

Article 8 Special Uses and General Regulations *(Updated 12/12/2013)*

Sec. 8.1 Secured (Gated) Communities

A. Purpose

To achieve orderly development of secured (gated) communities, to promote and develop the utilization of land to assure the best possible community environment in accordance with the Comprehensive Plan and to protect and promote the health, safety and general welfare of the Town.

B. Establishment of a Secured (Gated) Community

1. Minimum Size

The minimum acreage requirement for a secured (gated) community shall be twenty five (25) acres.

C. Design Standards

All secured (gated) communities shall be surrounded by a masonry or wrought iron fence with at least two (2) entrances, electronically or manually controlled gates and shall be administered by a Property Owner Association. Entry and exit ways to secured (gated) communities shall have a minimum width of twenty (20') feet when the gate is fully opened and shall be equipped with a Knox key entry system as approved by the Town Administrator or his/her designee.

1. Conflict with Thoroughfares

- a. A secured (gated) community shall not cross an existing or proposed thoroughfare as shown on the Town's Master Thoroughfare Plan.
- b. A secured (gated) community shall not disrupt or cross an existing or proposed public pedestrian pathway, hike and bike trail, park or other public facility as shown on the Town's Park, Recreation and Open Space Master Plan or Master Thoroughfare Plan.

D. Property Owner Association (POA)

1. A POA shall be established for a secured (gated) community and creation shall be so noted on the plat. The following "Maintenance Agreement" statement shall appear on the final plat:

"Streets within this subdivision shall be constructed in accordance with the Town of Northlake public streets standards. The upkeep and maintenance to include the mowing of shoulders and right-of-way, removal of weeds and unclogging of culverts shall be the responsibility of the Property Owner's Association (POA). The Town of Northlake is released from any liability of these streets. Periodic inspection by a public official who is authorized to enforce complaints about poor maintenance is permitted."

2. The POA shall be directly responsible to, and controlled by the property owners involved, to provide for operation, repair and maintenance of all common areas, fences, walls and all common facilities including, but not limited to, streets, sidewalks or other infrastructure that are part of the common facilities.

3. The Town shall be granted permission for and practical access at any time without liability when on official business and further, to permit the Town to remove any obstructions including, but not limited to, any gate and guard house, upon noncompliance by the POA or if necessary for emergency vehicle access. The cost of removal of any obstruction shall be assessed to the owner or if a common facility, to the POA.
4. The POA shall provide access for fire, ambulance, and police services, mail deliveries, school buses, garbage pickup, and utilities. Access must not require drivers to exit their vehicles.
5. Repair and maintenance of common facilities shall be conducted on a schedule acceptable to the Town and shall be undertaken promptly by the POA.

E. Controlled Access

When there is a controlled access to a subdivision, whether it is a mechanical device or a security guard, the maintenance and up keep will be the responsibility of the POA. Access at all times by public safety personnel must be guaranteed.

F. Private Streets

1. All streets and sidewalks within a secured (gated) community shall be private streets, shall be maintained by the POA, and shall be constructed in accordance with Town standards.
2. If repairs and maintenance are not performed by the POA, the Town shall have the authority to undertake any necessary repairs or maintenance and shall be reimbursed by the POA. A statement shall be added to the plat which provides for maintenance of streets by the POA and authorizes the Town to perform such repairs or maintenance at the expense of the POA.

G. Converting Private Streets to Public Streets

1. Upon a written request signed by POA officers and submitted to the Town Council, dedication of private streets to the public may be accomplished providing that private streets are brought up to the standards for public streets in the Town and upon approval by the Town Council.
2. The written request shall be accompanied by a petition containing the signatures of the owners of 100% of the existing lots in the subdivision.
3. All repairs, maintenance, or reconstruction of private streets shall be approved and accepted by the Town prior to conversion. All conversion dedication costs shall be paid by the POA.

Sec. 8.2 **Accessory Uses and Structures** *(Amended by Ord. 13-1212B on December 12, 2013)*

- A. Accessory uses or structures shall not be permitted without a primary use or structure with the exception of the following:
 1. Agricultural buildings/structures may be permitted without a primary structure on lots or tracts from a minimum of two (2) acres up to ten (10) acres with approval of a Specific Use Permit (SUP) in accordance with Section 5.11.
 2. Agricultural buildings/structures shall be permitted without a primary structure on lots or tracts with an area greater than ten (10) acres. In such case, a minimum one hundred foot (100') setback is required from all adjacent street frontages, and such setback shall be measured from the ultimate right-of-way according to the Master Thoroughfare Plan.

- B. Detached accessory structures may be located in front of a primary structure on tracts of land under the same ownership with a land area of 20 acres or larger. In such case, a minimum one hundred foot (100') setback is required from all adjacent street frontages, and such setback shall be measured from the ultimate right-of-way according to the Master Thoroughfare Plan. In all other circumstances, detached accessory structures shall be prohibited in front of a primary structure unless approved by an SUP.
- C. No accessory structure, or portion of any accessory structure, shall be used for dwelling purposes unless approved as an Accessory Dwelling Unit in compliance with Section 8.3.
- D. No accessory building(s), as permitted herein, shall occupy more than forty (40%) percent of the required rear yard.
- E. Excluding agricultural buildings/structures, the number of accessory structures that shall be permitted on a residential lot shall be:

Table 8.1 Number and Size of Accessory Structures Allowed	
Lot Size	Max. Number & Size of Accessory Structures
Less than 5 acres	2 structures with a combined area not to exceed 50% of the area of the primary structure
5 acres and greater	3 structures with a combined area not to exceed up to 100% of the area of the primary structure
Additional structures or size requires approval of a SUP. All structures containing less than 120 square feet without a permanent foundation and all agricultural buildings/structures are exempt from these requirements.	

- F. Accessory buildings not built on a permanent foundation and less than one hundred (120) square feet shall be set back a minimum three (3') feet from common property lines and may not be located within an easement. All other accessory buildings shall meet the setback requirements of the zoning district.
- G. No detached accessory use or structure shall be allowed in the front yard unless otherwise permitted within this article.
- H. Attached accessory uses or structures shall comply with the front, side and rear setbacks and height restrictions established for the primary structure and/or this section. Attached accessory structures may be served by a separate electric meter only if a fire wall with a minimum rating of one (1) hour is installed between the primary structure and the attached accessory addition.
- I. The total building height of the accessory building cannot exceed twenty-five (25') feet or the height of the main building, whichever is less. Agricultural buildings/structures and Accessory Dwelling Units shall conform to the height requirements of the zoning district in which the structure is located.
- J. Storage buildings that are accessory to a principal residential use on the same lot shall require administrative site plan approval prior to building permit issuance.
- K. The minimum separation between a main structure and detached accessory structure other than a carport shall be ten (10') feet.

- L. The minimum separation between the main building and an in-ground or above-ground pool, spa, hot tub, playhouse, sauna or gazebo which does not exceed one story in height may be less than ten feet (10') if the structure is contiguous with or an integral part of the main building, and/or the accessory structure is engineered by a professional engineer to insure the integrity of the existing (main building) foundation.
1. Such plans indicating the design for any such structure shall be submitted to the Building Official for review in connection with the issuance of a building permit; and
 2. Setback distances for in-ground or aboveground pools, spas, hot tubs and saunas shall be measured to the outside edge of the beam (structural edge) of the pool, spa, etc.
- M. Cargo Container Regulations
1. Cargo Containers Used as Primary Structures
 - a. Cargo container shall not be used as primary structures.
 2. Cargo Containers as Accessory Uses:
 - a. Cargo containers shall not be stacked.
 - b. Cargo containers shall not occupy any required off-street parking spaces, vehicular access, pedestrian facilities or landscape areas for the site.
 - c. Cargo containers shall not be located between a building and front property line.
 - d. The cargo container(s) shall be placed in a location that minimizes the visual impact from surrounding streets and properties.
 - e. Cargo containers shall be placed upon a dust free, all weather surface as approved by the Town Administrator or his/her designee.
 - f. Cargo containers shall not exceed a size of ten (10) feet by ten (10) feet by twenty (20) feet unless approved by the Town Council.
 - g. Any cargo containers located within one hundred (100) feet of a residential zoning district shall be no greater in size than ten (10) feet by (10) feet by (20) feet.
 - h. Cargo containers located adjacent to a residentially zoned or developed property shall be screened with a twenty (20) foot wide buffer of trees planted on twenty five (25) foot centers.
 - i. The area utilized by cargo containers shall be considered as usable space and included in the parking calculations as set forth in section 10 Parking Regulations.
 - j. The quantity of cargo containers, when used as accessory structures, shall be determined by the total aggregated square foot of principal buildings according to the rate in Table 8.2.
 - k. All cargo containers require approval of a temporary use permit. The permit shall be for a maximum thirty (30) days with one thirty (30) day extension allowed. Any variation from this requirement requires approval of a SUP.

Table 8.2 Cargo Containers Used as Accessory Structures	
Square Footage of Primary Building	Number of Cargo Containers
0 – 34,999	1
35,000 – 69,000	2
70,000 – 104,999	3
105,000 – 139,000	4
140,000 – 174,999	5
175,000 – 209,999	6
210,000 and greater	Number approved by the Town Council

Sec. 8.3 Accessory Dwelling Units *(Amended by Ord. 13-1212B on December 12, 2013)*

- A. Accessory Dwelling Units in the Rural Residential and Conservation Residential Overlay Zoning Districts.
 - 1. Accessory dwelling units in the Rural Residential (RR) and Conservation Residential Overlay zoning districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by a bonafide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. An accessory dwelling unit to be constructed, used or occupied in any other manner than specified within this section must receive SUP approval.
 - 2. Accessory dwelling units shall meet the following standards:
 - a. The accessory dwelling unit may be constructed only with the issuance of a building permit.
 - b. The accessory dwelling unit shall be exempt from the minimum dwelling unit area requirement of the zoning district. The maximum area of the accessory dwelling unit shall be sixty percent (60%) of the main dwelling unit area.
 - c. The accessory dwelling unit shall use the same exterior material/s as the main dwelling and meet the minimum exterior construction and design standards for single-family residential outlined in Section 9.5.
 - d. The accessory dwelling unit may not be sold separately from the sale of the entire property, including the main dwelling unit, and shall not be rented.
 - e. Setback requirements shall be the same as for the main structure.
 - f. Accessory dwellings are not permitted without the main dwelling. The first dwelling built on a property shall be considered the main dwelling and meet all requirements for single-family residential construction, including the minimum dwelling unit area of the zoning district, even if a subsequent dwelling is planned to be constructed to serve as the main dwelling. A dwelling unit attached to a barn may be considered a main dwelling. However, the entire structure, including the barn portion, shall meet the minimum exterior construction and design standards for single-family residential outlined in Section 9.5.
 - g. No more than one (1) accessory dwelling unit (i.e., garage/ accessory dwelling, servant/caretakers quarters, etc.) shall be allowed on any lot or tract of land smaller than 20 acres within the Rural Residential (RR) zoning district and shall be clearly incidental to the primary use. Tracts of land under the same ownership that are 20 acres or larger

shall be permitted one (1) additional main dwelling per 20 acres of land, and each main dwelling is permitted one (1) accessory dwelling unit in accordance with this section.

- h. The accessory dwelling unit may be served by a separate utility meter(s) as the main dwelling; however, the utilities shall be under the same name as the main dwelling.
 - i. The accessory dwelling may be attached to the main structure by way of a porte-cochere.
 - j. The accessory dwelling may be attached to a barn. However, the entire structure, including the barn portion, shall meet the minimum exterior construction and design standards for single-family residential outlined in Section 9.5.
- B. Accessory Dwelling Units in the Rural Estate Zoning District
- 1. Accessory dwelling units in the Rural Estate (RE) zoning district shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by a bonafide caretaker or servant regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. An accessory dwelling unit to be constructed, used or occupied in any other manner than specified within this section must receive SUP approval.
 - 2. Accessory dwelling units shall meet the following standards:
 - a. The accessory dwelling unit may be constructed only with the issuance of a building permit.
 - b. The accessory dwelling unit shall be exempt from the minimum dwelling unit area requirement of the zoning district. The maximum area of the accessory dwelling unit shall be fifty percent (50%) of the main dwelling unit area.
 - c. The accessory dwelling unit shall use the same exterior material/s as the main dwelling and meet the minimum exterior construction and design standards for single-family residential outlined in Section 9.5.
 - d. The accessory dwelling unit shall be attached to the main structure by way of a porte-cochere.
 - e. Setback requirements shall be the same as for the main structure.
 - f. Accessory dwellings are not permitted without the main dwelling.
 - g. No more than one (1) accessory dwelling unit shall be allowed on any lot and shall be clearly incidental to the primary use.
 - h. The accessory dwelling unit shall be served by the same utility meter(s) as the main dwelling.
- C. Accessory Dwelling Units in the Mixed Use Zoning District
- 1. Accessory dwelling units in the Mixed Use (MU) zoning district may be allowed as an incidental residential use of a building on the same lot as the main dwelling unit with approval of a SUP.
 - 2. Accessory dwelling units shall meet the standards established in the Planned Development ordinance for the PD-MU.

Sec. 8.4 Home Occupations

- A. Purpose and intent.
1. Protect residential areas from adverse impact of activities associated with home occupations.
 2. Permit residents of the community a reasonable choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
 3. Establish criteria and development standards for home occupations conducted in dwelling units.
- B. Home occupations--Required Conditions
1. The area set aside for home occupations shall not exceed twenty (20%) percent of the total floor area of such residence and accessory structures.
 2. No interior or exterior business sign shall be permitted.
 3. No mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household mechanical equipment as for hobby purposes in conjunction with the home occupation.
 4. Retail sales shall be prohibited on the premises except for the retail sales of products and goods produced and fabricated on the premises as a result of the home occupation.
 5. Only members of the immediate family permanently residing on the premises shall be employed in the home occupation.
 6. No home occupation may generate more than ten (10) vehicle trips a day by outside visitors to the home. A vehicle trip for this section is defined as a vehicle movement to or from the home. One visitor driving to the home and leaving the home equals two (2) trips.
 7. A home occupation shall be carried on wholly within the principal building and/or accessory buildings on the site so long as all other requirements herein are met. Storage of goods, materials, or products connected with a home occupation may be allowed in accessory buildings or garages, attached or detached, as long as the goods, materials, or products are not hazardous.
 8. There shall be no exterior indication of the home occupation or variation from the residential character of the principal building and accessory buildings.
 9. There shall be no exterior storage of materials to be used in conjunction with a home occupation.
 10. A home occupation shall produce no offensive noise, vibration, smoke, electrical interferences, dust, odors, or heat detectable beyond the property limits or beyond the walls of the dwelling unit. The judgment of the Town pertaining to a violation under this section shall be considered decisive and final unless formally appealed to the BOA within thirty (30) days of the Town's written determination.
 11. All home occupations may be subject to periodic inspections by the Town.

Sec. 8.5 Outdoor Lighting Regulations

A. Applicability

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this section, the Building Code, NEMA, and the Electrical Code of the Town as applicable and under appropriate permit and inspection. These lighting standards shall apply to all uses in the Town. Unless otherwise stated, this ordinance does not regulate lighting in public road rights-of-way.

B. Single-Family Residential Requirements

1. General Lighting Requirements

- a. The limit of illumination on neighboring single-family residential property shall be measured in foot-candles at the neighboring property line and shall not exceed 0.25 foot-candles.
- b. Lighting shall be shielded as to not shine directly onto adjacent single-family structures.

C. Non-Residential and Multi-Family Residential Requirements

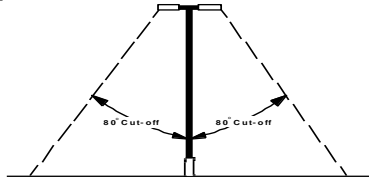
1. Outdoor Lighting Plan

An Outdoor Lighting Plan must be submitted as part of any required site plan or landscape plan on all non-single family properties, including rights-of-ways, public easements, franchises and utility easements for approval by the Town Administrator or his/her designee. An Outdoor Lighting Plan shall be submitted prior to issuing a building permit. Plans shall include the following:

- a. Layout of the proposed fixture locations.
- b. The light source.
- c. The luminous area for each proposed light source with proposed foot-candle measurements.
- d. The type and height of the light fixture or of the light source above grade.
- e. The type of illumination.

2. General Lighting Requirements

- a. Unless otherwise provided herein, illumination, where required by this UDC, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as from time to time amended.
- b. Unless otherwise provided herein, all building lighting for security or aesthetics will be fully shielded type, not allowing any upward distribution of light. Wallpack type fixtures are acceptable only if they are fully shielded with 80° cut-off.



- c. No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, a nuisance shall be defined as more than twenty-five hundredths (0.25) of one foot-candle of light measured at the residential property line and two and twenty-five hundredths (2.25) foot-candles of light at any adjoining nonresidential property line.
- d. Shielding shall be required in all outdoor lighting installations as specified below:

Table 8.3 Shielding Requirements on Lighting Fixtures	
Lamp Type	Shielding Required
Low Pressure Sodium (LPS)	Fully Shielded, with 80° cut-off
High Pressure Sodium (HPS)	Fully Shielded, with 80° cut-off
Metal Halide	Fully Shielded, with 80° cut-off
Mercury Vapor	Fully Shielded, with 80° cut-off
Fluorescent	Fully Shielded, with 80° cut-off
Incandescent	Fully Shielded, with 80° cut-off
Low intensity Neon, Krypton or Argon Discharge Tubes	Unshielded Permitted
Halogen	Prohibited

3. Illumination

- a. Measurement: Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted IESNA methods.
- b. Computation of Illumination: Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted IESNA method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the Town. Computations shall be based on new, properly seasoned lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.
- c. Limitations on neighboring property: The limit of illumination on neighboring property from one (1) establishment shall be by zoning of the neighboring property. Maximum computed or measured foot-candles at the neighboring property line shall not exceed:

Table 8.4 Illumination Limitations	
Land Use Type	Footcandles
Single-Family Residential Uses	0.25
Non-Residential & Multi-Family Uses	2.25

4. Lighting Parameters

- a. All non-essential lighting shall be turned off after business hours, leaving only necessary lighting for site security.
- b. Floodlights, accent, aesthetic and security lights must be fully shielded and no uplighting shall be permitted except that lighting of seventy five (75) watts or less are excepted if necessary for security purposes.
- c. Parking lots and vehicle movement areas shall not exceed a maximum illumination value of ten (10) foot-candles nor a minimum illumination value of one (1.0) foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of one hundred (100) watts. Total pole and fixture height shall not exceed a maximum of thirty two (32) feet, measured from grade at the base. Taller poles may be considered in some situations upon approval of a Special Exception by the BOA.
- d. Display, building and aesthetic lighting must be fully shielded to prevent direct glare and/or light trespass. The lighting must also be substantially contained to the target area.
- e. The maximum outdoor initial computed or measured luminance level on an establishment property shall not exceed twenty (20) foot-candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed forty (40) foot-candles.
- f. All non-single-family uplighting requires the submission of a photometric plan and approval of a Specific Use Permit (SUP).

5. Public and Semi-Public Recreational Facilities

Any light source permitted by this section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

- a. Any illumination level exceeding a maximum of twenty (20) foot-candle must receive prior approval by the BOA.
- b. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
- c. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

6. Prohibited Lighting Element

Unless otherwise authorized, the following shall be prohibited except upon prior approval of a Special Exception by the BOA:

- a. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon is prohibited.
- b. Searchlights: The operation of searchlights for advertising purposes is prohibited.

- c. Floodlights: The use of floodlights is prohibited.
 - d. Halogen.
7. Exemptions:
- a. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries.
 - b. All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this section, except that all luminaries used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.
 - c. Any luminaire of seventy five (75) watts or less provided the accumulated illumination of all luminaries does not exceed seventy five (75) watts.
 - d. Seasonal decorative lighting.
 - e. The lighting of a local, State or Federal flag.

8. Temporary Exemptions

Upon approval by the Town Administrator or his/her designee, temporary exemptions from the requirements of this ordinance for a period not to exceed thirty (30) days may be approved. At the discretion of the Town Administrator or his/her designee, approvals of temporary exemptions may be referred to the Town Council. Any person may submit a written request, on a form prepared by the Town for a temporary exemption request. The request shall contain the following information:

- a. Specific exemption(s) requested.
- b. Type/use of outdoor lighting fixture involved.
- c. Duration of time requested.
- d. Type of lamp and calculated footcandles.
- e. Total wattage of lamp(s).
- f. Proposed location of fixtures.
- g. Previous temporary exemption requests.
- h. Design of fixtures and type of shielding provided.
- i. Such other data or information as may be required by the Town Administrator or his/her designee.
- j. Requests for renewal of exemptions shall be processed in the same way as the original request.
- k. Each renewal shall be valid for not more than fourteen (14) days or a time period designated by the Town Administrator or his/her designee.

- I. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.
9. Nonconforming Lighting

All luminaries lawfully in place prior to the date of the UDC shall be considered as having legal nonconforming status. However, any luminaire that replaces a legal nonconforming luminaire, or any legal nonconforming luminaire that is moved, must meet the standards of this UDC.

Sec. 8.6 *Telecommunications Antennas*

A. Purpose

The purpose of this section is to further an overall plan for the enhancement of public safety, consistent community development, preservation of property values and the general welfare of the Town while providing for the communication needs of the residents and businesses in the Town. The purpose of this section is to govern the placement of these facilities to:

1. Ensure that their location and use do not compromise the aesthetic quality of the community;
2. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Town;
3. Encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal;
4. Encourage co-location on both new and existing antenna facilities;
5. Encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, landscape screening, and innovative stealth techniques; and
6. Enhance the ability of wireless telecommunication providers to provide services to the community effectively and efficiently.

B. Applicability

Except as specifically provided, all new Telecommunications Towers or Antennas in the Town shall be subject to the regulations contained in this section. Preexisting Towers or Antennas lawfully in existence at the time of the enactment of this UDC shall not be required to meet the requirements of this UDC, other than those contained in sections 8.6.C.9 and 8.6.C.11 below.

Table 8.5 Telecommunication Facility Permitting Requirements		
Type of Facility	Building Permit Required	SUP Required
Satellite Receive Only < 1 meter	No	No
Satellite Antenna > 1 meter in Commercial Area	Yes	No
Satellite Antenna > 1 meter in Residential Area	Yes	Yes
Amateur Radio Antenna Complying with Height Limits	Yes	No
Amateur Radio Antenna Exceeding Height Limits	Yes	Yes
Television Antennas	No	No
Level 1 Stealth Facility in FC, UR, WC or DR Areas	Yes	No
Level 2 Stealth Facility in FC, UR or WC Areas	Yes	No
Level 2 Stealth Facility in DR Areas	Yes	Yes
Level 3 Stealth Facility in FC, UR or WC Areas	Yes	No
Level 3 Stealth Facility in DR Areas	Yes	Yes
Level 4 Stealth Facility in FC or UR Areas	Yes	No
Level 4 Stealth Facility in WC or DR Areas	Yes	Yes
Monopole Tower up to 120 Feet in Height in FC, UR or WC Areas	Yes	Yes
Monopole Towers In DR areas or Over 120 Feet Tall	Prohibited	Prohibited
Portable Cell Tower in FC, UR, or WC areas. <i>Temporary Use Permit Required.</i>	No	No
Key (see 8.5.G for full description) – FC – Full Commercial, UR – Undeveloped Residential, DR – Developed Residential, WC – Wireless Corridor		

C. General Regulations

The following regulations apply to all antenna facilities and antennas located within any district:

1. Equipment Storage Building

An Equipment Storage Building associated with an Antenna Facility or an Antenna shall be screened and landscaped as described in other sections of this ordinance, or be incorporated into the stealth treatment so that it is consistent and complementary with the existing structures and uses on the premises. All Equipment Storage Buildings must be constructed of a masonry material. Alternative materials may be permitted upon approval by the Town Council. The base of all tower facilities must be screened with a masonry wall that will completely screen the Equipment Storage Building.

2. Driveway Surfaces

All Telecommunication Tower Facilities must have an access drive that is constructed of asphalt or concrete. One (1) off-street parking space must be provided at each telecommunication tower facility.

3. Lights

No outdoor lighting shall be allowed on any Antenna Facility except lights or lighting that is by required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

4. Antenna Facility Capacity

All new Antenna Facilities must be structurally designed to allow for at least two (2) sets of antennas.

5. Tower Types

Only monopole, alternative mounting structures or stealth towers are permitted as permanent structures in the Town. Portable towers in association with either an event or civil disaster/emergency resulting in loss of service may be installed within the Town with a temporary use permit from the Town. Portable towers shall be located out of public right-of-way.

6. Prohibited in Easements

Antenna facilities shall not be placed in easements unless authorized by the easement holder.

7. Construction Standards

A building permit must be obtained prior to the construction or installation of any Antenna Facility. An Antenna Facility must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State. Additionally, all Antenna Facilities shall comply with applicable state and local building codes.

8. Building Codes / Safety Standards

To ensure the structural integrity of Antenna Facilities, the owner of an Antenna Facility must ensure that it is maintained in compliance with all provisions of the Town's building code and zoning regulations. If upon inspection, the Town concludes that an Antenna Facility fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then upon written notice to the owner of the Antenna Facility, the owner shall have thirty (30) days to bring such tower into compliance with applicable standards. Failure to bring such tower into compliance shall constitute grounds for the removal of the Antenna Facility by the owner and at the owner's expense. This notice requirement shall not preclude immediate action by the Building Official as allowed by law if public safety requires such action.

9. Contained on Property

No part of an Antenna Facility, antennas, or other attachment may extend beyond the property lines or required building lines of the lot on which the antenna or Antenna Facility is located.

10. State or Federal Requirements

All Antenna Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. A copy of an approval letter from any state or federal controlling agency shall be provided with every application for a telecommunications tower.

11. Variance Requirement

A variance granted by the BOA, pursuant to section 3.4.C of this UDC, is required for an antenna or Antenna Facility which will not comply with the requirements of this section unless otherwise specified herein.

D. Amateur Radio Antenna and TV Antennas

Amateur Radio Antenna and TV Antennas are allowed as accessory uses in the RR, RE, MH or any residentially zoned area in a MU. Amateur Radio Antennas and TV Antennas must comply with the following regulations:

1. Antenna Location

Amateur Radio Antennas and TV Antennas can only be located on a roof, in the back yard of a residence, or setback a minimum of 100 feet from the nearest street.

2. Number of Facilities Per Lot

No more than one (1) TV Antenna and one (1) Amateur Radio Antenna are permitted on each lot. Amateur Radio Antennas are only permitted for operators that have an amateur radio operator license from the FCC and the operator must provide the Town proof of a current FCC license before an Amateur Radio Antenna is installed or maintained on a lot.

3. Height Limitations

An Amateur Radio Antenna or TV Antenna cannot extend more than eight (8) feet above the maximum height limitation applicable for the zoning district.

4. Setbacks

Amateur Radio Antennas or TV Antennas are not permitted within any required setback area.

E. Satellite Receive Only Antennas, Less Than One (1) Meter in Diameter

Satellite dish receiving antennas, one (1) meter or less in diameter shall be permitted as an accessory use in the RR, CRO, RE, MH or any residentially zoned MU. Satellite Receive Only Antenna must comply with the following regulations:

1. Antenna Location

Satellite Receive Only Antenna less than one (1) meter in diameter can only be located on a roof, in the back yard of a residence, or setback a minimum of 100 feet from the nearest street.

2. Number of Facilities Per Building

No more than two (2) Satellite Receive Only Antennas less than one (1) meter in diameter are permitted on each building.

3. Height Limitations

A Satellite Receive Only Antenna less than one (1) meter in diameter cannot extend more than eight (8) feet above the maximum height limitation applicable for the zoning district.

4. Setbacks

Satellite Receive Only Antennas less than one (1) meter in diameter are not permitted within any required setback area.

F. Satellite Antennas Greater Than One Meter in Diameter

A Satellite Antenna greater than one (1) meter in diameter is permitted as an accessory use under the following conditions:

1. Nonresidential Zoning Districts

Satellite Antennas greater than one (1) meter in diameter is an accessory use permitted by right in nonresidential zoning districts.

2. Residential Zoning Districts

Satellite Antennas greater than one (1) meter in diameter are only allowed in residential zoning districts upon the approval of a SUP.

3. Height

Satellite Antennas greater than one (1) meter in diameter shall not exceed ten feet in height above the base of their mount.

4. Location

Satellite Antennas greater than one (1) meter in diameter cannot be erected in any required setback or in the front of residential structures.

5. Screening

Satellite Antennas greater than one (1) meter in diameter that are mounted on the ground shall be screened from view from adjoining properties by solid fencing or evergreen plants to a height of a least six (6) feet.

G. Placement of Antenna Facilities

This section does not apply to amateur radio, TV, and satellite receive-only antennas. For the purpose of determining the appropriate locations for the placement of antenna facilities, the Town is divided into land use threshold areas that establish different regulations pertaining to height, location, and type of Antenna Facility. These land use thresholds are defined as follows:

1. Full Commercial ("FC")

Property within the I, C or non single-family residential areas of MU zoning districts.

2. Undeveloped Residential ("UR")

Property within RR, CRO, RE, MH or any residentially zoned areas of MU zoning districts, that:

- a. Is not a part of a recorded subdivision; or

- b. Is a part of a recorded subdivision but has not had a building permit issued for a residential structure; and
 - c. Not located within the calculated limits of the Developed Residential ("DR") threshold.
 3. Wireless Corridors ("WC")

Property within, and one hundred fifty feet (150') either side of, the right-of-way of a freeway or a principal arterial roadway, as indicated on the Master Thoroughfare Plan.
 4. Developed Residential ("DR")

Property within the RR, CRO RE, MH or any residentially zoned area in MU zoning districts, which:
 - a. Is a recorded subdivision that has had at least one building permit for a residential structure; or
 - b. Is within six hundred (600') feet of areas described in paragraph 4a.

H. Antenna Facility Impact Levels

For the purpose of determining appropriate locations for antenna facilities, the Town recognizes differing levels of impact for antenna facilities depending upon physical location, aesthetics, and land use compatibility. These Antenna Facility impact levels are described as follows:

1. Monopole: A monopole tower requires a SUP. The antenna equipment may not extend more than five (5') feet above the highest point on the monopole.
2. Level 4 Stealth Facility: The antenna on a Level 4 Stealth facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna is neither screened nor hidden. For the purpose of this level, a pole or tower may be reconstructed to structurally hold the antenna but the height of the structure cannot be increased.
3. Level 3 Stealth Facility: The antenna on a Level 3 stealth facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna shall be aesthetically painted, constructed, or applied with material so that it is incorporated into the pattern, style, and material of the structure to effectively render the antenna unnoticeable. A new structure may be constructed to hold or house the antenna or equipment; however, the structure must be consistent with the overall architectural features of the primary buildings
4. Level 2 Stealth Facility: The antenna on a Level 2 stealth facility is attached to the structure in such a manner that if it is seen it appears unrecognizable as an antenna, and the structure in which or on which the antenna is attached is an integral part of an overall development.
5. Level 1 Stealth Facility: The antenna on a Level 1 stealth facility is attached to the structure in such a manner that the antenna is completely unseen and the structure in which or on which the antenna is attached is an integral part of an overall development.

I. Antenna Facility Siting Matrix

Antenna facilities shall be located in accordance with the following siting matrix. This matrix provides for areas where antenna facilities may be located as permitted uses, areas where they may be located with a SUP, and areas where they are prohibited.

Table 8.6 Antenna Facility Siting Matrix

	Permitted Use	Requires a SUP	Prohibited
Monopole over 120 ft.			
Monopole up to 120 ft.			
Level 4 Stealth Facility			
Level 3 Stealth Facility			
Level 2 Stealth Facility			
Level 1 Stealth Facility			
	FC	UR	WC

Key (see 8.5.G for full description): FC – Full Commercial, UR – Undeveloped Residential, WC – Wireless Corridor & DR – Developed Residential

J. SUP

When an SUP is required by this section for the location of an Antenna Facility or an antenna, the applicant must submit an application in accordance with the procedure established in this UDC. SUPs to this section are granted by the Town Council, in accordance with section 5.12 of this UDC.

1. Application

In order to properly evaluate an application to locate an Antenna Facility or an antenna that requires an SUP, the applicant must provide the following information:

- a. An SUP application and appropriate application fee.
- b. A narrative detailing the proposed Antenna Facility. The narrative must indicate the following:

- (1) Whether the proposed structure is a co-location, a new monopole tower or a new alternate mounting structure.
 - (2) The height of the proposed tower.
 - (3) Why the Antenna Facility is necessary at the proposed location.
 - (4) The name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;
 - (5) Whether the applicant has made an effort to co-locate the facilities proposed for this Antenna Facility on existing antenna facilities in the same general area. Identify the location of these existing sites, and describe in detail these efforts and explain in detail why these existing sites were not feasible.
 - (6) Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage.
 - (7) Provide written documentation from existing sites' owners and/or operators which confirm the statements provided.
 - (8) Indicate whether the existing sites allow/ promote co-location and, if not, describe why not.
 - (9) Whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis of each reason.
 - (10) Attach all state or federal agency approval letters.
- c. Provide a site plan of the proposed Antenna Facility at a scale of 1" = 30'. The site plan should be on a single 22" X 34" sheet and include:
- (1) A survey and legal description of the proposed Antenna Facility;
 - (2) A detail on how access to the site is to be achieved;
 - (3) A plan view layout of the proposed Antenna Facility clearly showing:
 - (4) The location of the facility,
 - (5) All equipment and structures in the proposed Antenna Facility,
 - (6) The required off street parking space,
 - (7) Distances to property lines,
 - (8) Required setbacks,
 - (9) Adjacent land uses and zoning designations,
 - (10) Existing structures on the site,
 - (11) Required landscaping or screening of the base of the tower,
 - (12) All recorded and proposed easements, and
 - (13) Natural features, such as water courses and trees.
- d. Elevation drawings showing:
- (1) The design and height of the proposed Antenna Facility,
 - (2) Detailed drawings of all structures and equipment,
 - (3) Screening requirements

- e. If the requested location is in a residential district the applicant must provide evidence that they have made an effort to locate the facility in a nonresidential district, identify the location of these nonresidential district sites, describe in detail these efforts, and explain in detail why these nonresidential sites were not feasible. Attach all studies or tests performed which demonstrate why the nonresidential sites will not provide sufficient signal coverage.
 - f. Provide a map showing the proposed provider's current coverage area for the Town. The map must show the roadway network and be labeled. The applicant must also provide propagation analysis showing the areas the proposed provider's existing antenna currently covers, the areas the applicant's existing sites and the requested site would cover. The propagation analysis must be labeled and have a legend.
 - g. Describe the applicant's master antenna facilities plan for the Town. Attach maps and other related documentation. Provide information indicating each phase of the plan.
2. Consideration of Application

In considering whether to grant a SUP, the Town Council shall consider the following:

- a. The appropriateness of the location and design of the Antenna Facility;
 - b. The potential for interference with the enjoyment of the use surrounding properties;
 - c. Aesthetics
 - d. Impact, including but not limited to, the surrounding topography, surrounding tree coverage and foliage
 - e. Proposed buffering
 - f. The design of the Antenna Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. The proposed height of the Antenna Facility relative to surrounding structures;
 - h. The zoning district and the adjoining zoning districts of the property for which the SUP is sought;
 - i. The compliance with the Town's regulations; and
 - j. The availability of suitable alternative sites. Suitable alternative site(s) shall mean a location or locations that would provide the same or better signal coverage than the proposed site for which a SUP is requested. The applicant shall provide documentation supporting his contention that alternative site(s) are not suitable and/or available.
3. Procedures for Consideration of a SUP

The procedures for consideration of an application for a SUP requested under this section shall be in accordance with section 5.11 of this UDC.

K. Written Report

Denial of an application for a SUP under this section must be documented in writing in accordance with the requirements of the Telecommunications Act of 1996 as amended.

Sec. 8.7 *Wind Energy Conversion Systems-Wind Driven Generators*

A. Purpose

The purpose of this section is to provide regulations regarding the installation, location and maintenance of wind energy devices intended for the generation of energy for the use of a individual residence or place of business as private usage. This section does not intend for these types of devices to be installed for the production of energy for retail collection or distribution.

B. Permits required.

1. No wind driven generator shall be constructed without issuance of a Building Permit from the Town.

C. Additional requirements.

1. All wind driven generator towers shall be of a monopole design. All wiring shall be buried underground by means of a conduit system.
2. A wind driven generator may be considered on lots measuring a minimum of one and a half (1.5) acres.
3. The maximum height of a wind driven generator shall be no greater than forty five (45) feet adjacent to any residentially zoned property and no greater than eighty (80) feet adjacent to all other zoning districts, measured from the existing ground level to the highest point of the blades. Additional height may be allowed with SUP approval.
4. All wind energy structures, including tower and rotor, shall stand independent of any building or structure and shall have a minimum setback from any property line, right-of-way, power line, or other improvement of one and half (1.5) times the height of the wind energy structure. It shall also be located entirely in the rear yard and shall not be located in any required setback.
5. The maximum noise level shall not exceed fifty (50) dB(a), measured from the property line, adjacent to any residentially zoned property, and sixty five (65) dB(a) adjacent to all other districts.
6. A wind driven generator and/or tower shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
7. The wind tower must either:
 - a. Have a locked anti-climb device installed on the tower; or
 - b. Be completely enclosed by a locked, protective fence at least six (6) feet in height. Protective fencing in all zoning districts other than residential must be of masonry construction.
8. No signage or advertisements shall be allowed on the wind tower.
9. A maximum of one (1) wind energy system, including the tower, shall be permitted per lot. Additional towers may be permitted by the Town Council through the approval of a Specific Use Permit.

10. A wind driven generator, found to be non-productive or unused, for a period exceeding one hundred eighty (180) days, shall be immediately removed from the premise and the site returned to its prior condition, at the expense of the property owner.
11. A wind driven generator and/or tower’s paint or exterior finish shall be maintained as originally applied by the manufacturer.
12. A wind driven generator and/or tower shall display one (1) sign no greater than two (2) square feet, providing the owner’s name, address and telephone number for emergency calls. Sign shall be located no higher than six (6) feet above the ground elevation.
13. The applicant shall provide sufficient evidence to demonstrate that no shadow flicker will fall on adjacent roadways or off-site habitable structures.

Sec. 8.8 Performance Standards for Industrial Uses

A. Noise.

At no point at the bounding property line of any industrial use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave band groups designated in the following table.

Table 8.7 Noise Performance Standards									
Octave Band(cps)	37-75	75 - 150	150 - 300	300 - 600	600 - 1200	200 - 2400	2400 -4800	4800 - 9600	A Scale
Decibel Band Limit (dB re 0.0002 microbar)	86	76	70	65	63	58	55	53	65
Note: A-scale levels are provided for monitoring purposes only and are not applicable to detail sound analysis.									

1. Maximum permissible daytime octave band-decibel limits at the bounding property line:

As used in this section, “bounding property line” shall be interpreted as being at the far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two (2) parcels of property shall be interpreted as the bounding property line.

2. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards for any industrial use:
 - a. When noise is present at nighttime, subtract (-7 dB).
 - b. When noise contains strong pure-tone components or is impulsive, that is when meter changes at ten decibels (10 dB) or more per second, subtract (-7 dB).
 - c. Add (+10 dB) when noise is present for not more than:
 - (1) One-half minute in any one-half-hour period;

- (2) One (1) minute in any one-hour period;
 - (3) Ten (10) minutes in any two-hour period; or
 - (4) Twenty (20) minutes in any four-hour period.
3. Measurements of noise shall be made with a sound level meter on an octave band analyzer meeting the standards prescribed by the American Standards Association.

B. Smoke and Particulate Matter.

No industrial operation or use shall cause, create or allow the emission for more than three (3) minutes in any one (1) hour of air contaminants which at the emission point or within the bounds of the property are:

1. As dark or darker in shade as that designated as No. 2 on the Ringlemann Chart as published by the United States Bureau of Mines Information Circular 7118.
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in this Subchapter, except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the outside atmosphere the standards in section 8.8.B.1. and 8.8.B.2. shall not apply.
3. The emission of particulate matter from all sources from an industrial use shall not exceed 0.5 pounds per acre of property within the plant site per any one (1) hour.
4. The open storage and open processing operations, including on-site transportation movements which are the source of wind or airborne dust or other particulate matter or which involves dust or other particulate air-contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting, shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four (4) grains per one thousand (1,000) cubic feet of air.

C. Odorous Matter.

1. No industrial use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located which when diluted with an equal volume of odor-free air exceeds the odor threshold (two (2) odor units).
2. The odor threshold as set forth shall be determined by observation by a person. In any case, where uncertainty may arise or where the operator or owner of an odor-emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials A.S.T.M.D. 1391-57 entitled Standard Method for Measurement of Odor in Atmospheres shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

D. Fire or Explosive Hazard Material.

1. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in the I district except that chlorates, nitrates, perchlorates, phosphorous and similar substances and compounds in small quantities for use by industry, school laboratories, pharmacists or wholesalers may be permitted if such use is in

conformance with all other ordinances of the Town and has been approved by the fire department.

2. The storage and use of all flammable liquids and materials such as proxylin plastics, nitrocellulose film, solvents and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the fire department.

E. Toxic and Noxious Matter.

No industrial operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed ten (10) percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the state department of health in Threshold Limit Values Occupational Health Regulation No. 3, a copy of which is hereby incorporated by reference and shall be on file in the office of the building official.

F. Vibration.

No industrial operation or use shall at any time create earth-borne vibration which when measured at the bounding property line of the source operation exceeds the limits of displacement set forth in the following table in the frequency ranges specified:

Table 8.8 Vibration		
Frequent Cycles per Second	Displacement in inches	
	I District	All Other Districts
0 to 10	.0020	.0010
10 to 20	.0016	.0008
20 to 30	.0010	.0005
30 to 40	.0006	.0004
40 and over	.0005	.0003

G. Open Storage.

No open storage of materials or commodities shall be permitted with any industrial use except as an accessory use to a main use located in a building. No open storage operation shall be located in front of the main building and no storage use shall constitute a wrecking, junk or salvage yard.

H. Glare.

No use or operation in the Industrial (I) district shall be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.