

ARTICLE 9 - ADDITIONAL DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

9.1 Purpose

The following standards shall apply to uses designated as “D” in Appendix 1 - Table of Permitted Uses with guidance from Section 4.2 permitted uses. These standards shall be required in addition to all other provisions of this Ordinance.

9.2 Individual Development Standards

(1) Adult Establishment

- (A) No adult establishment shall be located within one-thousand (1,000) feet of the closest boundary line of any residential zoning district or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.
- (B) No adult establishment shall be located within one-thousand (1,000) feet of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.
- (C) No more than one adult establishment may be located within the same structure.
- (D) No adult establishment shall exceed three-thousand (3,000) square feet of gross floor area.
- (E) No adult establishment shall have sleeping quarters for employees or patrons.

(2) Aquaculture: Fish and Shell Fish Hatchery and Farm

- (A) *Permits.* The applicant shall comply with all state and federal permits; including but not limited to N. C. Administrative Code 15A 3O.0501.
- (B) *Setbacks.* The use shall be located at least four-hundred (400) feet from any residential zoning district.

(3) Animal Farming and Production: Livestock and Poultry

- (A) *Minimum Area.* The minimum lot area for commercial animal farming and production shall be five (5) acres. There shall be no minimum lot area for accessory animal farming and production for personal use.
- (B) *Setbacks.* All structures housing livestock shall be located a minimum of two-hundred (200) feet from adjoining property lines; except that

Town of Navassa Zoning Ordinance

structures for animal farming and production for personal use and accessory to a residential use, where such structures house more than five (5) chickens or other fowl, two (2) pigs, or one (1) cow for personal use, shall conform to the principal structure setbacks for the zoning district in which the use is located.

- (C) *Fencing.* A security fence, capable of restraining the movement of livestock from the property, shall be erected around the perimeter of all areas containing livestock.

(4) Auction House

- (A) *Storage.* All goods must be stored within the confines of the auction house.
- (B) *Loading Area.* An off-street loading area must be provided. The loading and unloading of goods shall not be permitted on public streets.
- (C) *Hours of Operation.* While viewing hours are not regulated, auctions may only be held between the hours of 8:00 AM and 9:00 PM.
- (D) *Noise.* No speaker, megaphone or other amplification device may be utilized to broadcast the auction outside of the auction house.

(5) Automobile Repair and Service Center

All vehicles shall be parked in designated parking spaces.

- (A) In the GB district no more than ten (10) vehicles may be stored outdoors overnight.
- (B) In the LI district no more than twenty (20) vehicles may be stored outdoors overnight.
- (C) In the HI district no more than thirty (30) vehicles may be stored outdoors overnight.

(6) Automobile Sales, Rental and Leasing

- (A) *Vehicle Display Areas.* No vehicle displayed for sale, rental or lease may be stored in any required customer or employee parking space, a street right of way, required landscaping or buffering area or on any area not designated for vehicle display.
- (B) *Vehicle Setback.* No vehicle displayed for sale, rental or lease may be located within ten (10) feet of the edge of the right-of-way.

(7) Bar, Nightclub and Similar Establishment

Town of Navassa Zoning Ordinance

- (A) *Separation.* No such establishment shall be located within two-hundred (200) feet, as measured from the closest exterior wall of the structure housing the establishment, of a church, elementary school, public park, child daycare or residential zoning district.
 - (B) *Orientation.* The primary entrance of the establishment shall be located facing a street zoned primarily for nonresidential use.
 - (C) *Parking.* Parking areas shall not be located any closer than thirty (30) feet from the property line of any residential use.
 - (D) *Membership.* Private nightclubs shall be open to members of the club and their guests only.
 - (E) *Hours.* Hours of operation shall be no later than 2:00 AM.
 - (F) *Noise, Sound and Music.* Music, loud speakers, and similar noise emanating from the establishment shall not exceed ambient noise levels in adjacent property.
 - (G) *Screening.* A minimum six (6) foot high opaque fence or wall shall be erected alongside and rear parking areas adjacent to a residential zoning district.
- (8) Bed and Breakfast Inn**
- (A) *On-Site Management.* All establishments are required to be operated by a resident manager. The dwelling must be the primary residence of the owner.
 - (B) *Qualified Structures.* In the R-10, R-8, and R-6 districts, only a structure that was originally constructed as a residence may be used as a bed and breakfast inn.
 - (C) *Maximum Number of Rooms.* Within the R-10, R-8, and R-6 districts, a maximum of four (4) bedrooms may be utilized at any one time in the operation of the bed and breakfast inn.
 - (D) *Kitchen Facilities.* No separate kitchen facilities may be provided for any patron.
 - (E) *Screening.* Within the R-10, R-8, and R-6 districts, an opaque buffer of landscaped vegetation which will grow to a height of four (4) feet shall be established separating all parking areas, other than a standard residential driveway, from adjacent residential uses.
 - (F) *Additional Requirements.* No outdoor activities other than those associated with the normal activities of a single-family home are permitted. The use shall meet annually the health standards of the State and Brunswick County and shall present proof of such to the building inspector and Zoning Administrator.

(9) Boarding and Rooming House

- (A)** *House Owner and On-Site Management.* A resident manager is required for the operation of the establishment.
- (B)** *Qualified Structures.* Only structures that were originally constructed as a residence may be used as a boarding or rooming house.
- (C)** *Maximum Number of Rooms.* A maximum of four (4) bedrooms may be used at any one time in the operation of the boarding or rooming house.
- (D)** *Parking.* Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.
- (E)** *Screening.* A minimum four (4) foot high fence and (6) foot high opaque landscaped screen shall be installed and maintained along the driveway and parking area adjacent to the following single-family zoning districts: R-20, R-15, R-10, R-8, and R-6.
- (F)** *Appearance.* The architectural appearance of the boarding and rooming house shall be compatible with the neighborhood and streetscape for the district in which it is located. Any proposed change to the facade of an existing structure shall be architecturally compatible with the surrounding neighborhood.
- (G)** *Separation.* A boarding and rooming house (Definitions – Article 2) shall be located no closer than within a two-hundred and fifty (250) feet radius from any existing, permitted group home large or boarding and rooming house.

(10) Campground, Recreational Vehicle Park

Campgrounds and recreational vehicle parks are intended for seasonal occupancy only and shall not be used for permanent residence. The use shall meet any applicable Brunswick County Health Department requirements.

(11) Carnival and Fair

- (A)** *Hours of Operation.* The hours of operation shall be limited to the hours between 9:00 AM and 12:00 AM (midnight).
- (B)** *Separation.* No structures, rides, lights, booths or other facilities associated with the carnival or fair may be erected or placed within five-hundred (500) feet of the property line of any residential use. Vehicle parking areas may be located no less than two-hundred (200) feet of the property line of any residential use.

(12) Church, Temple, Synagogue, Mosque or Other Religious Institution

A religious institution with a seating capacity in excess of six-hundred (600) persons shall be located with direct access to a road classified as a major or minor collector by the North Carolina Department of Transportation.

(13) Crematorium

No crematory facilities may be located any closer than three-hundred (300) feet of any residential use or zoning district.

(14) Day Care Center

(A) Outdoor recreation areas shall only be located behind the front building line in the side yard or rear yard. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback shall be required as measured from the abutting street right-of-way line.

(B) All outdoor recreation areas shall be surrounded by a fence or wall at least four (4) feet in height. Additionally, an opaque fence, a minimum of six (6) foot in height, shall be erected along the boundary of any outdoor activity area that abuts a residential zoning district or use.

(C) Outdoor recreation areas shall not encroach into any street right-of-way.

(D) At least one (1) off-street passenger loading space, exclusive of any parking or loading spaces required elsewhere in this Ordinance, shall be provided for each twenty (20) people enrolled. Adequate on-site turnaround area shall be provided for all loading and parking spaces.

(E) The construction and operation of day care facilities shall comply with the provisions of the General Statutes of the State of North Carolina, Article 7, Chapter 110, and any other applicable federal, state and local laws, including but not limited to any licensing requirement. Once a license is obtained the day care facility shall provide the Zoning Administrator with written verification of the fact.

(F) Day care facilities must provide the Zoning Administrator with written notification of all violations recorded by the proper North Carolina authority responsible for regulation of day care homes and day care centers. Following the substantiation of any abuse or neglect compliant or the issuance of any administrative action against a child care facility, the child care operator shall notify parents of children currently enrolled and the Navassa Zoning Administrator. The notification shall be in writing and shall include information on the nature of the substantiated compliant or the type of administrative action taken. This includes administrative actions that are under appeal with the Office of Administrative Hearings. The operator shall maintain copies of documentation of the substantiated compliant investigation or the administrative action issued against the

Town of Navassa Zoning Ordinance

facility for the past three years in a binder, which shall be accessible to parents and the Zoning Administrator.

- (G) Child care facilities shall have seventy-five (75) square feet per child of outdoor play area for the total number of children for which the center is licensed.

(15) Day Care: Home

- (A) A home day care shall be regulated as a home occupation, must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling. All building and lot standards for residential dwellings shall be maintained.
- (B) Outdoor recreation areas shall only be located behind the front building line in the side yard or rear yard.
- (C) All outdoor recreation areas shall be surrounded by a fence or wall at least four (4) feet in height.
- (D) No outdoor play shall be permitted after dark in residential districts.
- (E) The facility shall be staffed by person(s) residing in the dwelling in which the use is located. Not more than one (1) non-resident may report to work at a home daycare.
- (F) The primary dwelling structure square footage restriction of 8.2.3(D) shall not apply.
- (G) The hours of operation limitations of 8.2.3(K) shall only apply for more than one (1) client.
- (H) The operation of day care facilities shall comply with the provisions of the General Statutes of the State of North Carolina, Article 7, Chapter 110, and any other applicable federal, state and local laws, including but not limited to any licensing requirement. Once a license is obtained the day care facility shall provide the Zoning Administrator with written verification of the fact.
- (I) Day care facilities must provide the Zoning Administrator with written notification of all violations recorded by the proper North Carolina authority responsible for regulation of day care homes and day care centers. Following the substantiation of any abuse or neglect compliant or the issuance of any administrative action against a child care facility, the child care operator shall notify parents of children currently enrolled and the Navassa Zoning Administrator. The notification shall be in writing and shall include information on the nature of the substantiated compliant or the type of administrative action taken. This includes administrative actions that are under appeal with the Office of Administrative Hearings. The operator shall maintain copies of documentation of the substantiated compliant investigation or the administrative action issued against the

Town of Navassa Zoning Ordinance

facility for the past three years in a binder, which shall be accessible to parents and the Zoning Administrator.

- (J) Child care facilities shall have seventy-five (75) square feet per child of outdoor play area for the total number of children for which the center is licensed.

(16) Dwelling: Multi-family

- (A) *Density.* The multi-family dwelling minimum lot size shall be one-hundred percent (100%) of the minimum lot size for multi-family dwellings in the base zoning district for the first three (3) units and seventy-five percent (75%) of the minimum lot size of the base zoning district for each additional unit above three (3).

For example for multi-family dwellings a minimum of five-thousand (5,000) square feet per each of the first three (3) dwelling units (fifteen-thousand (15,000) square feet total) is required for lot size (Appendix 2, Dimensional Requirements). Each additional unit above three (3) units will require a minimum of three thousand seven hundred and fifty (3,750) square feet for lot size per unit.

- (B) *Maximum Number of Units per Structure.* No structure shall contain more than eight (8) multi-family units.
- (C) *Setbacks.* One story structures must be set back at least twenty (20) feet from all adjoining property lines and multiple story structures must be set back an additional ten (10) feet per story. A minimum ten (10) foot setback is required from all vehicle parking areas and a fifteen (15) foot setback is required from internal driveways.
- (D) *Internal Separation.* Structures must be separated by a minimum of twenty (20) feet.
- (E) *Parking.* Parking shall be provided in accordance with Article 10, provided that no parking shall be located in a required yard.
- (F) *Access.* Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.
- (G) *Accessory Uses.* Accessory uses such as leasing offices, coin-operated laundry facilities, swimming pool snack bars and similar uses for residents of the multi-family dwelling may be allowed provided that they are intended to serve residents of the dwelling or complex only, will not be visible from the exterior of the site and will not attract outside traffic to the site.
- (H) *General Requirement for Recreation and Open Space*

1. Every person or corporation who establishes a multi-family project for residential purposes shall be required to dedicate a portion of

Town of Navassa Zoning Ordinance

such land for the purpose of park, recreation, and open space sites to serve the residents of the multi-family or townhouse project. The recreation area shall be clearly designated on the site plan for the project.

2. The minimum amount of land that shall be dedicated for recreation, parks, or open space in all multi-family projects shall be three-hundredths (.03) of an acre times the number of dwelling units or lots whichever is greater.

(I) *Suitability of Land for Recreation and Open Space*

Criteria for evaluating suitability of proposed recreation, parks, and open space areas shall include, but not be limited to, the following, as determined by approving body.

1. *Unity.* The dedicated land shall be a single parcel except where the approving body determines that two (2) or more parcels are in the public interest. Multiple parcels shall be connected by a multi-use path located in a dedicated corridor of no less than fifteen (15) feet in width in addition to the land required in this subsection.
2. *Location.* The dedicated land shall be located so as to serve the recreational needs of the residents.
3. *Accessibility.* Public access to the dedicated land shall be provided either by an abutting street or by public easement. Such easement may be required to be up to sixty (60) feet in width and shall in no case be less than thirty (30) feet in width.
4. *Usability.* No less than twenty-five percent (25%) of the dedicated land shall be usable for active recreation (play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated unless approved by the Town Council. If the Town Council determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.
5. *Adjustments.* The Town Council may, in cases of unusual or exceptional nature, allow adjustments in the dedication requirements established in or required by this ordinance. Such adjustments shall be reviewed by the Planning Board before action by the Town Council.
6. *Land Required.* In the case of a condominium project, the land required by this section shall be deeded to a homeowners' association.
7. *Open Space.* Nothing herein shall be construed to limit the amount of privately controlled open space which may be included

Town of Navassa Zoning Ordinance

in this agreement, over and above the recreation and park site obligation.

(J) Home Owners Association Required

For condominium projects, a homeowners association shall be established which shall have responsibility for the maintenance of all common areas. The association shall also be responsible for all open space and recreation areas that are not deeded to the Town. The developer or owner shall file with the Zoning Administrator for review by the Planning Board, a declaration of covenants and restrictions as well as regulations and bylaws that will govern the maintenance of all common areas, recreation and open space. The approved document shall be recorded with the final condominium project plat. Provisions shall include, but not be limited to, the following:

1. The association shall be established before the units are sold.
2. Membership shall be mandatory for each home buyer and all successive buyers, unless another arrangement is approved by the Town Council which adequately protects the interest of the Town and the owners.
3. The association shall be responsible for the liability insurance, local taxes, and maintenance of the recreation and other facilities.
4. Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Town Council which adequately protects the interests of the Town and the owners.
5. If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the Town to satisfy the requirements for public recreation space under this ordinance.
6. An owner of each dwelling unit or each homeowner shall have voting rights in the association.
7. The following information shall also be provided:
 - a. The name of the association.
 - b. The manner in which directors of the association are to be selected.
 - c. The post office address of the initial registered office.
 - d. The name of the city and county in which the registered office is located.

Town of Navassa Zoning Ordinance

- e. The number of directors constituting the initial board of directors.
- f. The names and addresses of the board of directors shall be submitted annually to the town.
- g. Property owners shall be furnished with a copy of the declaration of covenants and restrictions by the seller of the individual lot(s).

(17) Dwelling: Townhouse

Townhouses shall be permitted in accordance with the following standards:

- (A)** *Density.* The minimum lot size shall be one-hundred percent (100%) of the minimum lot size for townhouse dwellings in the base zoning district for the first three (3) units and seventy-five percent (75%) of the minimum lot size for townhouse dwellings in the base zoning district for each additional unit above three (3).

For example for townhouse dwellings a minimum of five-thousand (5,000) square feet per each of the first three (3) dwelling units (fifteen-thousand (15,000) square feet total) is required for lot size (Appendix 2, Dimensional Requirements). Each additional unit above three (3) units will require a minimum of three thousand seven hundred and fifty (3,750) square feet lot size per unit.

- (B)** *Side Yards.* A side yard of zero (0) shall be allowed on the side of attachment to an adjoining townhouse. A twenty (20) feet side yard for the end town house units is required (Appendix 2)
- (C)** *Maximum Number of Units per Structure.* No structure or building shall contain more than six (6) townhouse units.

(18) Family Care Home

Family care home (NCGS 168-20 to 168-23) defined in Article 2 of the Zoning Ordinance, shall be permitted in accordance with the Table of Permitted Uses (Appendix 1), subject to the following:

- (A)** In the RU, R-20, R-15, R-10, R-8, R-6, and R-MH zoning districts, family care home may be no closer than one-half mile radius, measured lot line to lot line, from any existing and/or permitted family care.
- (B)** In the R-MF zoning district family care home may be no closer than five-hundred (500) feet radius, measured lot line to lot line, from any existing and/or permitted family care.

Town of Navassa Zoning Ordinance

- (C) In the NB zoning district family care home may be no closer than two-hundred-and-fifty (250) feet radius, measured lot line to lot line, from any existing and/or permitted family care.
 - (D) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts (NCGS 168-22).
 - (E) A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by the Town for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements (NCGS 168-22).
 - (F) The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjoining properties as a result of traffic, noise, refuse, parking or other activities.
 - (G) The home shall maintain a residential appearance compatible with the neighborhood.
 - (H) The home shall meet all State requirements, and all applicable housing and International Building Code with North Carolina Amendments requirements.
- (19) Golf Course, Private or Public, with Related Services, Including Pro-Shop.**
- (A) *Setbacks.* Tee areas must be located at least fifty (50) feet from any street right-of-way or parking lot. There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
 - (B) *Netting.* Netting shall be provided in those areas where it is possible that a golf ball may travel onto adjoining property or streets.
 - (C) *Parking.* Parking areas shall not be located any closer than thirty (30) feet from the property line of any residential use.
 - (D) *Lighting.* Lighting shall be turned off between the hours of 10:00 PM and 6:30 AM, except for low level lighting located on private residential property.
 - (E) *Security Fencing.* Outdoor swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.
 - (F) *Impact Analysis.* An impact analysis must be submitted that indicates the potential number of members, the characteristics of the golf course

Town of Navassa Zoning Ordinance

membership, a traffic impact analysis and a complete site analysis as detailed below:

1. *Required Site Analysis.* The layout of any golf course shall be determined after preparing the required site analysis. The detailed site analysis will be done in order to identify the site's most significant environmental, historical, cultural, and natural resources.

The site analysis will include:

- a. *Adjacent Land Use Patterns.* Land use on adjacent properties shall be identified. Features such as, but not limited to, roads, cemeteries, clusters of structures, residential structures, parks, and logging areas shall be shown.
 - b. *Hydrography.* All water features including streams and sensitive areas on the site, such as wetlands and riparian corridors, must be located. The purpose of locating these features is to limit disturbance of soil and vegetation that affect water quality features. Hydrography shall be used to determine where water required wetland buffers and other requirements such as drainage easements will be located. Wetland buffers of 50 feet on are required on all estuary marshes, and 35 feet on all protected freshwater wetlands. All water bodies – rivers, streams, drainage channels, marshes or wetland, floodplains and aquifers must be inventoried or identified.
- (G)** *Landscape, Habitat Preservation.* Potential sites should be selected which allow the golf course to be routed in such a way as to minimize the need to alter, create or remove existing native landscapes, trees, and vegetation, and which provide opportunities for restoration/enhancement of valuable habitat.
- (H)** *Drainage Protection.* The site plan should protect drainage systems that support retained vegetation. Ponds shall be developed which mimic natural conditions in terms of both aesthetics and habitat.
- (I)** *Location of Structures, Buildings.* Structures and buildings should be located such that impacts to habitats and significant natural areas are avoided.
- (J)** *Design and Construction Standards.*
1. *Marshes, Creeks, and Wetlands.*
 - a. The golf course design must attempt to minimize the number of marsh, creek or wetland crossings. Marsh, creek or wetland crossings must be designed in such a

Town of Navassa Zoning Ordinance

way to minimize erosion and harmful effects of significant habitat and migration corridors.

- b.** Bridges must minimize alteration of the marsh, creek or wetland environment.
- c.** Design must create and restore riparian habitat, especially in previously degraded habitat areas, and must reduce the impact of alterations necessitated by design and construction of the course.
- d.** The course design must employ vegetated buffer strips of sufficient width to mitigate impacts to riparian corridors and other significant habitat which may result from surface drainage of the golf course, cart paths, and other developed areas. In certain circumstances where riparian vegetation has been degraded or does not exist, turf grass and rough areas may be located in closer proximity to the marshes, creeks and wetlands.
- e.** Cart paths must be graded such that runoff from them generally does not flow directly into any marsh, creek or wetland.
- f.** Construction fencing/siltation barriers must be utilized during the construction phase where needed to protect habitat and marsh, creek or wetlands areas.

(20) Golf Driving Range

- (A)** *Setbacks.* Tee areas must be located at least fifty (50) feet from any street right-of-way.
- (B)** *Range Area.* When located within one-thousand (1,000) feet of a street right-of-way, the range area shall be constructed so that it is as close to perpendicular to the street as possible.
- (C)** *Lighting.* Lighting shall be turned off between the hours of 10:00 PM and 6:30 AM.
- (D)** *Netting.* Netting shall be provided in those areas where it is possible that a golf ball may travel onto adjoining property or streets.

Town of Navassa Zoning Ordinance

(21) Group Home

- (A) *Prescribed Conditions.* Any group home for special needs persons (see Article 2 – Definitions) small, medium, and large shall meet the following prescribed conditions:
1. The group home shall not be established, constructed, expanded, altered, changed, operated or occupied, except in accordance with the Town or County housing code, and all applicable federal, state, and local regulations, including but not limited to licensing requirements.
 2. A group home development standards application supplied by the Town for group home small and medium or a conditional use permit application for group home large shall be submitted by the applicant to the Town.
 3. All group homes must provide verifiable proof that they are licensed or certified by the appropriate state, national, regional, or local licensing or certification body in order to protect the welfare of their residents.
 4. Off-street parking must be provided in accordance with Article 10
 5. For new construction, the facade of the structure shall be designed to be architecturally compatible with the streetscape for the district in which it is located. Any proposed change to the facade of an existing structure shall be architecturally compatible with the surrounding neighborhood.
 6. No group home shall be occupied or operated without a certificate of occupancy.
 7. Any group home small, medium or large shall have no more than two (2) persons occupying a bedroom.
 8. Adequate supervision shall be provided in accordance with the licensing requirement. Written operating procedures or a manual, including established goals and objectives for persons receiving supervision, care, treatment or therapy, and a structured system of management and adequate supervision shall be submitted as part of a group home development standards application for group home small, medium, and large. A conditional use permit application is required for a group home large. A plan for staff supervision shall be provided in the application or permit.
 9. For group homes any more than three (3) final determinations of violations of the town code and/or criminal convictions related to the premises within one (1) month, or six (6) within one (1) year, shall constitute inadequate supervision and a violation of the group home development standards application for group home

Town of Navassa Zoning Ordinance

small or medium; or conditional use permit for group home large. Offenders shall include property owners as well as lessees, tenants and occupants.

10. The home shall be operated in a manner that is compatible with the neighborhood and shall not be detrimental to adjoining properties as a result of traffic, noise, refuse, parking or other activities.
11. For group home small and medium the home shall maintain a residential appearance compatible with the neighborhood.
12. For group home large the home shall maintain an appearance compatible with the NB or GB neighborhood.

(B) *Separation requirements.* Any group home (see Article 2 – Definitions) small, medium, and large shall meet the following separation requirements:

1. A proposed group home small (Article 2 – Definitions) shall be located no closer than within a 1,500 feet radius from any existing permitted family care home or, permitted group home small within any of the following rural and residential districts (RU, R-20, R-15, R-10, R-8, R-6 and R-MH) (Appendix 1 – Table of Permitted uses) whether contiguous or not.
2. A proposed group home medium (Article 2 – Definitions) shall be located no closer than within a five-hundred (500) feet radius from any existing permitted family care home or, permitted group home medium within the R-MF district (Appendix 1 – Table of Permitted Uses) whether contiguous or not.
3. A proposed group home large (Article 2 – Definitions) shall be located no closer than within a five-hundred (500) feet radius from any existing, permitted group home large within the NB and GB districts (Appendix 1 – Table of Permitted Uses) whether contiguous or not.
4. With respect to the distance between the proposed group home use (and family care home use) and the existing, permitted group home use(s) (and family care home use(s)) the distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line of the lot on which the existing facility is located.
5. The Board of Adjustment may grant a variance from the separation requirement is shown to be a reasonable accommodation under the Fair Housing Act.

Town of Navassa Zoning Ordinance

(22) Junk Yard

See: Recycling Facility, Resource Recovery, Transfer Station, Landfill and Junk Yard

(23) Kennel

Kennels for commercial boarder and breeders shall comply with the following:

- (A)** All pens shall be enclosed.
- (B)** The property on which the kennel is to be located shall be no closer than one-hundred (100) feet to any residential zoning district.
- (C)** Outdoor exercise runs or facilities shall be permitted so long as their hours of use are restricted to the hours between 8:00 AM and 10:00 PM; and
- (D)** The facility must be air conditioned.

(24) Kennel, Private

All private kennels must be established as an accessory use. Accessory structures or enclosures used for the kennel must be located only in the rear yard of the site and must not occupy more than thirty (30) percent of the required rear yard. The setback shall be no closer than ten (10) feet to any property line.

(25) Laboratories, Research Facilities, and Testing Facilities

- (A)** *Use Separation.* The operations of these uses shall not be any closer than three-hundred (300) feet to any residential property line or zoning district. Neither shall any such operations be closer than three-hundred (300) feet to the property line of any school or day care facility.
- (B)** *Noise.* Equipment-producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four-hundred (400) feet to the nearest residence. Upon request from the Town the facility shall provide proof that the noise levels are in compliance with this amount. The Planning Board shall consider the facility's hours of operation as part of the conditional use permit in order to ensure that noise from the facility does not adversely affect adjacent properties.
- (C)** *Vibration.* No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- (D)** *Dust and Particulates.* Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution.

Town of Navassa Zoning Ordinance

- (E) *Smoke and Burning.* Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site.
- (F) *Disposal of Toxic and Hazardous Matter.* Disposal of toxic and hazardous matter on site shall be expressly forbidden pursuant to State and Federal regulations.
- (G) *Screening.* Any outside storage or demonstration facility shall be screened from view by a minimum of a six (6) foot fence on all sides.
- (H) *Permit Requirements.* The facility shall obtain all applicable County, State, and Federal permits.
- (I) *Local, State and Federal Regulations.* All such uses shall adhere to the requirements of local, state, and federal regulations related to the specified facility.

(26) Manufactured Home, Class A (i.e. Double Wide)

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (A) The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- (B) The manufactured home has a minimum of one thousand (1,000) square feet of enclosed heated living area.
- (C) The pitch of the roof of the manufactured home has a minimum vertical rise of two-and-two-tenths (2.2) feet for each twelve (12) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- (D) All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- (E) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding, whose reflectivity does not exceed that of gloss white paint, wood or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential constructions.
- (F) The manufactured home is set up in accordance with the standards set by the State Department of Insurance.
- (G) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in

Town of Navassa Zoning Ordinance

accordance with the standards set by the State Department of Insurance, and attached firmly to the primary structure and anchored securely to the ground.

- (H) The moving hitch, wheels and axles and transporting lights have been removed.
- (I) It is the intent of these criteria to insure that a Class A Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

(27) Manufactured Home, Class B (i.e. Single Wide)

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home. The following criteria must also be satisfied:

- (A) The manufactured home is set up in accordance with the standards set by the State Department of Insurance.
- (B) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the State Department of Insurance, and attached firmly to the primary structure and anchored securely to the ground.
- (C) The moving hitch, wheels and axles, and transporting lights have been removed.
- (D) Skirting or a curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home and may consist of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation.

(28) Manufactured Home, Modular

A modular home (N.C.G.S. 143-139.1) must meet or exceed the following construction and design standards:

- (A) *Exterior wall.* The minimum height of the exterior wall shall be at least seven (7) feet and six (6) inches for the first story.
- (B) *Siding and roofing materials.* The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
- (C) *Foundations.* The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and

Town of Navassa Zoning Ordinance

curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports.

(29) Manufactured Home Park

(A) General Requirements

1. All manufactured home parks shall be located on a site of not less than four (4) acres.
2. Manufactured homes shall not be sold within a manufactured home park, except that an individual manufactured home owner shall be allowed to sell the manufactured home in which he resides.
3. The transfer of a deed to a manufactured home space or spaces either by sale or by any other manner shall be prohibited within a manufactured home park as long as the manufactured home park is in operation.
4. Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained from Brunswick County.
5. Within a manufactured home park, one manufactured home may be used as an administrative office.
6. An area may be designated as a park maintenance area and shall be appropriately screened.
7. Convenience establishments of a commercial nature shall be limited to coin-operated laundries. These may be permitted in manufactured home parks subject to the following restrictions:
 - a. Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
 - b. Such establishment shall be designed to serve the needs of the park residents only.
 - c. Such establishment shall be indicated on the site plan.
8. The Brunswick County Environmental Health Section, the Brunswick County Building Inspector, and the Town Zoning Administrator are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Section. It shall be the duty of the owners or occupants of

Town of Navassa Zoning Ordinance

manufactured home parks to give these agencies free access to such premises at reasonable times for inspection.

9. The park owner or operator shall notify park occupants of all applicable provisions of this Section and inform them of their duties and responsibilities under this Section.
10. Site plans for manufactured home parks shall comply with the requirements of this article and ordinance.
11. Manufactured homes in the park shall meet the standards of Manufactured Home, Class A (on Individual Lot) or Class B (on Individual Lot) in this article; except that the manufactured homes do not have to be listed as real property.
12. The park shall be designed and graded in accordance with Town engineering standards to allow for the adequate run-off of storm water and properly convey intersected surface water flow.

(B) Manufactured Home Space Requirements

1. All manufactured homes shall be located on individual manufactured home spaces served by water and sewer.
2. The minimum size for each space shall be five-thousand (5,000) square feet. Each designated dwelling unit space shall be at least fifty (50) feet wide and have a minimum depth of one-hundred (100) feet. Individual manufactured home spaces shall not contain interior access roads.
3. Each manufactured home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners and each space shall clearly display a street address as assigned by the Town.
4. Each manufactured home space shall be located so as not to be susceptible to flooding and shall be graded so as to prevent any water from ponding or accumulating on the premises.
5. Manufactured homes within a manufactured home park shall be limited to one (1) dwelling unit per space, and shall maintain a minimum separation of at least fifteen (15) feet from any other dwelling or structure.
6. Individual manufactured home sites shall comply with the following minimum setbacks: a front yard of ten (10) feet; a rear yard of ten (10) feet; a side yard of seven and one-half (7.5) feet; and a corner side yard of fifteen (15) feet.
7. Manufactured homes may not be located within a required yard of an individual manufactured home space or of the park site.

Town of Navassa Zoning Ordinance

(C) Accessory Buildings

Accessory buildings may be constructed in the rear yard of an individual manufactured home space provided they are no larger than ten-by-twelve feet (10' x 12') and no closer than ten (10) feet from any adjoining lot line or other structure, and no less than five (5) feet from any manufactured home space boundary.

(D) Road and Access Requirements

1. Convenient access to each manufactured home space shall be provided by roads with a minimum right-of-way of fifty (50) feet for a residential collector road and forty-five (45) feet for a local residential road as defined by the North Carolina Department of Transportation - Subdivision Roads Minimum Construction Standards Manual. The required traveled way width is twenty (20) feet for a fifty (50) foot right-of-way and eighteen (18) feet for a forty-five (45) foot right-of-way. Private roads within manufactured home parks shall conform to the Town Ordinance standards.
2. Proper sight lines shall be maintained at all road intersections in accordance with the current North Carolina Department of Transportation requirements for sight clearances.
3. New road names shall not duplicate or be similar to existing road names and shall be subject to approval by the Town.
4. Two (2) automobile parking spaces shall be provided adjacent to each manufactured home space, but shall not be located within any right-of-way.
5. No manufactured home space shall have direct vehicular access to a public road.
6. All manufactured home spaces shall directly abut a private road contained within the park.
7. The manufactured home park owner shall be responsible for the continued maintenance of the roads within the manufactured home park.

(E) Utility Requirements

1. *Water Supply.* An accessible, adequate, and potable supply of water shall be provided in each manufactured home park. Where a municipal water supply is available, connection and exclusive use shall be required. When a municipal water supply is not available, a manufactured home park supply shall be developed and used exclusively in accordance with the standards of the NC Division of Health Services. Placement of water improvements to

Town of Navassa Zoning Ordinance

manufactured home spaces shall comply with the NC Building Code for Plumbing.

2. *Sewage Disposal.* Adequate and safe sewage disposal facilities shall be provided in all manufactured home parks. Collection systems and sewage treatment plants complying with the requirements of the NC Division of Environmental Management shall be provided. Plans for sewage collection systems and treatment facilities shall be submitted to the NC Division of Environmental Management. Placement of sewer improvements to manufactured home spaces shall comply with the NC Building Code for Plumbing. Individual septic tank systems can be considered, if soil, topography, and ground water conditions are favorable and approval from the Brunswick County Health Department is obtained.

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

3. *Solid Waste Disposal and Sanitation Requirements.* All garbage and refuse in every manufactured home park shall be stored in suitable watertight and fly tight metal or heavy duty plastic receptacles which shall be covered with fitted lids and enclosed in an animal-proof rack. The manufactured home park owners or operators shall be responsible for the sanitary disposal of all refuse and for ensuring refuse storage areas are maintained to prevent insect and rodent harborage and infestation.
4. *Street Lighting Requirements.* All roads in the manufactured home park shall be adequately illuminated from sunset to sunrise in accordance with the following standards:
 - a. The minimum size street light shall be a one-hundred and seventy-five (175) watt mercury-vapor (approximately seven-thousand (7,000) lumen class), or its equivalent;
 - b. Street lights shall be spaced at intervals of not more than four-hundred (400) feet;
 - c. The height of street lights shall not exceed fourteen (14) feet;
 - d. All street lights shall be placed at least two (2) feet inward from the street or sidewalk; and
 - e. All lighting shall use a full or sharp cut-off switch to limit glare and light spillage.

Town of Navassa Zoning Ordinance

5. *Electrical Service Requirements.* Minimum electrical service shall be provided to each manufactured home space in accordance with the National Electrical Code.

(F) Recreational Space Requirements

Each manufactured home park shall provide three hundredths (.03) acres of recreational area for each manufactured home space.

(30) Marina, Commercial

- (A) *Activities and Uses.*** Activities and uses on the marina property shall be limited to wet boat storage, dry stack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramps, piers, and boat petroleum service areas subject to the following requirements:

1. If dry stack boat storage buildings are located as part of the commercial marina, it shall be located no closer than thirty (30) feet from any property line unless such property line abuts the water.
2. A buffer shall be required between the use and any adjacent property lines in accordance Article 13.
3. Pump out facilities are required.

- (B) *Use Separation.*** There shall be a minimum fifty (50) feet distance between any buildings, structures, or outdoor use areas associated with the marina and any adjacent residential use or zoning district.

- (C) *Dust.*** Any unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

- (D) *Noise.*** Marinas shall be prohibited from operating equipment that adversely affects adjacent residential uses or zoning districts. Noise shall be addressed with the Conditional Use Permit process.

- (E) *Coastal Area Management Act (CAMA) Use Standards.*** The marina shall meet the applicable requirements of North Carolina Administrative Code Title 15A, Subchapter 7H, Section .0208 (b) (5), Use Standards for Marinas.

(31) Portable Self Storage Containers

- (A) *Number.*** No more than two (2) portable self storage containers shall be allowed on any residential property at one time unless the property owner can demonstrate the need for more containers.

Town of Navassa Zoning Ordinance

- (B) *Location.* Containers may not be placed in a street right-of-way, and may not encroach into any required yard.
- (C) *Size.* Individual containers may not exceed one-thousand three-hundred and sixty (1,360) cubic feet of volume, and may not have any dimension greater than twenty (20) feet.
- (D) *Time Limit.* Containers may be located on a property for a time period not to exceed thirty (30) days unless they are used in conjunction with bona fide construction activity evidenced by a valid building permit. If a valid building permit is obtained for the repair, renovation or reconstruction of the principal structure on the lot, containers may be present for a period of up to twelve (12) months from the date that the building permit was issued. In no case shall a container remain on the property for more than thirty (30) days following the final inspection for the construction that was authorized by the permit.

(32) **Recycling Facility, Resource Recovery, Transfer Station, Landfill, and Junk Yard**

- (A) *Minimum Area.* The minimum area required to establish these uses shall be five (5) acres.
- (B) *Use Separation.* The operations of these uses shall not be any closer than three-hundred (300) feet to any residential property line or zoning district. Neither shall any such operations be closer than three-hundred (300) feet to the property line of any school, hospital, nursing and convalescent home, or day care facility.
- (C) *Fencing and/or Screening.* These uses shall be enclosed by a sight-obstructing opaque fence and/or screen of at least eight (8) feet high adjacent to public roads and to residential, educational or institutional uses or zoning districts. All such fences and/or screens shall be maintained in a sound and stable manner for the life of the operation. Entrances and exits shall be secured when the operation is closed. If state or federal requirements for fences and/or screens are more stringent, such requirements shall be applicable.
- (D) *Noise.* Equipment-producing noise or sound in excess of seventy (70) decibels measured at the source, shall be located no closer than four-hundred (400) feet to the nearest residence. Upon request from the Town the facility shall provide proof that the noise levels are in compliance with this amount.

No noisy processing shall be carried on in connection with the business on Sundays, Christmas, Thanksgiving, or at any time between the hours of 6:00 PM and 7:00 AM.

Town of Navassa Zoning Ordinance

- (E) *Vibration.* No vibration shall be produced which is transmitted through the ground and which is discernible without the aid of instruments at or beyond the lot line.
- (F) *Dust and Particulates.* Emissions of dust and particulates shall be in accordance with the State of North Carolina rules and regulations governing air contamination and air pollution. Particulate matter emission from materials and products subject to becoming windborne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means such as to render the surface wind resistant. Points of ingress and egress shall be paved or hard-surfaced with either concrete or asphalt.
- (G) *Smoke and Burning.* Emissions of smoke and burning of non-vegetative matter shall not be permitted on the site.
- (H) *Trash and Garbage.* Disposal of trash and garbage shall be in an approved container and be regularly maintained. Open dumping of trash or garbage shall be prohibited.
- (I) *Disposal of Toxic and Hazardous Matter.* Disposal of toxic and hazardous matter on site shall be expressly forbidden pursuant to State and Federal regulations.
- (J) *Storage of Fuels.* Storage of fuels shall be contained in below ground tanks meeting the requirements of the State of North Carolina. No such fuel storage shall be within one-thousand (1,000) feet of any residential, educational, or institutional structure. Location of fuel storage tanks shall be so designed as to prevent leakage or spillage into the ground, groundwater aquifer, or any stream. Gasoline and oil shall be removed from scrap engines or vehicles on the premises and adequately stored for disposal.
- (K) *Drainage.* The site shall be adequately drained to assure that no standing water shall exist that might provide breeding habitation for insects.
- (L) *Weeds and Vegetation.* Weeds and vegetation on the premises, other than trees, and landscaping shall be kept at a height of not more than six (6) inches.
- (M) *Storage.* Salvage and junk materials shall be stored in piles not exceeding forty (40) feet in height and shall be arranged as to permit easy access to all such salvage for fire fighting purposes.
- (N) *Liners, Leachate Collection Systems, and Final Cover Systems.* All uses characterized by this section that store waste, recycling material, trash, garbage, salvage and junk materials on site (except land clearing and inert debris landfills) shall be equipped with liners, leachate collection systems and final cover systems as required in Section .0500 and .1600 of Subchapter 15A NCAC 13 B .0103 of the North Carolina General Statutes or the most current North Carolina Division of Waste Management standards, whichever is more stringent.

Town of Navassa Zoning Ordinance

- (O) *Permit Requirements.* The facility shall obtain all applicable County, State, and Federal permits.
- (P) *Local, State and Federal Regulations.* All such uses shall adhere to the requirements of local, state, and federal regulations related to the specified facility.

(33) Restaurants (no drive through service)

Maximum Size. Restaurants located in the NB district are limited to a maximum of three-thousand (3,000) square feet of gross floor area devoted to customer serving areas.

(34) Seasonal Sales (Christmas Trees, Pumpkins etc.)

- (A) *Hours of Operation.* Hours of operation shall be limited to the hours between 8:00 AM and 8:00 PM.
- (B) *Time Limit.* All seasonal sales shall be limited to a maximum of thirty-five (35) consecutive days of operation per sales period.
- (C) *Separation.* A seasonal sales establishment shall not be located within forty (40) feet of a structure used for residential purposes.

(35) Self-Storage Facility

- (A) *Maximum Size.* The maximum size of the development shall be three (3) acres.
- (B) *Hours of Operation.* Access to the facility shall be restricted to the hours between 7:00 AM and 10:00 PM.
- (C) *Outdoor Storage.* The only items allowed to be stored outdoors on the site are vehicles, boats and equipment that are in operable condition.
- (D) *Prohibited Activities.* No activity or use, other than those associated with the operation of the facility and the storage of goods is allowed. No maintenance or repair of equipment, boats or vehicles is allowed on the premises.
- (E) *Screening.* A minimum six (6) foot high opaque fence shall be erected around all storage areas.

(36) “Solar Farm” Ground-Mounted Solar Power Energy System (NAICS221119)

A ground-mounted solar power energy system “solar farm” (NAICS 221119) must meet the following standards:

Town of Navassa Zoning Ordinance

- (A) *Height* – Solar power electric generation structures shall not exceed the height of 25 feet.
- (B) *Setback* – Active solar system structures must meet the following setbacks:
 - 1. Ground-mounted Solar Systems – Ground-mounted solar energy systems shall meet the minimum zoning setback for the zoning district in which located, or 25 feet, whichever is strictest.
- (C) *Approved Solar Components* – Electric solar system components must have an Underwriters Laboratories (UL) listing.
- (D) *Compliance with Building Code* – All active solar systems shall meet all requirements of the North Carolina State Building Code (current edition), including adherence to structural standards accounting for hurricane-force winds of a velocity that have occurred, or can be expected to occur in the area.
- (E) *Compliance with National Electric Code* – All photovoltaic systems shall comply with the National Electrical Code, current edition.

(37) Swimming Pool

A minimum four (4) foot high fence with a locking gate shall be erected around all swimming pools.

(38) Tattoo and Body Piercing Establishment

All tattooing or piercing shall take place in an area of the establishment that cannot be viewed by other customers or by the general public from any public or private street right-of-way or any area commonly accessed by the public (i.e. parking lots, sidewalks), whether on the same or a nearby property. All state and Brunswick County health regulations shall apply.

(39) Telecommunication, Wireless Facility, Broadcasting Tower and Facility excluding Amateur Wireless Facilities

- (A) *General Provisions.* Towers not located on existing structures shall be subject to the setback, sign, security, lighting, abandonment, site plan, and ownership requirements set forth in this section.
- (B) *Co-Location.* The intent of the Town is to encourage providers to co-locate facilities in an effort to limit the number of telecommunication towers in the Town.
 - 1. Co-location on a previously approved tower is permitted without an additional conditional use permit provided that all conditions of the previously approved permit are complied with.

Town of Navassa Zoning Ordinance

2. Co-location on a building or substantial structure, such as a water tower, shall not require the issuance of a conditional use permit, but all other applicable provisions shall be met and approved by the Zoning Administrator. The Zoning Administrator may require the issuance of a conditional use permit if there is doubt as to whether or not a given proposal is in compliance with the intent of the section.
3. Where a new tower is proposed, documentation shall be required to substantiate why the proposed antenna(s) and/or equipment cannot be accommodated on a previously approved tower due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the previously approved towers, considering their existing and planned use, and those towers cannot be reinforced to accommodate the planned or equivalent equipment at a reasonable cost; or
 - b. The planned equipment would cause radio frequency interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost; or
 - c. Previously approved towers do not have space on which the planned equipment can be placed so it can function effectively and reasonably in parity with the existing and/or planned equipment of the present user(s); or
 - d. Other reasons make it impractical to place planned equipment on previously approved towers (the applicant must explain and document in detail such other reasons).
4. Where a new tower is proposed and sufficient reasons for a new tower exist, favorable consideration will be given to towers designed to accommodate future users. Documentation shall be required describing the capacity of the proposed tower in terms of current technology (including the number and type of antennas that the tower will accommodate). Approval of such new tower will be conditioned on space being made available to such future users at a reasonable fee and any necessary costs of adapting the facilities to the proposed future use. A statement of intent on whether excess space will be leased is required.
5. *Setback*. The minimum tower setback from any property line shall be:
 - a. Equal to the height of the tower; or
 - b. Equal to the maximum fall distance for a professional engineer-certified installation; published engineering data

Town of Navassa Zoning Ordinance

for a particular model of tower will be acceptable to substantiate a setback less than the height of the tower if the building inspector can easily determine that the tower has been installed in accordance with such data, otherwise a professional engineer must certify that the tower is installed as required; or

- c. For a steel monopole tower with a base diameter greater than or equal to one (1) foot, equal to one-half (1/2) of the height of the tower, provided that a professional engineer certifies that the tower has sufficient strength to withstand hurricane-force winds of a velocity that have occurred, or can be expected to occur in the area, and that should winds of greater velocity occur, the design of the tower is such as to bend rather than fall.

The owners of easements and rights-of-way within the setback must provide a letter of acknowledgment of the proposed tower location.

6. *Signs.* No business signs, billboards, or other advertising shall be installed on the tower or security fencing.
7. *Security.* Security fencing at least six (6) feet in height shall be installed around the base of the tower or the tower shall be equipped with a professional engineer certified anti-climbing device. Documentation for an anti-climbing device must be provided. A building inspector must be easily able to determine that the anti-climbing device has been installed in accordance with such documentation. Otherwise a professional engineer must certify that the anti-climbing device has been properly installed.
8. *Lighting.* Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other federal or state authority and in no case shall exceed the required minimum. Prior to construction of the tower, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.
9. *Abandonment.* Any tower that ceases to be used for communications broadcasting and/or broadcast receiving, as permitted by this Ordinance for a period of more than nine (9) months, shall be removed by the tower owner's expense. The removal shall occur within ninety (90) days of the end of such nine (9) month period.
10. *Site Plan Requirements.* In addition to the requirements of permits section in Article 16, Administration, the following information shall be provided on the site plan: applicable setbacks, easements and rights-of-way, fencing, access, and an area map indicating the

Town of Navassa Zoning Ordinance

proposed tower and coverage, other towers and coverage areas, and any approved tower sites within a five (5) mile radius.

11. *Other Requirements.*
 - a. Proof of ownership of the proposed site or authorization to use it and copies of any easements impacting the site is required.
 - b. A map of all sites owned/operated by the applicant with parcel numbers and addresses for each site shall be required.
 - c. Certification by a registered engineer of the loading or percentage capacity of the facility, breaking out any existing antenna arrays and the capacity they represent is required. It is also required to indicate the amount of unused capacity available on the facility after each addition to an existing tower or new tower construction.
12. *Maximum Height.* The maximum height of towers shall be:
 - a. Within the non residential districts (RU, GB, LI and HI): two-hundred (200) feet.
13. *Third Party Review.* Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Zoning Administrator may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees, as specified in the approved fee schedule. Any additional consultant fees required above the minimum listed will be the responsibility of the applicant. Any unused portion of the consultant review fee not utilized by the Town will be reimbursed to the applicant. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

(40) Temporary Construction Trailer

- (A)** *Location.* Temporary construction trailers may not be placed within a street right-of-way.
- (B)** *Setbacks.* Temporary construction trailers must be placed at least twenty (20) feet from adjoining property lines.
- (C)** *Time Limit.* Temporary construction trailers may only be placed on a property for which a valid building permit has been issued. Trailers may remain only during the period of actual construction. They must be removed from the premises prior to a certificate of occupancy being issued for the structure.

(41) Temporary Event (i.e. Boat Show)

The applicant shall complete an application form provided by the Town for a Temporary Event. The applicant shall describe the nature of the event, provisions for applicable parking, sanitation, security and other information deemed necessary by the Town. After review the Town may approve a Temporary Event Permit. Any fees shall be in accordance with the Town's adopted fee schedule. Permits may be issued for no more than a ten (10) day period. Permits may not be reissued for a similar event within a five (5) month period.

(42) Temporary Use

The Town Council may issue a temporary conditional use permit for uses which are not permitted in the zoning district or which do not meet all zoning requirements but which are necessary in special situations. A time limit shall be placed on the temporary conditional use permit and the permit shall not be renewed except upon a compelling showing of the need therefore, and the Council may attach any reasonable and appropriate conditions and safeguards it deems necessary.

(43) Trucking Company and Terminal

See Truck Stop and Trucking Company and Terminal.

(44) Truck Stop, and Trucking Company and Terminal

(A) *Lighting.* The maximum height of any outdoor lighting source shall be twenty five (25) feet.

(B) *Access.* Two access driveways to a thoroughfare are required.

(45) Utility Line, Pump Station, Related Structure

Sewage lift stations, pump stations, and similar uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighbors or to other uses permitted in the district are permitted. The use shall be screened with security fencing and an opaque landscape buffer.

(46) Vegetable and Fruit Sales: i.e. Road Side Stand

These standards shall apply to Vegetable and Fruit Sales: i.e. Road Side Stand, in the residential zoning districts (R-20, R-15, R-10, R-8, and R-6):

(A) Vegetable and Fruit Sales shall only be allowed as an accessory use.

(B) The sale of produce is limited to that produced on site.

(C) The stand may not be larger than one-hundred (100) square feet.

Town of Navassa Zoning Ordinance

(47) Veterinary Services (domestic animals)

- (A)** No kennel shall be maintained outside of the principal building.
- (B)** The facility shall include a minimum of two-hundred (200) square feet of outdoor enclosed yard for every one thousand (1,000) square feet contained within the principal structure. Such yard areas shall be enclosed by a solid, decorative fence or masonry wall at least eight (8) feet in height.
- (C)** The animal veterinary structure shall be insulated and soundproofed, in order to minimize all loud and disturbing noises that might disturb those persons in adjoining structures or in the nearby vicinity.