.
- (j) A signed statement, signed and sealed by a professional engineer licensed in North Carolina, that the facility complies with all applicable federal requirements relating to radio frequency (RF) regulations.
- (k) To protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a facade, the antennas must be mounted on the facade, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling must use camouflage or stealth techniques to match as closely as possible the color and texture of the structure attached to.
- (l) If attaching to a water tank, mounting on the top of the tank or the use of a corral will only be permitted if the applicant can prove that flush mounting to the side of the tower will prohibit or have the effect of prohibiting the provision of service. The provisions of preceding Subsection (l) of this Subsection also applies to any attachment to a water tank.
- (m) The wireless telecommunications facility, and any and all accessory or associated facilities, must maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This must include the utilization of



stealth or concealment technology as may be required by the County and as is practical under the facts and circumstances.

- (n) Any wireless facility for which lighting is required under the FAA's regulations, or that for any reason has required lights attached, must meet the requirements of Sec. 44-685.07(d).
- (o) As may be appropriate given the facts and circumstances, the applicant must demonstrate and provide in writing and/or by drawing how it will effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility with vegetation which reaches a height of 10 feet, within a 2 year period.
- (p) All utilities installed for a new wireless telecommunications facility must be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- (q) If deemed necessary or appropriate, an access road, turn around space and parking must be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, must be made to the extent practicable. Road construction must at all times minimize ground disturbance and the cutting of vegetation. Road grades must closely follow natural contours to assure minimal visual disturbance and reduce soil erosion and must comply with any local or state regulations for the construction of roads. If the current access road or turn around space is deemed in disrepair or in need of remedial work to make it serviceable and safe and in compliance with any applicable regulations as determined at a site visit, the application must contain a commitment to remedy or restore the road or turn around space so that it is serviceable and safe and in compliance with applicable regulations within a reasonable time period.
- (r) Additional site plan requirements- when attaching to an existing tower.
 - (1) An elevation plan showing the vertical rendition of the tower identifying all users and attachments to the tower and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - (2) The age of the tower in years, including the date of the original permit or authorization for the tower;
 - (3) A description of the type of tower, e.g. guyed, self-supporting lattice or monopole;
 - (4) The make, model, type and manufacturer of the tower and the structural design calculations, certified by a professional engineer licensed in North Carolina, proving the tower's capability, or need for structural improvement, to safely accommodate the facilities of the applicant without change or modification.



- (5) A copy of the latest ANSI Report done, pursuant to the latest edition of ANSI-EIA/TIA 222F - Annex E, and any subsequent amendments, for any self-supporting tower that is 5 years or older or for a guyed tower that is 3 years or older. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report must be done and submitted as part of the application.
- (s) Additional site plan requirements - when attaching to an existing structure.
If attaching to a building or other structure, a site plan showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate.
- (t) Collocations which do not increase the height of a tower, by more than 6 feet, or structure will be deemed complete, and a zoning authorization permit issued unless the County provides notice in writing to the applicant within 45 days of submission, or some other mutually agreed upon timeframe. The notice will identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission of the additional required materials. The County shall issue a written decision approving or denying an application within 45 days of receiving the completed and/or amended application.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.18. Performance and removal security.

- (a) The applicant, and the owner of record of any structure or tower attached thereto, must, jointly or separately, at its cost and expense, be required to place with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000 when constructing a tower.
- (b) The full amount of the bond or security must remain in full force and effect throughout the term of the special use permit or zoning authorization permit and/or until the removal of the wireless telecommunications facilities, and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the special use permit. If written proof of the bond or security is not provided to the County within 60 days of the notice, the County shall have the right to revoke the permit.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.19. Removal of wireless telecommunications facilities.

- (a) Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of wireless telecommunications facilities:



- (1) Wireless telecommunications facilities with or without a permit have been abandoned for a period of at least 5 years;
 - (2) Situations caused of a force of nature or by acts of God, in which case repair or removal must be completed within 90 days;
 - (3) Permitted wireless telecommunications facilities which fall into such a state of disrepair that it creates a health or safety hazard;
 - (4) Wireless telecommunications facilities have been located, constructed, or modified without first obtaining a permit, or in a manner not authorized.
- (b) If the County makes such a determination as noted in Sec. 44-685.27 (a) of this Chapter, then the County shall notify the holder of the special use/zoning authorization permit for the wireless telecommunications facilities within 48 hours that said wireless telecommunications facilities are to be removed. The County may approve an interim temporary use agreement/permit, to enable the sale of the wireless telecommunications facility.
- (c) The holder of the special use/zoning authorization permit, or its successors or assigns, must dismantle and remove such wireless telecommunications facility, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within 90 days of receipt of written notice from the County. However, if the owner of the property upon which the wireless telecommunications facility is located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the County.
- (d) If the wireless telecommunications facility is not removed or substantial progress has not been made to remove the wireless telecommunications facilities within 90 days after the permit holder has been sent notice, then the County may order officials or representatives of the County to remove the wireless telecommunications facilities at the sole expense of the owner or permit holder.
- (e) If, the County removes, or causes a wireless telecommunications facility to be removed, , and the owner of the wireless telecommunications facilities does not claim and remove it from the site to a lawful location within 10 days, then the County may take steps to declare the wireless telecommunications facility abandoned, and sell any part or component. Any expense associated with removal is the responsibility of the tower owner.
- (f) Notwithstanding anything in this Chapter to the contrary, the County may approve a temporary use permit/agreement for the wireless telecommunications facility, for no more than 90 days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facility must be developed by the holder of the permit, subject to the approval of the County and an agreement to such plan must be executed by the holder of the permit and the County. If such a plan is not developed, approved and executed within the 90 day time period, then the County may take possession of and



dispose of the affected wireless telecommunications facility in accordance with this Chapter.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-685.20. Reservation of authority to inspect wireless telecommunications facilities.

In order to verify that the holder of a special use/zoning authorization permit for wireless telecommunications facility and any and all lessees, renters, and/or licensees of a wireless telecommunications facility, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the County may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facility, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

Sec. 44-685.21. Adherence to state and/or federal rules and regulations.

- (a) To the extent that the holder of a permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of such a permit must adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- (b) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a permit for wireless telecommunications facilities, then the holder of such a permit must conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of 24 months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

(Ord. No. 2007-25, 11-19-2007)

Sec. 44-686 - 699. Reserved