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**ARTICLE 8: SPECIAL USE STANDARDS**

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**Section 8.1: General Conditions**

In order for any special use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the Board to find the conditions set out in section 3.6(b) exist, where applicable, and that the specific conditions set out for the specific use below:

**Section 8.2: Additional Conditions**

The appropriate Board may impose conditions and safeguards in accordance with Section 3.6(c)

**Section 8.3: Specific Conditions**

In addition to the general conditions, in Section 8.1, special uses shall meet specific conditions for the type of use as indicated in this Section.

**8.3.1 Use: Automobile Repair Garage**

Requirements:

- (a) No more than three service bays shall be permitted.
- (b) No vehicles except those awaiting immediate repair may be stored in the front yard of the business.
- (c) A landscape buffer in conformance with Section 207 shall be required along any property line abutting residentially zoned property.
- (d) In addition to service vehicles necessary for the operation of business, only vehicles awaiting repair may be stored on site. No inoperable vehicles may be left on site for more than fifteen (15) days. In special circumstances where this provision would pose undue hardship, the Zoning Administrator may grant an extension for vehicle storage of up to fifteen (15) days.
- (e) No partially disassembled vehicles or parts may be stored in view of a public right-of-way.

**8.3.2 Use: Multi-family dwellings and townhouses as a special use in R-ID, R-IID, and R&PUD.**

Requirements:

- (a) Maximum density shall be two (2) units per net acre for R-ID and three (3) units for R-IID except in R&PUD districts where the requirements of that district shall apply.

- (b) Where more than one (1) building is to be located on the site, building separation shall be determined as follows:

The maximum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

<u>Height of Taller Building</u>	<u>Minimum Horizontal Distance Between Vertical Projection</u>
20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

- (c) Distance Related to Window. The minimum distance between the centers of facing windows of different dwelling units shall be twenty (20) feet.
- (d) A yard of at least fifty (50) feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings and uses shall not be allowed in the required yard.
- (e) Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.
- (f) The maximum number of townhouses attached to each other shall be eight (8) per unit.
- (g) The Board may approve the inclusion of leasing offices and of coin operated laundry facilities, swimming pools, snack bars, and similar service uses for residents of the multi-family dwelling or townhouse project provided that they are intended to serve residents of the dwelling project, or complex only, and will not attract outside traffic to the site.
- (h) Recreation space or fees in lieu of dedication shall be provided in accordance with the subdivision regulations of the Town of Rolesville regardless of whether or not the project is a subdivision.

**8.3.3 Use: Dish Antennas as provided in Section 5.5**

Requirements:

- (a) If compliance with the requirements of Section 5.5 would result in the destruction of the antenna’s reception window; and such obstruction involves factors beyond the control of the applicant, the minimum exception needed to prevent the obstruction may

be granted provided that in a watershed or residential district, no such antenna shall be placed in a front yard.

- (b) If a larger antenna than that allowed by this ordinance is needed for business use, the maximum exception needed may be granted.

#### **8.3.4 Use: Golf Driving Ranges as a special use in the C-O district**

Requirements:

- (a) No part of the property so used shall be close enough to any adjoining property to create a safety hazard or nuisance to uses which may locate there. Distance, topography, screening, and fencing shall be used in determining what shall be a suitable relationship between the proposed driving range and adjoining property. The board may require fencing, setbacks, vegetation, buffers, or other screening between the use and adjoining properties and streets in addition to the normal setback and buffer requirements in this ordinance.
- (b) Lighting shall be directed away from any residential area or street or shielded to protect them.
- (c) Noise from the activity shall not be a nuisance to residential areas.
- (d) Vehicular access to the site shall be from thoroughfares, not minor residential streets.

#### **8.3.5 Use: Mobile home parks**

Requirements:

- (a) Plan approval. Before any lot or parcel of land is to be used as a mobile home park, a certificate of zoning compliance for such use shall be issued based on a development plan for the park with its proposed methods of water supply and sewerage disposal approved by the Wake County Health Department or other appropriate State Agency as may be required by said health department and a site plan reviewed by the Wake Soil and Water Conservation District. The site plan shall be approved by the Rolesville Town Board upon recommendation of the Rolesville Planning Board. The plan shall include among other things:
  - (1) location of drives, walks, street lighting, water and sewer systems, mobile home plots,
  - (2) location and size of service buildings and areas, recreation buildings and areas,
  - (3) location and type of screening fences or hedges and storage areas,
  - (4) location and number of parking spaces,
  - (5) location and description of any other structure or improvement of the land,
  - (6) topographic features

- (b) Design standards. Minimum plot size for each mobile home shall be determined by the Wake County Health Department after a field investigation. The plot shall be of such minimum size as is necessary for adequate protection of the water supply system and for proper functioning of the individual sewage disposal system. In no case shall a lot with an approved water supply be less than ten thousand (10,000) square feet.
- (1) Each mobile home shall be located at least twenty-five (25) feet from any other structure, other mobile home, property line, or plot line.
  - (2) Each mobile home plot shall be provided parking spaces for at least two (2) automobiles, covered with gravel or other suitable material, either on the lot or within three hundred (300) feet of the lot.
  - (3) All streets roads, or drives located in the park must have a minimum right-of-way of forty (40) feet and must be covered with material deemed acceptable by the Town of Rolesville.
  - (4) All mobile homes must have direct access through a driveway, private drive, or other public street to a public right-of-way.
  - (5) All streets and private drives more than two hundred fifty (250) feet in length must be lighted at night.
  - (6) All utility lines and wires shall be installed underground.
- (c) Operating Requirements. Each mobile home park shall operate in accordance with the rules and regulations of the Wake County Board of Health and the fire protection agency having jurisdiction of the park.

**8.3.6 Use: Shopping centers containing more than five establishments or more than 5,000 square feet**

Requirements:

The buildings shall be clustered toward the center or rear of the site with parking and landscaping on the front and outer edges. Except for automobile service stations and financial institutions, the practice of scattering isolated buildings and uses toward and around the edge of the site will not be permitted.

**8.3.7 Use: Temporary uses as a special use in all districts**

Requirements:

The Board shall consider the effects of the use on adjacent properties and shall set a time limit on the temporary use.

**8.3.8 Use: Child Day Care Facility within the Neighborhood Conservation Overlay District**

To permit a child day care facility within the Neighborhood Conservation Overlay District after the Board of Commissioners finds the evidence presented by the applicant at the hearing

establishes each of the following, in addition to the General Conditions set out in Section 3.6(b):

- (1) The use will not be injurious to property or improvements in the affected area.
- (2) The structure housing the facility is similar in appearance to the area.
- (3) Sufficient off-street parking shall be provided
- (4) Access to the facility from nearby streets will be adequate based upon the projected number of participants to attend the facility
- (5) The landscaping of facility will adequately blend it into the area, screen its purely functional aspects from the street and absorb and deflect any excessive noise
- (6) No excessive light will be generated at the facility in any manner which will annoy residents in the surrounding structures.
- (7) All requirements of the Neighborhood Conservation Overlay District are met.

### **8.3.9 Use: Market and sales of produce and seasonal goods**

Requirements:

1. The site plan and design must be approved by the Town Board of Commissioners
2. Signage shall be of the monument type and may not exceed twenty (24) square feet in size.
3. The public parking area, if within the R1, C, or CO zoning districts must have impervious asphalt or concrete base. If located within the R40-W or R80-W zoning districts, the public parking area must be of a pervious base such as, but not limited to, permeable concrete or gravel.
4. Exterior light shall be kept to a minimum to ensure safe access to the property. All exterior lighting shall be arranged so that it does not spill over on to adjacent properties.
5. Dumpsters shall be screened with a masonry wall from the view of passing motorists and pedestrians. The height of the screening shall be a minimum height of the waste dumpster.
6. The Town of Rolesville shall have the authority to regulate how much space shall be sub-leased to other farmers and vendors.

### **8.3.10 Use: Electronic Gaming Operations**

Requirements:

1. The days and hours of operation shall be between:
  - a. Monday through Thursday: 7:00 am to 11:00 pm
  - b. Friday through Saturday: 7:00 am to 12:00 midnight
  - c. Sunday: 1:00 pm to 8:00 pm

2. No play on any game shall be allowed during the times when the electronic gaming operations are required to remain closed.
3. All electronic gaming operations shall be operated only on the ground floor of a building, and plate glass windows shall be in those parts of the building facing any street, so that a clear view inside may be had from the street.
4. No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of the room, so that a clear view of the interior may be had from the street.
5. No loud noises shall be allowed to emanate beyond the licensed premises.
6. There must be an adult, 18 years of age or older, managing the business on the premises at all times during the hours of operation. No patron under 18 years of age is allowed within the establishment.
7. The maximum number of machines/terminals/computers for any electronic gaming operations business is twenty (20)
8. No alcoholic beverages shall be served or consumed on the premises of the electronic gaming operation.
9. The establishment must be a minimum of five hundred (500) feet away from any building used as a dwelling. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the electronic gaming operation is located.
10. The establishment must be a minimum of one thousand (1,000) feet away from any established religious institution, school, daycare center, library, public park, or recreational area. Measurement of distance separation shall be in a straight line from the closest point of the buildings at which the electronic gaming operation is located.
11. The establishment can be no closer than 1,000 feet of another electronic gaming operation.

### **8.3.11 Use: Telecommunication Tower**

- A. **Defined**

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers that are less than 250 feet in height. Does not include any structure erected solely for a residential, noncommercial individual use, such as television antennas, satellite dishes or amateur radio antennas.
- B. **General requirements**

A completed Special Use Permit Application, the contents of which shall include the following items in addition to that information requested on the face of the Special Use Permit Application:

  1. Elevation of the tower or other support structure showing the proposed location and profile of the antennas;
  2. Explanation as to the location of equipment cabinets, unless not housed in an existing structure, then in such event a plot plan showing the location of the proposed structure to house the equipment cabinet for the collocation and an

elevation showing the profile location of the proposed structure to house the equipment cabinet for the collocation;

3. Evidence that the proposed collocation will comply with federal, state and local safety requirements, including, but not limited to, evidence that the telecommunications tower (or other support structure) is engineered and constructed to, as currently equipped, accommodate the impacts of weight and location of the proposed antennas;
4. Evidence that the proposed collocation will not interfere with the operation of other antenna existing on the telecommunications tower (or other support structure), nor interfere with radio or television or similar reception for adjoining properties. In certain instances the Town may deem it appropriate to have an on-site RF survey done after the construction and activation of the improvement, such to be done under the direction of the Town or its designee, and a copy of the survey results provided, along with all calculations, prior to issuance of a Certificate of Compliance.
5. So as to be the least visually intrusive reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect, all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible so as to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that such would prohibit or serve to prohibit the provision of service or be technologically impracticable.
6. Structural Analysis and Report: The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation in the form of a structural analysis, including calculations and a geotechnical sub-surface soils investigation report and foundation design, that prove that the support structure and its foundation as proposed to be utilized are designed and will be constructed to meet all local, Town, State, Federal and TIA ANSI 222 structural requirements for loads, including wind and ice loads, and the placement of any equipment on the roof a building after the addition of the proposed new equipment.
7. Such materials as are necessary to address the use standards listed in subsection C below.

C. Use Standards

1. Radio or television or similar reception for adjoining properties will not be disturbed or diminished.
2. The height of the tower cannot exceed 250 feet.
3. The lighting of the tower cannot exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system contained in

- Advisory Circular No. 70/7460-IF dated 27 September, 1978, as the same may be amended.
4. The minimum setback from the outside dimensions of the tower, not from guy anchors, and not located within the property of a civic use in a Residential District, are as follows:
    - (a) 200% of the tower height, unless the tower is constructed as a monopole in which case the minimum setback shall be 150% of the tower height, but no less than 75 feet from the property line of an abutting residential zoning district.
    - (b) 100% of the tower height from the property line of an abutting non-residential zoning district.
    - (c) 50 feet from any public street.
    - (d) If a telecommunication tower is located on the property of a civic use in a Residential District, the setbacks in Sec. 8.3.11.B.(a)(i) through Sec. 8.3.11.B.(a)(iii) above apply, except that in no case shall a tower be located less than 200% of the tower height to the property line of a lot developed with a dwelling or a vacant lot located in a residential zoning district, unless a protective yard is preserved or installed adjacent to the property line of a lot developed with a dwelling or a vacant lot located in a residential zoning district. The protective yard shall be of a width equal to the tower height, and shall contain plantings meeting the minimum standards of a Type A buffer (see Sec. 14.6.7).
  5. The base of the tower and each guy anchor are surrounded by a fence or wall at least 8 feet in height unless the tower and all guy anchors are mounted entirely on a building over 8 feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than 1/3 of the surface of the fence or wall is visible within 3 years after erection of the structure from a public street or from any adjoining lot which contains a dwelling, or from any adjoining lot zoned a residential district.
  6. The area adjoining street rights-of-way shall contain a Type A buffer (see Sec. 14.6.7.) installed parallel to the street right-of-way. A Type C buffer yard is required along street frontage located a distance from the tower of more than 200% of the tower height.
  7. A protective yard that contains the same plantings required in a Type A buffer (see Sec. 14.6.7.) must be installed within all the yard areas required by Sec. 8.3.11.C.4. The installation of any fence, wall, planting or berm shall not reduce or lessen this requirement.
  8. The output power from the tower shall not exceed federally approved levels for exposure to electronic magnetic force (EMF).
  9. If determined by the Town that the proposed tower is situated in a location which will benefit the Town's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system.
  10. The tower is either less than 100 feet in height or located no closer than 1,000 feet to a tower greater than 100 feet in height (determined by a straight line and not street distance).



11. If the tower is located within an Overlay District that restricts height, the tower cannot exceed the maximum building height allowed within the more restrictive zoning district.
12. No tower shall be approved unless evidence is presented that at least 1 telecommunication user upon installation will occupy the tower. If the tower is between 100 feet and 150 feet in height, the tower shall be engineered and constructed to accommodate a minimum of 2 telecommunication users. If the tower equals or exceeds 150 feet in height but is less than 180 feet in height, the tower shall be engineered and constructed to accommodate a minimum of 3 telecommunication users. If the tower equals or exceeds 180 feet in height, but is less than 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of 4 telecommunication users. If the tower equals or exceeds 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of 5 telecommunication users.
13. Unless enclosed by a closed fence at least 8 feet in height to totally obscure the building from view, the exterior appearance of all buildings located in a Residential District shall look like a residential dwelling, including without limitation, pitched roofs and frame or brick veneer construction. The closed fence shall be the same or compatible in terms of texture and quality with the material and color of the surrounding dwellings. For each potential telecommunication user to occupy the tower, there shall be a minimum of 600 square feet reserved on the plans for associated buildings and equipment, unless the applicant provides evidence that less space is necessary.
14. Within 6 months after approval of a plot plan for the telecommunication tower, the tower must be installed and operational or the plot plan shall be void. No telecommunication tower approved prior to September 1, 2013, which is discontinued, unused or unoccupied by any telecommunication user for a continuous period 365 days or more shall be restarted, resumed or reoccupied without the prior approval of a new plot plan complying with the then applicable provisions.
15. The applicant must provide evidence that the proposed tower meets Federal Aviation Administration requirements, and will be in accordance with all the tower requirements and standards of the Raleigh Durham Airport Authority.
16. For any telecommunication tower approved after            [insert date of adoption]           , 2014, that is discontinued, unused or unoccupied by the telecommunication user for a continuous period of 365 days or more, the tower shall be removed within 30 days of notification of the property owner by the Planning Director. [Include this provision only if Board wants removal of vacant towers that do not meet new code requirements.]

D. Substantial Modifications to Tower

1. Substantial modifications shall mean modifications described as such in N.C.G.S. Section 160A-400.51(7a). (Applications for all other modifications,

including replacement of any antenna, to an approved tower shall be processed as set forth in UDO Section 5.5.11.)

2. Applications for substantial modifications to an approved tower shall require an amendment to the special use permit for such tower subject to the Use Standards set forth in Section 8.3.11.C.3 that are applicable given the nature of the substantial modification.

E. Outside Consultant Fees.

The Applicant may be charged a fee to cover the cost to the Town of outside consultants needed to review applications associated with telecommunication towers. These fees shall be subject to the limitations set forth in N.C.G.S. Sections 160A-400.52.

Amendments

*10/04/04 to entire document; 5/19/09 to §8.1, 8.2, and 8.3.8 through TA09-03; 9/22/09 to §8.3.9 through TA09-08; 4/20/10 to §8.3.10 through TA09-13; 9/2/14 to §8.3.11 through TA14-07.*