

**ARTICLE 6**  
**GENERAL, DIMENSIONAL, USE AND STRUCTURE REGULATIONS**

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**SECTION 6.1**  
**APPLICATION OF GENERAL REGULATIONS**

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**Section 6.1.1 Use**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or structurally altered except in conformity with the uses and dimensional regulations of this ordinance, or amendments thereto, for the district in which it is located.

**Section 6.1.2 Only One Main Building, One Use on Lot**

In the R-10, R-15 and MH zoning districts, lots utilized for single family dwellings shall contain no more than one single family dwelling, unless otherwise allowed by this Ordinance, such as Accessory Uses.

In all other districts, there may exist multiple buildings in which multiple permitted uses may exist, so long as those buildings meet required building separation requirements and all other requirements of this Ordinance.

**Section 6.1.3 Lot Subdivision**

No lot shall hereafter be so reduced in area as to cause any open space required by this ordinance to be less in any dimension than is herein required by the minimum yard requirements of the district in which the lot in question is situated.

**Section 6.1.4 Turn Lanes and Deceleration Lanes**

Turn lanes and/or deceleration lanes shall be required for residential developments of fifty (50) units or more and commercial users as determined by the Planning Director and/or North Carolina Department of Transportation (“NCDOT”), with the exception that turn lanes and/or deceleration lanes shall be required for residential development with fewer than fifty (50) units if determined to be necessary by the NCDOT.

**Section 6.1.5 Wetlands, Preliminary and Final Plats**

Preliminary and final plats shall contain a surveyed delineation of federally regulated

wetlands that has been verified and approved by the Army Corps of Engineers, if wetlands exist on the subject property.

### **Section 6.1.6 FEMA Regulations**

All FEMA regulations shall be followed and met.

### **Section 6.1.7 Uniform Property Address Display**

- A. Identification and Display Required - The owner of each lot or parcel of land upon which a building or unit is located shall permanently affix and display on each building and/or unit the address number which has been assigned by the Brunswick County address program administrator, in the manner specified below:
- 1) *Design.* The assigned address number shall be displayed on all buildings or units, by numerals; written, printed or scripted words shall not be used as the required display. If posted within ten (10) feet of ground level, each numeral shall be a minimum of three (3) inches in height; if posted over ten (10) feet above ground level, each numeral shall be a minimum of four (4) inches in height.
  - 2) *Color.* The color of the numerals shall be in sharp contrast to any background color and/or texture, so as to be plainly visible and legible from the center line of the designated street during daylight hours.
  - 3) *Location of number display.* The assigned address number shall be displayed on the facade of the building or unit. The facade of the building or unit for purposes of this section shall be that side facing the street for which a number has been assigned to that building or unit. Where a building or unit is set back more than sixty (60) feet from the edge of the improved portion of the street, the assigned address number shall additionally be displayed on a freestanding sign or mailbox. Such additional displays shall comply with all specifications enumerated in this section, where applicable, and shall be located on one (1) of the following:
    - a.) A freestanding sign set back no more than twenty-five (25) feet from the edge of the improved portion of the street; or
    - b.) A mailbox located according to U.S. Postal Service regulations at the edge of the street. The number display shall appear on both sides of the mailbox unless the mailbox is one of a group serving multiple buildings or units, in which case the number display shall appear on the front of each mailbox.
  - 4) *Obstruction.* The assigned address number shall be displayed so that its view from the street is not wholly or significantly obstructed by trees, yard ornaments, shrubbery, porches, building architecture or other physical impediments.
- B. Display of Unassigned Numbers - The display of any address number other than that assigned by the Brunswick County address program administrator is expressly prohibited.
- C. Maintenance - It shall be the responsibility of the building or unit owner to maintain at all times said number display as required by and in accordance with the provisions of this section.

D. Construction and Certifications

- 1) *New construction.* Owners, or agents of owners, of all lots or parcels for which new construction has been approved (as evidenced by issuance of a Certificate of Zoning Compliance) shall temporarily or permanently display the assigned address numbers prior to the commencement of construction.
- 2) *Completed construction.* No Certificate of Occupancy shall be issued until the assigned address number is permanently displayed in accordance with the provisions of this section.

E. Exemption - The owners of all existing lots, buildings or units in the Town of Belville shall be exempt from the provisions of this section for a period of sixty (60) days from the effective date of this section, or thirty (30) days from the date of first notification of the appropriate address for that lot, building or unit, whichever period is longer, in order to assure a reasonable period for compliance.

F. Effective Date – The provisions of this section shall become effective on September 27, 2010.

**SECTION 6.2**  
**APPLICATION OF DIMENSIONAL REQUIREMENTS**

- Section 6.2.1            Height
- Section 6.2.2            Minimum Setbacks

**Section 6.2.1 Height**

No building or structure shall hereafter be erected or altered so as to exceed the height limits as established by this Ordinance for different types of buildings and structures, and as provided for the zoning or overlay district in which the property is located. In all zoning or overlay districts, maximum heights shall only be exceeded with the approval of a variance as provided for herein.

The zoning and overlay districts maximum height limitations for structures shall not apply to the following:

- A. Church spires and belfries
- B. Water storage tanks
- C. Cooling towers
- D. Chimneys
- E. Mechanical penthouses located on roofs
- F. Smokestacks
- G. Flag poles
- H. Silos and grain elevators
- I. Fire towers
- J. Architectural features not intended for habitation or occupancy
- K. TV/HDTV/AM/FM Broadcast Antennae
- L. Wireless Telecommunication Facility (WTF)
- M. Amateur Wireless Facility

**Section 6.2.2 Minimum Setbacks**

- A. Generally
- B. Setbacks for Corner Lots
- C. Permitted Encroachments into Yards
- D. Mechanical Equipment
- E. Accessory Structures, Residential
- F. Special Use Requirements Take Precedence
- G. Variance for Prior Lots of Record

**A. Generally** - The minimum yards or other open spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements or the intensity of use provisions for any other building.

**B. Setbacks for Corner Lots** - On a corner lot, a side yard setback consisting of one-half (0.5) of the width of the required front yard setback, up to a maximum of twenty (20) feet, shall be maintained between any building and the side street (the street on which the lot maintains the greatest frontage). This requirement shall not be applied so as to reduce the building width of a residentially zoned corner lot of record to less than thirty (30) feet, nor to prohibit the erection of any access building where this requirement cannot reasonably be complied with.

**C. Permitted Encroachments into Yards**

1. Steps, roof overhangs, fire escapes, stairways, balconies, and chimneys may project not more than four (4) feet into a required minimum yard.
2. Unenclosed porches may project into the required minimum front or rear yard not more than ten (10) feet.
3. Sills, cornices, buttresses, ornamental features and similar items may project into a required minimum yard not more than thirty (30) inches.
4. Carports, open on three (3) sides, may encroach on a side yard to a distance of not less than five (5) feet from a side lot line, except on the street side yard of a corner lot where the setback shall be one-half (0.5) of the distance of the required front yard setback, up to a maximum of twenty (20) feet. A storage area may be constructed across the rear of a carport, open on three (3) sides, that encroaches on a side yard, provided such storage area shall not contain more than seventy-two (72) square feet nor constitute more than eighteen percent (18%) of the area contained in the carport, whichever is less.

**D. Mechanical Equipment** - Mechanical equipment, above ground fuel tanks, satellite dishes, and generators shall not be located in setback areas.

**E. Accessory Structures, Residential** - Detached garages and accessory buildings associated with residential uses may be constructed in the rear yard only. Except for Accessory Dwellings, there is no building separation requirement for Accessory Structures, and they shall be located no closer than five (5) feet to any adjoining lot line, except on the street side yard of a corner lot. Setbacks for Accessory Dwellings are described in Section 6.3.11 Accessory Dwellings.

**F. Special Use Requirements Take Precedence** - Area, yard and height requirements as specified in the issuance of a special use permit shall take precedence over area, yard and height requirements as set forth in the Table 5.2 of Article 5.

**G. Variance for Prior Lots of Record** - Notwithstanding the other setback provisions of this Ordinance, a building or structure may be constructed and occupied by one (1) family on any lot recorded prior to adoption of this Ordinance and meeting all of the requirements on the following table:

<b>Table 6.1 Variance for Prior Lots of Record</b>				
Lot Frontage	Minimum Interior Side Yard/Setback	Minimum Front Yard/Setback	Minimum Rear Yard/Setback	Minimum Building Separation
Less than 70 feet	5 feet	15 feet	20 feet	10 feet

**SECTION 6.3  
SPECIFIC USE AND STRUCTURE RESTRICTIONS**

- Section 6.3.1            Accessory Uses
- Section 6.3.2            Storage of Flammables
- Section 6.3.3            Dry Cleaning and Laundry Establishments
- Section 6.3.4            Nursing Home Unit and Home for the Aged
- Section 6.3.5            Home Occupations
- Section 6.3.6            Industries
- Section 6.3.7            Individual Manufactured Homes for Permanent Occupancy
- Section 6.3.8            Motel, Hotel, or Motor Court Operations
- Section 6.3.9            Travel Trailers
- Section 6.3.10           Automobile Sales, Used
- Section 6.3.11           Accessory Dwellings
- Section 6.3.12           Adult Care Homes
- Section 6.3.13           Schools, Public and Private
- Section 6.3.14           Fences and Walls, Nonstructural
- Section 6.3.15           Retaining Walls
- Section 6.3.16           Open Storage
- Section 6.3.17           Kennels
- Section 6.3.18           Cottage Industry
- Section 6.3.19           Accessory Manufacturing of Alcoholic Beverage Products
- Section 6.3.20           Reserved
- Section 6.3.21           Mini Warehouse/Storage
- Section 6.3.22           TV/HDTV/AM/FM/ Broadcast Antennae
- Section 6.3.23           Wireless Telecommunication Facility (WTF)
- Section 6.3.24           Amateur Wireless Facility
- Section 6.3.25           Reverse Osmosis (RO) Waterworks Facility

**Section 6.3.1 Accessory Uses**

Accessory uses shall be permitted as a subordinate use to the primary use existing on the site. Certain accessory uses shall be subject to the additional standards described in this Section.

**Section 6.3.2 Storage of Flammables**

The storage of flammables greater than five (5) gallons shall not be permitted or considered a by-right use except when such authorization for said use is given by the County Fire Marshall relative to compliance of proposed storage facilities with State and County fire regulations.

Propane gas shall not be stored for sale in the BH, BR, or CBD district in tanks larger than 4.7 gallons (20 pounds). There shall be no more than fifteen (15) tanks stored on any one individual parcel of property or business at any given time. All bottled gas tanks shall be UL (Underwriter Laboratories, Inc.) approved and maintained in good condition with no visible signs of rust. Tanks shall be stored at least twenty-five (25) feet away from the edge of any vehicular parking area or open (improved) road right-of-way. The storage site must be physically separated from parking areas and rights-of-way. If stored outside, bottled gas shall be stored inside a secured area. Any such storage site(s) shall be surrounded by a barrier(s) of sufficient strength to prohibit vehicular entry.

### **Section 6.3.3 Dry Cleaning and Laundry Establishments**

Such establishments shall be permitted provided that only oil, gas or electricity is used for heat. Screening and filtering devices shall be used to prevent the emission of smoke, dust, fumes, odors, or steam into the atmosphere.

### **Section 6.3.4 Nursing Home Unit and Home for the Aged**

Nursing home units and homes for the aged shall be situated on at least a 20,000 square foot lot and be connected to sewer plant.

### **Section 6.3.5 Home Occupations**

A home occupation is permitted as an accessory use of a dwelling unit in any applicable zoning district and its operation and employees are limited to the members of the resident family only. The following are limitations on home occupations:

1. The following uses are specifically prohibited as home occupations (list not inclusive): auto sales, auto repair, or similar operations; restaurants; animal hospitals, veterinary clinics, kennels, or the keeping of animals; funeral homes; retail or wholesale shops; machine shops; personal service establishments; special event facilities; lodging services; taxi services; and any other occupation found incompatible with the intent of this Ordinance.
2. Instruction in music, dance, art, and similar subjects, limited to a maximum of two (2) students at any one time.

Furthermore, home occupations shall be limited to the following restrictions:

1. No display of products or signs shall be visible from the street or abutting properties.
2. No mechanical equipment shall be installed or used except such that is normally used for domestic or professional purposes and which does not cause noises or other

interference with radio, television, cellular telephone and pacemaker reception and/or operation.

3. All activities associated with a home occupation shall be conducted entirely within the dwelling unit. No accessory buildings or outside storage shall be used in connection with the home occupation.
4. Not over twenty-five percent (25%) of the gross floor area or five hundred (500) square feet, whichever is less, shall be used for a home occupation.
5. Only residents of the dwelling and one additional person may be engaged in the home occupation.
6. There shall be no external evidence of the activity such as commercial vehicles, window displays, outside storage, smoke, noise, odors or nuisances emitted from the premises.
7. No infrastructure demands shall be generated by the Home Occupation in greater volumes than would be normal and reasonable for a residential use.
8. Prior to the commencement of a Home Occupation, a Business/Privilege License shall be obtained from the Town.

### **Section 6.3.6 Industries**

The following industrial uses, without limitation, shall be prohibited:

1. The manufacturing, processing, fabrication and/or bulk storage of acetylene gas (except for use on premises), ammunition, explosives, fireworks, gunpowder, junk, or matches;
2. The manufacturing, processing and/or fabrication of acids (except noncorrosive acids), ammonia, ammonium nitrate, animal byproducts, bleaching powder, cellulose, chlorine, creosote and creosote treatment, detergents, enamels, lacquers, "lime," linoleum, oilcloth, paints, paper pulp, pigments, lime plastic, rubber (except tire recappers), soaps, tannery products, turpentine, varnishes, whiting and/or wood fillers. The fabrication of plastics is exempt from this prohibition.
3. Salvage operations as principal uses.

### **Section 6.3.7 Individual Manufactured Homes for Permanent Occupancy**

Individual manufactured homes for permanent occupancy, which are located in the MH district, shall comply with the following:

1. The manufactured home has a length not exceeding four (4) times its width, with length being measured along the longest axis and width measured at the narrowest part of the other axis.



2. All roof structures shall provide an eaves' projection of no less than six (6) inches, which may include a gutter.
3. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance ("DOI") and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home.
4. 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 DOI, attached firmly to the primary structure and anchored securely to the ground.
5. The moving hitch, wheels and axles, and transporting lights have been removed.
6. Manufactured homes moved into the Town shall not be more than five (5) years old.

#### **Section 6.3.8 Motel, Hotel, or Motor Court Operations**

A Dwelling Unit, Single Family Dwelling, or Manufactured Home may be maintained as an accessory use to a motel, hotel, or motor court for the full-time manager and his/her family.

#### **Section 6.3.9 Travel Trailers**

Travel trailers occupied for home habitation must be located in an approved manufactured home park. Travel trailers, which are not occupied, may be stored at any location, provided that such storage is not relating to mobile home sales, and further provided that such storage is not upon the right-of-way of any public street or public land.

#### **Section 6.3.10 Automobile Sales, Used**

Used car lot vehicles offered for sale shall have valid inspection stickers or inspection stickers which are not more than ninety (90) days out of date.

#### **Section 6.3.11 Accessory Dwellings**

Accessory Dwellings shall be subject to the following:

1. Not more than one (1) Accessory Dwelling shall be permitted on any lot of record as accessory to a Single Family Dwelling, Manufactured Home, or Modular Home.
2. The Accessory Dwelling contains not more that fifty percent (50%) of the square footage of the Single Family Dwelling, Manufactured Home, or Modular Home.
3. The Accessory Dwelling shall meet the same yard setbacks applicable to the district in which the property is located, as shown in Table 5.2 Zoning District Dimensional Requirements.

#### **Section 6.3.12 Adult Care Homes**

Adult Care Homes must not be located within a one-half (0.5) mile radius of an existing Adult Care Home.

#### **Section 6.3.13 Schools, Public and Private**

Modular classrooms are permitted as an accessory use on any parcel of land in a P-I zoning district containing a public or private elementary or secondary school as its principal use. Modular classrooms may only be located in the rear yard of the property, as defined in the Article 3 of the Zoning Ordinance. When siting modular classrooms, all reasonable efforts shall be made to place them in locations that are not visible from nearby roads or adjacent property that is residentially zoned or contains a residential use. Furthermore, the placement of a modular classroom within one hundred (100) feet of an adjoining property or right-of-way line shall be prohibited, irrespective of location or screening.

#### **Section 6.3.14 Fences and Walls, Nonstructural**

- A. General Requirements** – Where allowed and applicable, all fences and walls shall meet the following requirements:
- a. No fence or wall shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.
  - b. No fence or wall shall be placed or retained in such a manner that the natural flow of water in any stream, creek, drainage swale or ditch is altered or impeded.
  - 2 c. No fence or wall shall block the access of doors or windows. Fences and walls shall be setback a minimum of two (2) feet from any wall of a building or structure, except where fences project from or to the wall of a building or structure.
  - d. Fences or walls topped with barbed wire, where allowed, shall allow for the bottom strand of any such wire to be at least six (6) feet above grade with vertical supports slanting inward away from the property line.
  - e. Fences and walls shall not be located in a manner which alters or impedes the visual locating of E-911 emergency street addresses.
- B. Permitted Materials** – In all zoning districts, fences and walls shall be limited to the use of the following materials:
- a. Masonry or stone;
  - b. Ornamental iron;
  - c. Chain-link or woven wire; and
  - d. Wood or similar material
- C. Prohibited Materials** – The following materials and/or fence types shall be prohibited from use in the construction of fences and walls:
- a. Barbed or razor wire, except when used in conjunction with an institutional, business, or industrial use as a security measure;
  - b. Fences carrying electrical current (electric fences), unless installed below ground as in for dogs;

- c. Flammable material such as paper, cloth, or canvas; and
- d. Concertina wire.

**D. Maintenance** – Any fence which through neglect, lack of repair, type or manner of construction, method of placement, or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Planning Director shall require the owner or occupant of the property upon which the fence is located to repair, replace or demolish the fence causing a nuisance.

**E. Height** – Fences and walls shall not exceed the heights as referenced for the following uses:

a. Residential Uses and Zoning Districts

- 1. Fences or walls shall not exceed six (6) feet in height on side and rear yards within the R-10 and R-15 zoning districts.
- 2. Fences or walls shall not exceed four (4) feet in height on front yards within the R-10 and R-15 zoning districts.
- 3. Fences or walls shall not exceed six (6) feet in height within fifteen (15) feet of any public or private street right-of-way within a group housing development, unless the sole purpose is to enclose a patio. A patio enclosure shall not exceed seven (7) feet in height, not to include the exterior boundaries.

b. Recreational Uses

- 1. No fence shall exceed eight (8) feet in height.

c. Commercial or Industrial Uses and Zoning Districts

- 1. No fence shall exceed eight (8) feet in height.

**Section 6.3.15 Retaining Walls**

Setback and yard requirements of this Ordinance shall not apply to retaining walls not more than five (5) feet in height, as measured from the lowest ground elevation at the base of the wall to the top of the wall. The Planning Director may permit a retaining wall greater than five (5) feet in height where he or she finds that such a wall is necessary due to the topography of the lot and written approval is granted from the abutting property owners immediately affected thereby.

**Section 6.3.16 Open Storage**

Any open storage not enclosed within the confines of a building, such as boxes, crates, trash piles, machinery and merchandise with open display that result from the commercial

operation it is part of, shall be enclosed or hidden from view. No open storage shall encroach on required setbacks.

### **Section 6.3.17 Kennels**

In districts where allowed, the allowance of kennels, as defined in Article 3 of the Zoning Ordinance, shall also permit pet day care and grooming facilities as principal uses. Kennels that prohibit the keeping of animals outside, shall be soundproofed to prevent any noise generated from the interior of the facility from being heard outside of the facility.

Outdoor runs may be utilized by a facility where the outside keeping of animals is prohibited; however, the use of such runs shall be prohibited between the hours of 7:00 p.m. and 7:00 a.m.

All outdoor runs and facilities used for the outside keeping of animals shall be screened from abutting properties and street right-of-ways through the use of a fence or wall and landscaping.

### **Section 6.3.18 Cottage Industry**

An individually-owned craft shop that produces on the premises through hand-made workmanship craft one or more goods for retail sale, such as candle-making, glass blowing, pottery making, weaving, woodworking, sculpting, and other similar or associated activities. A cottage industry shall not occupy more than 1,500 square feet of space nor employ more than five (5) employees.

### **Section 6.3.19 Accessory Manufacturing of Alcoholic Beverage Products**

The manufacturing of alcoholic beverage products may be allowed as an accessory use to a restaurant through the Special Use process in those districts specified in Table 5.1, *Table of Permitted Uses*. This allowance is intended to provide for brewpubs and similar uses. All such uses shall be required to comply with the regulations of the State of North Carolina governing such uses.

### **Section 6.3.20 Reserved**

### **Section 6.3.21 Mini Warehouse/Storage**

Mini Warehouse/Storage facilities, regardless of the zoning district in which they are located, shall meet the following requirements:

1. All storage shall be contained within a fully-enclosed building; however, outdoor storage of boats, travel trailers, recreational vehicles (RV's), and other noncommercial occasional use vehicles may be permitted when located in a designated area with limited use standards as follows:
  - a. A site plan showing the location of outdoor storage areas must be approved by the Board as part of a Special Use application.
  - b. All outdoor storage shall be located at least twenty-five (25) feet from any right-of-

way or common area of any public or private street.

- c. Outdoor storage shall be prohibited from being located in front yards or within the twenty-five (25) foot landscaped buffer area. Outdoor storage may be located in the side or rear yards of a building; however, outdoor storage shall meet required minimum building setbacks.
  - d. All outdoor storage visible from a public or private street shall be screened by vegetation designed to obscure views to a height of six (6) feet from the ground. One (1) shrub or evergreen tree shall be installed every four (4) linear feet and shall be at least two (2) feet in height at the time of installation.
2. Security gates shall be setback at least twenty-five (25) feet from the front of the building façade closest to the right-of-way or common area of a public or private street.
  3. Building facades immediately parallel to a street right-of-way shall have no area greater than fifteen (15) feet in width that is not interrupted by a window, door, or architectural element.
  4. Mini warehouse/storage uses shall be located on lots two (2) acres or greater in area.
  5. Units shall be used for storage only. Units shall not be used for the operation of a commercial enterprise.
  6. A twenty-five (25) foot landscaped buffer shall be established along any side property line where a mini warehouse/storage facility abuts or is across the street from a residential use or zone.
  7. A picket fence, with brick columns spaced every twenty (20) feet, shall be installed along the right-of-way or common area of any public or private street. The minimum height of the fence and columns shall be four (4) feet.
  8. A chain-link fence, or similar fencing as approved by the Planning Director or his/her designee, with a maximum height of eight (8) feet, shall be installed around the entire area, except where a picket fence and columns are required.
  9. Once a month, the management of a mini warehouse/storage facility may conduct a one-day auction or sale of abandoned or stored materials.
  10. Outside lighting shall meet the following requirements:
    - a. All light sources (i.e. bulbs, lenses, and similar elements) shall be concealed and recessed within the shield or housing of a fixture.
    - b. No light fixture and/or pole shall exceed thirty (30) feet in height.
    - c. Light sources shall be shielded so as not to emit light upwards toward the sky nor

shall such sources be oriented so as to interfere or distract the vision of drivers on public or private streets.

- d. The maximum illumination level along the right-of-way or common area of public or private streets shall not exceed one and one-half (1.5) footcandles.
- e. Prior to the issuance of a CZC for the construction of a mini warehouse/storage facility or the alteration of any existing outside lighting, a photometric plan shall be submitted indicating the location of all outside light fixtures and illumination levels (footcandles) for such lighting.

11. Principal or accessory buildings associated with a mini warehouse/storage use shall not exceed a height of thirty (30) feet.

### **Section 6.3.22 TV/HDTV/AM/FM Broadcast Antennae**

Broadcast antenna-supporting structure and/or towers, including replacements, which contain antennae/towers that transmit signals for radio and television communications shall be permitted in accordance with the use tables in Article 5, subject to a Special Use Permit applied for and approved by the Board in accordance with the provisions of Article 9 (*Review and Approval Procedures*), Section 9.4 (*Special Uses*), and to the following additional requirements. (Note: for WTF's, see Section 6.3.24)

- 1. Any antenna-supporting structure, equipment enclosures and ancillary structures shall meet the setback requirements of the underlying zoning district plus an additional six inches for every one foot of antenna support structure height.
- 2. A plan indicating potential tower fall zones shall be provided with the application. This plan shall be sealed or signed by a licensed professional engineer.
- 3. The entire antenna-supporting structure or tower and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.
- 4. Any facility shall be illuminated in accordance with FAA requirements to provide aircraft obstruction lighting, where required. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e. the longest duration between flashes) allowable by the FAA. No strobes or other lighting shall be permitted unless required by the FAA.
- 5. A landscaped buffer shall surround the base of the broadcast antenna equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Planning Director, or designee. Grading shall be minimized and limited only to the area necessary for the new broadcast antenna.
  - i. If the proposed broadcast antenna is the principal use of the property then landscaping per Article 10, Landscaping and Tree Protection, shall be applicable.

- ii. If the proposed broadcast antenna is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
- 6. The only signage that shall be permitted upon an antenna-supporting structure/tower, equipment enclosures, or fence (if applicable) shall be informational, and for the purpose of identifying the antenna-supporting structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).
- 7. New antenna-supporting structures/tower shall be configured and located in a manner that minimizes adverse effects including visual impacts on neighboring properties. The applicant shall demonstrate that alternate locations, configurations, and facility types have been examined and shall indicate the impact of these options in relation to adjoining properties with regard to mass and scale, height, materials and color, and illumination.

**Section 6.3.23 Wireless Transmission Facility (WTF)**

1. Purpose

The purpose of this section is to:

- i. Minimize the impacts of WTF's on surrounding areas by establishing standards for location, structural integrity and compatibility;
- ii. Encourage the location and collocation of wireless transmission equipment on existing structures thereby minimizing new visual, aesthetic and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional antenna-supporting structures;
- iii. Encourage coordination between suppliers of wireless communication services in the Town;
- iv. Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in the Town;
- v. Protect the unique natural beauty and character of the Town while meeting the needs of its citizens to enjoy the benefits of wireless communications services; and
- vi. Encourage the use of public lands, buildings and structures as locations for wireless telecommunications infrastructure as a method to establish a precedence for quality concealment products that will minimize the aesthetic impact of related infrastructure while generating revenue for the Town.

2. Exemptions

The following are exempt from this WTF section:

- i. Satellite dishes

- ii. Regular maintenance and/or upgrade of antenna elements of any existing WTF that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new WTF.
- iii. A government-owned WTF, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the Town; except that such facility must comply with all federal and state requirements. No WTF shall be exempt from the provisions of this section beyond the duration of the state of emergency.
- iv. Antenna-supporting structures, antenna and/or antennae arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission (see Section 6.3.23).
- v. Non-commercial, amateur radio antennae, and non-commercial, amateur ham radio or citizen’s band antenna-supporting structures with an overall height less than 90 feet. (See Section 6.3.25).

3. Standards

WTF’s and associated equipment shall be permitted in accordance with the use table in Article 5 subject to the following:

i. Nonconforming Towers

All non-conforming WTF’s existing as of July 1, 2011 may be replaced if damaged by natural causes by a new WTF in accordance with Article 13 (*Non-Conforming Situations*), Section 13.3 (*Extension or Enlargement of Non-Conforming Situations*) with additional requirements to adhere to current wind guidelines and follow an aesthetic plan to make the site more pleasing to the eye.

ii. Siting

(a) Siting of a WTF shall be in accordance with the following siting alternatives hierarchy:

Preference	Siting
1	Attached to an existing WTF.
2	Attached to a Utility Infrastructure (such as an overhead power transmission line)
3	Attached as a Stealth WTF to an existing building or structure in a non-residential zoning district.
4	Attached to an existing building or structure in a nonresidential zoning district.
5	Located as a freestanding Stealth WTF in a nonresidential zoning district.
6	Located as a Monopole in a nonresidential zoning district.
7	Located as a freestanding-guyed WTF in a nonresidential zoning district



- (b) In determining the order of ranking preference, the facility/structure type shall be evaluated first, and only after the facility/structure type has been identified shall the location be evaluated. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in paragraph 4 below, including, but not limited to an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the Geographic Search Area, as determined by a qualified radio frequency engineer, higher ranked options are not technically feasible, practical, or justified given the location of the proposed WTF and the existing land uses of the subject property and surrounding properties within 300 feet of the subject property.
- (c) The WTF and all supporting cables and anchors shall be contained within one parcel.

iii. Dimensions

WTF's shall conform to the following dimensional requirements:

(a) Height

- (1) Attached WTF: The top of the WTF may not be more than 30 feet above the building or structure to which it is attached.
- (2) Freestanding WTF Measurement: This measure shall include the foundation of the WTF, but exclude lightning rods for the dissipation of lighting or lights required by the FAA that do not provide support for any antennae.
- (3) Freestanding WTF in Nonresidential Districts: In all nonresidential districts the maximum height shall be 300 feet. However, increases in height of up to 20% may be allowed by the Board as part of the Special Use Permit approval process with a certification by a registered engineer that the setbacks provide adequate fall area in case of a tower collapse.
- (4) Mitigation of an existing WTF (see paragraph 6 "Mitigation") The maximum height of a new WTF arising from mitigation shall not exceed 125% of the height of the tallest WTF that is being mitigated.

(b) Setbacks

- (1) Attached WTF: The building or structure to which the WTF will be attached shall maintain the normal setbacks of the district.
- (2) Freestanding Nonconcealed WTF: Setbacks for WTF's shall be determined according to the underlying zoning district, plus an additional six inches of setback (on each side) for every one-foot of tower height. The Board may approve reductions to this setback requirement as a part of the Special Use Permit approval process with a certification by a registered engineer that the resulting setbacks provide adequate fall area in case of a tower collapse.
- (3) Mitigation of an existing WTF: A new WTF approved as mitigation shall not be required to meet setback requirements so long as the new WTF is

no closer to any property lines or dwelling units as the WTF being mitigated.

(c) Buffers

- (1) A landscaped buffer shall surround the base of the WTF equipment compound. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping where approved by the Board. Grading shall be minimized and limited only to the area necessary for the new WTF.
- (2) If the proposed WTF is the principal use of the property then landscaping per Article 10, Landscaping and Tree Protection, shall apply.
- (3) If the proposed WTF is to be located in front of an existing structure on the same lot, a street yard shall also be required.

iv. Aesthetics

- (a) Stealth attached WTF's, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or structure on which it is affixing so that it matches the existing structural design, color and texture.
- (b) Freestanding WTF's shall be designed so as to be compatible with neighboring structures and landscapes to the extent feasible with specific design considerations as to height, scale, color and texture.
- (c) Commercial messages may not be displayed on any WTF.

4. Application Requirements

The following information must be supplied with the site plan and Special Use Permit application for WTF's:

- i. Identification of the intended user(s) of the WTF.
- ii. A report of diligent efforts to locate based on the hierarchy established elsewhere in this Section.
- iii. Certification by a registered engineer that, in the event of a collapse, the proposed WTF facility has been engineered to fall in a radius of less than the provided setback.
- iv. Certification by a registered engineer or other qualified professional regarding service gaps or service expansions that are addressed by the proposed WTF ("the proposed service"), and accompanying maps and calculations.
- v. [In the case of a new WTF] evidence that no existing WTF can accommodate the applicant's proposed antenna(e); or that use of such existing WTF's would prohibit personal wireless services in the area of the County to be served by the proposed WTF structure. Evidence may consist of any of the following:
  - (a) No existing WTF's located within the Geographic Search Area meet the applicant's engineering requirements.

- (b) Existing WTF's are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.
  - (c) Existing WTF's do not have sufficient structural strength to support the applicant's proposed WTF and related equipment, and the existing facility cannot be structurally improved at a reasonable cost.
  - (d) Other limiting factors that render existing WTF's unsuitable.
- vi. A report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of the service providers desiring to locate on the proposed WTF, if the applicant is not a service provider, and the reasons these existing facilities cannot be used. Alternative existing facilities include all potentially useable utility distribution towers and other elevated structures within the proposed service area that would provide additional service to the users of the WTF. Documentation included in the report may include such things as calculations regarding coverage capability of supporting necessary equipment, or other relevant data; lease negotiations; or other information. Technical data included in such documentation shall be certified by a registered engineer or other qualified professional. The report shall include, in narrative form, the feasibility of any alternatives the applicant may have considered and their impact on neighboring properties, including, but not limited to:
- (a) Height;
  - (b) Configuration;
  - (c) Location;
  - (d) Mass and scale;
  - (e) Materials and color;
  - (f) Illumination; and
  - (g) Information addressing the following items:
    - (1) The extent of any commercial development within the Geographic Search Area of the proposed facility;
    - (2) The proximity of the antenna-supporting structure to any residential dwellings;
    - (3) The proximity of the antenna-supporting structure to any public buildings or facilities; and
    - (4) The existence of tall and like antenna-supporting structures within the Geographic Search Area of the proposed structure.
  - (h) Certification by a registered engineer that the WTF has sufficient structural integrity to accommodate multiple users, and the number of additional users that can be accommodated on the proposed WTF.

- vii. Certification that the WTF meets or exceeds applicable American National Standards Institute (ANSI) standards as adopted by the FCC in order to protect the public from unnecessary exposure to electromagnetic radiation
- viii. A statement that the proposed WTF is the Least Visually Obtrusive, as defined herein, and that the proposed facility conforms with State of the Art, as defined herein, or alternatively, that State of the Art technology is unsuitable for the proposed facility. Costs of State of the Art technology that exceed customary facility development costs shall not be presumed to render the technology unsuitable.

#### 5. Third Party Review

Where due to the complexity of the methodology or analysis required to review an application for a WTF, the Planning Director 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. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

#### 6. Mitigation

The intent of WTF mitigation is to reduce the number of WTF's (especially nonconforming facilities) and replace existing WTF's with new facilities to improve network functionality and increase overall compliance with this Section. To qualify as WTF mitigation, a proposal shall accomplish a minimum of one of the following:

- i. Reduce the number of overall WTF's;
- ii. Reduce the number of nonconforming WTF types; or,
- iii. Replace an existing WTF with a new WTF resulting in compliance with this section.

#### 7. Approval Authority

- i. All proposed non-exempt WTF's are subject to a Special Use Permit applied for and approved in accordance with the provisions of Article 9 (*Review and Approval Procedures*), Section 9.4 (*Special Uses*) herein.
- ii. In addition to the requirements for Special Use Permits, the Board , in determining whether a WTF is in harmony with the area, or the effects and general compatibility of a WTF with neighboring properties may consider the aesthetic effects of the WTF as well as mitigating factors concerning aesthetics. The Board may disapprove an application on the grounds that the WTF's aesthetic effects are unacceptable, or may condition approval on changes in WTF height, design, style, buffers, or other features of the WTF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites, the concentration of WTF's in the proposed area, and whether the height, design, placement or other characteristics of the proposed WTF could be modified to have a less intrusive visual impact.

## 8. Construction and Operation

- i. WTF's shall be constructed and maintained in conformance with all applicable building code requirements.
- ii. WTF's may not interfere with normal radio and television reception in the vicinity.
- iii. Lighting may not exceed the FAA minimum standard. Lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.
- iv. The WTF equipment compound may not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WTF equipment compound.

## 9. Interference with Public Safety Communications

- i. In order to facilitate the regulation, placement, and construction of WTF's and their interaction with the County's Public Safety and Emergency Services Communications Equipment, all applicants requesting a permit for a WTF under this section shall agree in a written statement, to the following:
  - (a) Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;
  - (b) Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and
  - (c) In the case of collocation of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause RFI with the County's Public Safety and Emergency Services Communications Equipment.
- ii. When a specific base station is identified as causing RFI with the County's Public Safety and Emergency Services Communications Equipment, the following steps shall be taken:
  - (a) Upon notification by the County of RFI with its Public Safety and Emergency Services Communications equipment, the owners of the WTF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WTF owner fails to cooperate with the County in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the County may take steps to contact the FCC to eliminate the interference.
  - (b) If there is a determination of RFI with the County's Public Safety and Emergency Services Communications Equipment, the party which caused the interference shall be responsible for reimbursing the County for all costs

associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the County to determine the source of the interference.

#### **Section 6.3.24 Amateur Wireless Facility**

Non-commercial, amateur, ham radio or citizen's band antenna-supporting structures, antenna or antennae arrays with an overall height less than 90 feet in all zoning districts may be developed in accordance with standards for Accessory Structures and Uses and the following additional requirements. Said facility shall be accessory to a legal, principal use on a site (e.g. residence).

1. Structures, excluding towers, shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located. Towers shall meet the setback requirements for accessory uses for the zoning district in which the proposed facility shall be located or 100% of the tower height, whichever is greater.
2. Applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.

Non-commercial, amateur, ham radio or citizen's band antenna-supporting structures, equal to or greater than 90 feet shall be regulated in accordance with the Standards for WTF's found in Section 6.3.24 of this ordinance.

#### **Section 6.3.25 Reverse Osmosis (RO) Waterworks Facility**

In addition to the applicable General Provisions of the Belville Zoning Ordinance; and the Industrial District Dimensional Requirements; and applicable provisions of Section 6.3, Reverse Osmosis (RO) Waterworks Facilities shall be subject to the following:

1. Any RO waterworks facility shall be completely enclosed and secured by a fence of at least six feet in height, but no more than eight feet in height.
2. All required parking facilities shall be designed according to the Town's parking regulations. Areas intended for maintenance, service, or equipment storage shall be designed and maintained in a manner that prevents the creation of dust or mud.
3. The storage of any dangerous or caustic chemical shall take place in a manner consistent with all federal and state regulations and also be located in an area that is directly accessible via a paved road.
4. Access to the property and the proposed structure(s) shall be designed for sufficient traffic flow and for unimpeded ingress/egress for service vehicles. Level of service by motorists in the immediate area should remain as normal and the effects of incidents or point-breakdowns are easily absorbed.
5. Location and design of lighting shall be provided that does not create glare or excessive illumination onto streets and is compatible with other properties in the area. Outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles comply with those in Table 2.0 *Maximum Illumination*

#### ***Levels:***

<b>Table 2.0: Maximum Illumination Levels (foot-candles)</b>	
<b>Lighting Measured At:</b>	<b>Maximum Illumination (ft-c)</b>
Street	5.0
Property Line Adjacent to Residential Use or Residential District	0.2
Property Line Adjacent to Non-Residential Use or Non-Residential District	0.5

All lighting shall conform to an illuminance uniformity ratio of less than 6:1 average to minimum footcandles, and less than 20:1 maximum to minimum footcandles. Excessive illumination or lighting unnecessarily illuminating another lot shall be considered a violation of this section if it exceeds the requirements noted in the table above.