

6.5 Special Requirements to the Table of Permitted and Special Uses

The Table of Permitted and Special Uses of Article VI contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table of Permitted and Special Uses has a number in the SR column opposite the use, the use must comply with the additional Special Requirements contained in this Section corresponding to the Special Requirement number. For example, the use "Cluster Development, Residential" has the number "9" in the SR column opposite the use; therefore, the development of a Cluster Development, Residential must meet the special requirements for SR 9 Cluster Development, Residential of this Section.

SR 1 Bed and Breakfast Inns *(amended 7/19/2018)*

- A. The maximum number of guest bedrooms shall be five (5).
- B. The inn shall be operated by a resident manager.
- C. Guest rooms shall not be equipped with kitchen or cooking facilities.
- D. One (1) parking space for each guest room and one (1) parking space for the resident manager shall be provided. All parking is to be set to the side or rear of the inn.

SR 2 Conversion of Existing Single-Family Dwelling

- A. The existing dwelling structure must contain fifteen-hundred (1,500ft²) square feet or more of heated building area.
- B. The development shall meet all area requirements for residential units listed in Article VII of this Ordinance for the zoning district in which it is located.
- C. Each unit in the converted structure shall be a complete, separate housekeeping unit containing a bedroom, bathroom, kitchen, living room, or kitchen/living room combination, closet and storage space. Minimum room size requirements for the unit are as follows:
 - 1st bedroom - 150ft²
 - All other bedrooms - 120ft²

CITY OF MOUNT AIRY ZONING ORDINANCE

- Bathroom - 50ft²
 - Living room/kitchen - 300ft²
 - Closet and storage - 20ft² per bedroom
- D.** The new dwelling units may be created only through internal conversion of the structure except that the Planning Board may approve exterior structural alterations, which it finds is in keeping with the design and character of the original and adjacent structures.
- E.** Access to each unit shall be provided in accordance with the N.C. State Building Code. The structure shall have only one front entrance and all other entrances/exits shall be in the rear of the structure, except other entrance/exits, which were designed and constructed as a part of the original structure. Upper level entrances/exits not a part of the original structure shall be located only in the rear of the structure. A side entrance may be allowed where a rear entrance is not feasible due to topography.
- F.** All property not used for buildings, paved access ways, parking or pedestrian walks shall be landscaped with grass, trees, and shrubs.
- G.** The exterior of each converted structure and accessory buildings, as well as all yard areas, shall be maintained in a sound and sanitary manner and conform to the standards of Article X. Lawns and parking areas shall be maintained to eliminate growth of weeds and brush and collection of refuse and debris. Only currently licensed, insured and operable vehicles may be located on the property.
- H.** Lighting for access ways and parking areas shall be so arranged as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.
- I.** Exterior lighting and interior lighting of common areas shall be provided by the owner on a timed on and off basis.
- J.** The total amount of land devoted to the structure and parking shall not exceed seventy (70%) percent of the lot area.

- K. Off-street parking shall be provided in accordance with Article VIII of this Ordinance. All parking shall be located in the rear yard of the principal structure and landscaped in accordance with Article X.
- L. All parking areas shall be paved and designed to prevent retention of water in the parking area.

SR 3 Family Care Home and Family Day Care Homes *(amended 6/01/2010)*

A family care home with six (6) or fewer persons or a family day care home with eight (8) or fewer persons may be operated as an accessory use to a principal dwelling. Number of persons to correspond with State regulations.

SR 4 Class B Mobile Home on Individual Lot *(amended 7/19/2018)*

- A. Lot shall be in an existing mobile home subdivision.
- B. Mobile home must be at least 14' X 60' excluding towing apparatus.
- C. Exterior siding shall consist of vinyl or aluminum horizontal lap siding, wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- D. A continuous, permanent masonry foundation such as brick, stone, stucco, split-faced block (but not common concrete block), unpierced except for required ventilation and access, shall be installed under the mobile home.
- E. The tongue, axles, transporting lights, and removable towing apparatus shall be removed subsequent to final placement.
- F. Existing mobile homes shall be removed prior to replacement.

SR 5 Class A Mobile Home on Individual Lot *(amended 7/19/2018)*

- A. The mobile home shall be at least 24' x 40' excluding towing apparatus.

CITY OF MOUNT AIRY ZONING ORDINANCE

- B. The pitch of the mobile home's roof shall have minimum vertical rise of two and two-tenths (2.2') feet for each twelve (12') feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- C. Exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding, wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- D. A continuous, permanent masonry foundation such as brick, stone, stucco, split-faced block (but not common concrete block), unpierced except for required ventilation and access, shall be installed under the mobile home.
- E. The tongue, axles, transporting lights, and removable towing apparatus shall be removed subsequent to final placement.
- F. Existing mobile homes shall be removed prior to replacement.

SR 6 Mobile Home Parks

Mobile home parks shall be constructed in conformance with the following design standards:

- A. Minimum site area in acres - 5
- B. Minimum number of mobile home spaces - 5
- C. Maximum number of mobile home spaces per acre - 8
- D. Minimum Lot and/or parcel width for site at front (linear feet) - 100
- E. Minimum area per mobile home space
 - 1. Class B mobile home (sq. ft.) - 4000
 - 2. Class A mobile home (sq. ft.) - 6000
- F. Minimum area per mobile home space width
 - 1. Class B mobile home (linear ft.) - 45
 - 2. Class A mobile home (linear ft.) - 60
- G. Maximum number of mobile homes per mobile home space - 1

CITY OF MOUNT AIRY ZONING ORDINANCE

- H. Minimum number of parking spaces per mobile home - 2
- I. Minimum number of landings/patios per mobile home - 1 Space
- J. Minimum area of landing/patio per mobile home space (sq. ft.) - 32
- K. Hard surface walk required to connect each patio to parking space [minimum three (3') feet width] - Yes
- L. Street paving required in conformance with City standards for minor streets - Yes
- M. Maximum slope permitted on site - 3:1
- N. Maximum number of driveways connecting to streets (other than private street) - 0
- O. Maximum number of private street connections to street per mobile home park - 2
- P. Minimum distance between private street connections to street (linear feet) - 150
- Q. Maximum length of dead end and/or cul-de-sac private street (linear feet) - 800
- R. Minimum turning circle (paved) diameter at end of each dead end and/or cul-de-sac private street (linear feet) - 70
- S. Mobile home park identification sign conforming to Article IX required - Yes
- T. Minimum separation between entrance/exit point of private street to street and nearest street intersection (linear feet) - 150
- U. Street light required at all street intersections - Yes
- V. Water supply and sewage disposal facilities required - Yes
- W. Minimum open space required per mobile home space (in acres) - 0.04
- X. Street names required (subject to Planning approval) - Yes
- Y. Maximum number of mobile home spaces with vehicular access from one-way private streets - 20

CITY OF MOUNT AIRY ZONING ORDINANCE

- Z.** Garbage collection and disposal by owner/operator in accordance with applicable codes required - Yes
- AA.** Heating oil and/or liquid-propane (LP) gas tanks with foundation permitted - Yes
- BB.** Minimum capacity of heating fuel tanks (gallons) - 150
- CC.** Wood burning heat sources permitted - Yes
- DD.** Screening of fire wood required (no minimum height) - Yes
- EE.** Minimum separation between each unit (linear feet) - 24
- FF.** Vehicle Speed Control (VSC) devices required - Yes
- GG.** Number of accessory buildings per mobile home space - 1
- HH.** Minimum separation of accessory building from other mobile home on same space and other accessory buildings (linear feet) - 10
- II.** Minimum separation of accessory building from other mobile homes (linear feet) - 20
- JJ.** All mobile homes meet HUD construction standards and bear HUD tag and/or data plate - Yes
- KK.** Towing apparatus removed from all mobile homes - Yes
- LL.** All mobile homes set in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous underpinning of a material generally accepted in the mobile home industry installed under the perimeter of each home, unpierced except of required ventilation and access. - Yes

SR 7 Multi-Family Dwelling *(amended 7/19/2018)*

- A.** In the B-1 district and B-2 district within the Municipal Service District, multi-family dwellings in one (1) or more structure shall comply with the following standards:
 - 1.** No residential density limitations shall apply.

CITY OF MOUNT AIRY ZONING ORDINANCE

2. Each dwelling unit shall contain complete and permanent living facilities with a minimum of five-hundred (500ft²) square feet of habitable floor area.
 3. For property fronting on Main Street, multi-family dwellings shall be permitted above and below the ground level. Multi-family dwellings shall also be permitted on the ground level if the dwelling space does not exceed fifty (50%) percent of the ground floor area and is set to the rear of the building. In addition, new construction or substantial rehabilitation shall be built with a zero (0) setback on Main Street, and such other designated streets, and all new or conversion development shall access the residential space from typical street level entrances which may be by way of a lobby.
 4. For new construction and conversions of existing buildings, the proposed plan shall show the proposed use of all building space.
- B.** In the B-2, R-4 and R-6 districts, multi-family dwellings in one (1) or more structure shall comply with the following standards:
1. **Area, Yard and Height Requirements**
 - a. **Minimum Lot Area and Dimensions**

The minimum lot area for multi-family dwellings shall be established in the table below and excludes existing or proposed publicly dedicated rights-of-way, land covered by water, unclosed alleys and railroad rights-of-way. To determine the total required area for a proposed development, first determine the total number of units to be developed. The minimum area associated with this range of units shall be the base area. Second, multiply the total number of units proposed by the additional area per unit. Adding these two (2) numbers together establishes the minimum lot area required.

CITY OF MOUNT AIRY ZONING ORDINANCE

Units	Base Area	Additional Area Per Unit	Minimum Lot Width
12 or Fewer	21,780ft ²	2,000ft ²	150ft
13 - 24	43,560ft ²	2,200ft ²	200ft
25 or More	87,120ft ²	2,500ft ²	250ft

b. Minimum Building Setbacks

Stories	Front & Side Street	Side	Rear
1	25ft	15ft	25ft
2	25ft	25ft	30ft
3 or more	25ft	35ft	35ft

c. Maximum Height - Fifty (50') feet

2. Building Separation and Orientation

No building shall be closer than twenty (20') feet from any other building. Buildings shall not be arranged in straight rows oriented in such a way as to resemble rows of barracks.

3. Access

All developments shall have direct primary access to a publicly maintained street. Any development with more than twenty-five (25) dwelling units shall require a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.

4. Adjoining Street Improvements

Improvements to adjoining streets shall be required (I.e. widening, curb and gutter, acceleration/deceleration lanes) if it is determined that such improvements are warranted by the impact of the development. In addition, the installation of

traffic signal(s) shall be required based upon the recommendation of the appropriate NCDOT official.

5. Interior Streets

Public streets or those constructed to be accepted into public maintenance shall meet the Subdivision Ordinance standard for the classification of streets.

6. Storm Drainage

Storm drainage improvements shall be provided in the same manner and under the same criteria as established in the Subdivision Ordinance.

7. Solid Waste Facilities

The developer shall install a solid waste collection system in accordance with the requirements of the Public Works Department for multi-family dwellings.

8. Water and Sewer

The development shall be connected to the City of Mount Airy public water and public sewer system. A water and sewer plan prepared by a Registered Engineer and approved by the City Engineer shall be implemented by the developer.

a. All main utility lines, meters, taps, and other appurtenances, up to and including the meter for each individual unit, (but not including the service lines and other facilities extending service to each individual unit) shall be built to the same standard as required for major subdivisions. All such facilities, together with an easement of sufficient width, shall be conveyed to and/or dedicated to the city for public use and maintenance.

b. Each development shall be metered for all utilities. Responsibility for maintenance of common utility lines and/or facilities, which have not been conveyed to the City and/or dedicated for public use, shall be the responsibility of the project owner, or in the case of unit ownership

clearly established in the declaration, protective covenants and other bylaws.

9. Subdivision

In any case where land is to be dedicated, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the development shall first comply with the Subdivision Ordinance.

- 10.** No development including grading, tree removal, or any other land disturbing activities shall take place on any site being considered for a Special Use Permit until the final plan has been approved and the Special Use Permit issued. Failure to conform to this provision shall constitute a violation of this Ordinance and may constitute grounds for denying or, if a Special Use Permit has been authorized by the Board of Adjustment, revocation of that authorization.

SR 8 Nursing and Convalescent Homes; Congregate Care and Group Care *(amended 6/19/2008)*

In the R-20 and R-6 Districts:

- A.** A minimum of twenty-thousand (20,000ft²) square feet shall be required to establish any one of the above uses.
- B.** All structures including secondary and accessory structures shall be located a minimum of fifty (50') feet from any street line and twenty (20') feet from any other property line.
- C.** Any use listed above located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
- D.** Existing uses as described above which do not meet the twenty-thousand (20,000ft²) square foot minimum requirement of (A) at

the time of the adoption of that provision may expand or be reconstructed provided such expansion or reconstruction meets the minimum dimensional requirements of the district in which located.

- E. One (1) parking space for each two (2) residents and one (1) space per employee on maximum shift required.

SR 9 Cluster Development

A. Cluster Development

A Planned Residential Unit Development of at least five (5) contiguous acres served by public utilities, which may include a variety of housing types, such as single-family, duplex and multi-family units (apartments, town houses, condominiums, duplexes, triplexes, patio homes, etc.), recreational/open spaces, and other uses related to residential communities as permitted within the applicable zoning district. However, duplex or multi-family units may comprise no more than 50% of the total dwelling units. The minimum lot size and development standards may be reduced in these developments as set forth herein, when common areas are provided which comprise at least twelve percent (12%) of the gross acreage of the tract to be developed.

B. Purpose

The purpose of cluster development is to provide desirable and usable open spaces, recreational areas, and preserve environmentally sensitive areas by allowing flexible development standards and lot size reductions in exchange for their provision; provided that the overall permitted density shall not be exceeded.

C. Approval

Cluster developments are submitted to the Planning Board for review and preliminary approval and to the City Board of Commissioners for final approval. Approved plans shall be prepared by a Registered Surveyor, Architect, or Engineer and sealed.

Planned Unit Development (PUD) Standards

A. Permitted Density

The maximum number of dwelling units permitted in a cluster development shall be determined by dividing the gross acreage of the tract to be developed by twenty-thousand (20,000ft²) square feet in R-20 districts and six-thousand (6,000ft²) square feet in the R-6 districts. In no case shall the permitted density exceed that permitted in the zoning category.

B. Site and Lot Area; Minimum Yard Requirements

1. The minimum size of a cluster development site shall be no less than five (5) contiguous acres.
2. There shall be a periphery yard around the entire perimeter of a cluster development, which shall be no less than thirty (30') feet in width. If a use or structure to be constructed as part of the cluster, which adjoins the periphery is proposed as any use other than a single-family dwelling, and the adjoining property is zoned in a (R) classification, the minimum periphery setback shall be one hundred (100') feet, or fifty (50') feet if a solid fence and/or evergreen hedge at least six (6') feet in height is installed. This periphery yard may contain only landscaping, natural vegetation or lawn, fence or decorative wall, utilities, sidewalk or pedestrian facility like a walking path, or required driveway, unless such other use is specifically approved as part of the plan by the Planning Board.

3. Minimum Lot Size and Width in a Cluster Development

<u>Zone</u>	<u>Lot Size</u>	<u>Lot Width</u>
R-20	12,000ft ²	48ft
R-6	6,000ft ²	30ft

4. **Minimum Setback Requirements in a Cluster Development**
(stand-alone units such as patio homes)

CITY OF MOUNT AIRY ZONING ORDINANCE

<u>District</u>	<u>Front</u>	<u>Side Street</u>	<u>Side</u>	<u>Rear</u>
R-20	21ft	15ft	9ft	18ft
R-6	12ft	10ft	4ft	12ft

5. For duplex development, the minimum front and street side setbacks are the same as single-family uses. The lot size, lot width, and side and rear yards for exterior walls shall be one and one-half times the minimum requirement.
6. For all multi-family and other permitted uses, the required lot size and setbacks shall be the same as required in the respective zoning district unless located on the periphery of the cluster development.
7. Off-street parking and/or driveways may cover no more than seventy-five (75%) percent of a required yard in single-family and duplex apartments.
8. Commercial and office type uses are permitted in a cluster development.

Street Standards

The standards for street construction shall comply with those of the City of Mount Airy or the State of North Carolina Department of Transportation, if to be dedicated for public use and maintenance. Private streets may be used at the discretion of the cluster developer; however, the standards for construction must be approved by the Public Works Director as part of the Preliminary Plan submittal. In no case shall any dwelling unit be located on a lot, which cannot be easily accessed, by a public safety or service vehicle. Private dead-end streets or cul-de-sacs may not exceed one-thousand (1000') feet and all adjacent parcels must be provided public street access if not available at the time of subdivision. Public rights-of-way must be provided in accordance with the City of Mount Airy Thoroughfare Plan.

If private streets are to be used in the cluster development, unique signage shall be installed and maintained by the developer and/or homeowners' association; such signage design to be approved by the Planning Director prior to recording any final plat. All street signs shall be in place prior to issuance of a certificate of occupancy on the subject street. All recorded maps shall

prominently denote which streets are private and state the source of street maintenance.

Storm Drainage - Storm drainage improvements shall be provided and comply with City of Mount Airy standards.

Solid Waste Facilities - Developer shall install a solid waste collection system in accordance with City of Mount Airy standards

Water and Sewer - Developments shall be connected to the City of Mount Airy public water and public sewer system. A water and sewer plan prepared by a Registered Engineer and approved by the City Engineer shall be implemented by the developer, if public water and public sewer is not available. The developer shall be responsible for obtaining all construction permits from the City, County and State.

All main utility lines, meters, taps, and other appurtenances, up to and including the meter for each individual unit, (but not including the service lines and other facilities extending service to each individual unit) shall be built to the same standard as required for subdivisions. All such facilities, together with an easement of sufficient width, shall be conveyed to and/or dedicated to the City for public use and maintenance.

Each unit shall be individually metered for all utilities. Maintenance of common utility lines and/or facilities which have not been conveyed to the City and/or dedicated for public use shall be the responsibility of the project owner, or in the case of unit ownership, clearly established in the declaration, protective covenants and other by-laws.

Open Space/Common Areas

The amount of open space/common area required for a cluster development shall not be less than twelve percent (12%) of the gross acreage of the tract. The open space shall be either dedicated to the City of Mount Airy or held in ownership by a homeowners' association. If the open space/common area is not to be dedicated for use by the public and accepted by the City, the applicable fee-in-lieu of \$100.00/lot or unit shall be paid prior to recording plats. The ownership of the property may be changed but the use of the open space/common area as such shall be perpetual unless approved by the homeowners' association and the City of Mount Airy. Open space may be

developed in recreational uses, but may not have more than fifty (50%) percent of the gross area covered with buildings and related impervious surfaces. A golf course, tennis facility, swimming pool, equestrian center or similar uses may be used to meet fifty (50%) percent of the total open space/common area required to meet the minimum standard. Easements for private streets or utilities may not be included in the minimum area required for open space.

All required open space/common areas must be located within the contiguous area of the cluster development. If the site is divided by a thoroughfare, as shown on the City's Thoroughfare Plan, the amount of required open space shall be provided in a proportionate share to the acreage in each tract. All open space must be at least twenty (20') feet in width in order to provide service by emergency and service vehicles.

The open space shall be usable in terms of topography, contour, soil condition, etc. for the stated purpose. No more than fifty (50%) percent of any required open space/common area may be comprised of water surface, regulatory wetlands or designated floodway. Any area designated as common area shall have a minimum width of twenty (20') feet.

Phases and Additions to Cluster Developments

All phases or additions to cluster development must meet the legal requirements of a plat. A phase of the overall development must meet all density, open space and setback requirements of the Zoning Ordinance when combined with previously recorded phases. The initial recording must meet all minimum site area and open space requirements.

Administration

A preliminary plat, in accordance with the standards of the Subdivision Ordinance, and a final plat, in accordance with the Subdivision Ordinance, shall be submitted for approval by the Planning Board. Final plat approval will be required by the City Board of Commissioners. A Preliminary Plat for any cluster development shall remain valid for a period of two (2) years from the date of approval if a final plat for any phase of the approved Preliminary Plat is submitted within one (1) year of the date of approval.

In addition to the specified requirements of the Subdivision Ordinance, the Preliminary Plan shall indicate all proposed phase lines, phase numbers,

number of lots in each phase, amount of open space in each phase, and note if streets are to be public or private. The final plat shall indicate the acreage to be recorded, number of lots to be recorded and previously recorded, open space/common area to be recorded (and dedicated if applicable) and previously recorded, and prominently note all private street and maintenance responsibility and garbage pickup.

SR 10 *(removed 7/19/2018, hold for future use)*

SR 11 Single-Family Dwelling, Business *(amended 6/16/2016)*

In the B-1 and B-2 districts:

- A. A pre-existing building built for residential purposes prior to the original Zoning Ordinance (1972) can revert from business use to residential use.
- B. No single-family dwelling shall be constructed or occupied prior to construction and occupancy of the principal use structure, if multi-use.
- C. For any property fronting on Main Street, single-family dwellings shall be permitted above and below the ground level. Single-family dwellings shall also be permitted on the ground level if the dwelling does not exceed fifty (50%) percent of the ground floor area, is set to the rear of the building, and has access from a public right-of-way excluding Main Street.
- D. In the B-2 district, off-street parking shall be provided as required in Article VIII.

SR 12 Residential Facilities/Homeless Shelters/Extended Stay Shelters *(amended 6/19/2008)*

- A. The facility shall meet the City's Minimum Housing Code and all State Building Codes and Fire Codes.
- B. The facility shall be operated by a non-profit agency with a house manager on premises 24/7.

- C. A minimum floor space of seventy (70ft²) square feet shall be provided for each adult sheltered, and fifty (50ft²) square feet for each child under fifteen (15) years of age.
- D. No such facility shall be located within one-quarter (1/4) mile of an existing facility of a similar nature.
- E. The facility must have written shelter rules and regulations.
- F. The facility must meet all City Zoning Ordinance requirements.

SR 13 Zero Lot Line Development for Residential Zoning

Zero lot line developments shall have a minimum of ten (10) contiguous lots and shall be developed in accordance with the following standards:

- A. Zero lot line developments are exempt from the side yard setback for the principal structure provided they meet the requirements of this special requirement.
- B. Setbacks of zero (0') feet are permitted only where the lots on both sides of the affected lot line are part of a zero (0) side setback development.
- C. A wall and roof maintenance easement five (5') feet along one-story walls and ten (10') feet along two-story walls shall be provided on the opposite side of the zero (0) setback lot line.
- D. Whenever one side setback of a lot is zero (0), the minimum setback on the opposite side of the same lot shall be twice the minimum required by the zoning district.
- E. Unless abutting, the minimum separation between dwellings shall be in accordance with the district standard.
- F. The Preliminary Plat shall indicate the proposed single-family dwelling footprint on each lot to show which side lot line will have a zero side setback and to show that all other required setbacks and maintenance easements are provided.

SR 14 Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Driving Ranges; Par 3 Courses; Miniature Golf

- A. Minimum lot size for all developments shall be five (5) acres.
- B. No principal buildings or structures shall be located within fifty (50') feet of any property line.
- C. Security fencing, a minimum of six (6') feet in height, shall be provided along the entire boundary of park activities adjacent to residentially zoned property.
- D. No amusement equipment, machinery, or mechanical device of any kind may be operated within two-hundred (200') feet of any residentially zoned property.

SR 15 Dance Halls, Including Nightclubs, Bars

- A. All principal buildings shall be setback at least fifty (50') feet from any residential zoning line.
- B. No part of any parking space shall be located within fifty (50') feet of any residential zoning line.
- C. Parking required – one (1) space for each two (2) seats plus one (1) space for each employee.
- D. Detailed site plan shall show building, parking, signage, loading dock, and days and hours of operation.

SR 16 Golf Course including Pro Shop; Recreational Facilities, Private and Non-Profit, Saddle Clubs, Swim & Tennis Clubs, etc.

- A. There shall be a one-hundred (100') foot minimum setback between clubhouses, swimming pools, lighted tennis courts, athletic fields, and other activity areas and adjacent residentially zoned property.
- B. Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4') feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

SR 17 Shooting Range, Indoor

- A. The facility shall be designed to absorb sound to the maximum extent feasible (i.e. soundproof).
- B. Shall comply with State and Federal firearm requirements.

SR 18 Day Care/Family Care Centers (6 or more)

An adult or child day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards:

- A. Centers in a residential district shall have frontage on a collector or thoroughfare street.
- B. Centers must meet parking and landscaping requirements.

SR 19 Animal Clinics

- A. The facility shall be designed to absorb sound to the maximum extent feasible (i.e. soundproof).
- B. Outdoor exercise areas shall be located a minimum of fifty (50') feet from any adjoining residential property line.

SR 20 Animal Kennels *(amended 5/19/2016)*

A. Outdoor Animal Kennels

1. Minimum lot size

Number of Animals	Acres
1 - 10	2
11 - 20	3
21 - 30	4

2. Minimum setbacks

All structures shall have minimum front, side, and rear yard setbacks of one-hundred (100') feet.

CITY OF MOUNT AIRY ZONING ORDINANCE

3. The entire operational area of an outdoor animal kennel facility shall be located a minimum of five-hundred (500') feet from any adjoining residential use or zoning district and a minimum of one-thousand (1,000') feet from another animal kennel (indoor or outdoor).
4. Sewage disposal system and sanitation control methods as approved by the County Board of Health shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department).

B. Indoor Animal Kennels

1. Animal Allowance

Zoning District	Maximum Number of Animals Permitted per Facility
<i>B-1</i>	20
<i>B-2</i>	20
<i>B-4</i>	20
<i>M-1</i>	30

2. Soundproofing

Facilities shall be designed to absorb sound to the maximum extent feasible.

3. Outdoor Exercise Areas

- a. Shall be setback a minimum of thirty (30') feet from any public right-of-way and ten (10') feet from any adjoining property lines;
- b. Shall be located a minimum of one-hundred (100') feet from any public parks;
- c. Shall be enclosed with an eight (8') foot tall screening fence or wall;

- d. A landscaped area shall be provided along the outside perimeter of the screening fence or wall. The required landscaped area shall have a minimum width of five (5') feet and shall be planted with two (2) small trees and five (5) screening plants per fifty (50') linear feet. See Section 10.10 for Planting List; and
 - e. No animal shall be permitted within the outdoor exercise area between the hours of 9:00PM and 6:00AM if located within five-hundred (500') feet of a residential use or zoning district.
4. The entire operational area of the facility, including an outdoor exercise area and storage/refuse area shall be located a minimum of one-hundred fifty (150') feet from any adjoining residential use or zoning district and a minimum of one-thousand (1,000') feet from another animal kennel (indoor or outdoor).
5. Sewage disposal system and sanitation control methods as approved by the County Board of Health shall be required for all kennels. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department).

SR 21 Automobile Storage; Automobile Towing & Storage; Automobile Wrecking or Junk Yards; Salvage Yards, Scrap Processing; Refuse and Raw Material Hauling

- A. Any area covered by six-hundred (600ft²) square feet or more of scrap material or seven or more junk vehicles shall qualify as a use of this type.
- B. A minimum of ten (10) acres is required for such facilities.
- C. A solid fence or wall not less than eight (8') feet in height shall be placed and maintained around all setback boundaries; an open

space setback of at least ten (10') feet shall be maintained around the enclosure; such area shall not be used for storage and shall be grassed and maintained in natural vegetation.

- D. Weeds and grasses shall be controlled within the facility.
- E. The height of items inside the facility shall not exceed the height of the barrier fence.
- F. Items shall not be stored closer than five-hundred (500') feet to any adjoining residentially zoned property.
- G. Storm water runoff and erosion control measures shall be installed around the site in accordance with State standards.
- H. All unmounted tires (50 maximum) shall be stored in an enclosed building to prevent the accumulation of storm water within the well of the tire.
- I. The owner will be financially responsible for any contamination of the site and/or its environs.

SR 22 Recreational Vehicle Parks or Campsites

Such uses shall comply with the following standards:

A. Yard Requirements

The following yard requirements are hereby established:

- 1. *Exterior.* Along any public street or public right-of-way, a setback of at least forty (40') feet from the edge of the public right-of-way shall be maintained.
- 2. *Distance between trailers.* A distance of at least ten (10') feet shall be maintained between trailers and/or structures. Any accessory structures such as attached awnings, carports, or individual storage facilities, shall, for the purpose of this requirement, be considered a part of the trailer.

B. Open Space

A recreational area of not less than ten (10%) percent of the gross site area or twenty-five hundred (2,500ft²) square feet, whichever

is greater, shall be maintained in a central and convenient location to all trailer spaces.

C. Lot Area

The lot for the park shall be a minimum of five (5) acres.

D. Density

The density shall not exceed twenty (20) trailer spaces per acre of gross area.

E. Parking

Adequate off-street parking and maneuvering space shall be provided on site. The use of any public street, sidewalk, or right-of-way or any other private grounds not a part of the travel trailer parking area for the parking or maneuvering of vehicles is prohibited.

F. Streets

All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:

1. Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than five-hundred (500') feet in total length; serve less than twenty (20) trailer spaces; and be at least twenty (20') feet in width.
2. Internal one-way roadway and roadways on which parking is permitted on one side and two-way roadways, which do not allow parking, shall be at least twenty-four (24') feet in width.
3. Internal two-way roadways, which permit parking on one side, only shall be at least twenty-seven (27') feet in width.
4. Internal two-way roadways, which permit parking on both sides, shall be at least thirty-four (34') feet in width.

G. Water

Each travel trailer parking area shall be connected to an approved water supply system, which provides an accessible, adequate, safe, and potable supply of water.

H. Sewer

An adequate and safe sewer system shall be provided in all travel trailer-parking areas. Such system shall either be a municipal system or a system approved by the appropriate County or State agency vested with the authority to approve sewage disposal systems.

I. Screening

A screening device at least six (6') feet high and ninety (90%) percent opaque shall be provided where the use adjoins residentially zoned property.

J. Bathhouse

A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all travel trailer-parking areas. A service building shall be conveniently located within a radius of three-hundred (300') feet to spaces, which it serves.

K. Trash

The storage, collection, and disposal of trash and refuse in the travel trailer parking area shall be handled by a dumpster provided by the owner.

L. Time of Stay

Neither any person nor any mobile unit shall occupy a trailer space or the travel trailer parking area for a period in excess of thirty (30) days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

M. An approved Sedimentation and Erosion Control Plan is necessary if disturbing one (1) acre or more of land.

SR 23 Cluster Development, Non-Residential

Cluster projects consisting of two (2) or more principal non-residential buildings to be constructed on five (5) or more acres consisting of one (1) or more parcels of land shall be exempt from the dimensional

CITY OF MOUNT AIRY ZONING ORDINANCE

requirements of the zoning district in which located provided the following requirements are met:

- A.** Permitted uses in a cluster development are restricted to those permitted in the zoning district in which the project is located.
- B.** Overall intensity or density of development of the land shall be no greater and the standard of open space shall be no less than that permitted in the zoning district in which the project is located.
- C.** Building heights in the project shall not exceed the height limits permitted in the zoning district in which the project is located.
- D.** The property included in the project shall, along its exterior boundary, meet the front, rear and side yard requirements of the zoning district in which the project is located.
- E.** Cluster projects may consist of one (1) or more parcels of land and may be subdivided for the purpose of the project. The following requirements shall be met concerning the interior arrangement of the cluster project:
 - 1.** Buildings are required to meet external property lines but are exempt from meeting the minimum yard requirements for internal property lines.
 - 2.** Buildings shall either adjoin each other or be separated by a minimum distance of twenty (20') feet.
 - 3.** Overall parking requirements for the project shall be met. However, all or part of the parking requirement for a use may be located in another parcel in the project.
 - 4.** Overall impervious surface area requirements for the project shall be met. However, impervious surface area requirements may be transferred from one (1) parcel to another in the project in the same watershed district.
 - 5.** Sign provisions shall not be exceeded.
 - 6.** In any case where buildings are to be constructed closer to an internal property line than permitted by the zoning district, in

any case where parking, impervious surface or signs are to be transferred, or in any case of other shared facilities between separate parcels in a cluster project that are needed to support the project, such as common drives and entrances and exits, a recorded perpetually binding agreement between all the property owners involved in the project shall acknowledge such common facilities.

SR 24 Airports or Air Transportation Facilities

- A. The minimum area shall be fifty (50) acres for Basic Utility Stage 1 airport with two-thousand (2000') foot runway.
- B. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6') feet in height.
- C. Shall meet State and Federal requirements for airports.

SR 25 Ammunition, Small Arms

- A. No such facility shall locate within a one-thousand (1000') foot radius of any residentially zoned property.
- B. Security fencing shall be provided along the entire boundary of such a facility.
- C. The facility and its operation shall observe all Fire Prevention and Protection requirements.

SR 26 Asphalt Plant/Portable Asphalt Plants

- A. Any asphalt plant operation shall be located on a minimum area of ten (10) acres and all plant operations shall be located at least fifty (50') feet from any property line.
- B. Security fencing, a minimum of six (6') feet in height, shall be provided around the perimeter of the operation.

C. Rehabilitation

1. Within six (6) months after the cessation of production, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
2. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainage ways, nor to appreciably increase the width of any natural watercourse, or to include any existing drainage course.

D. All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

E. Access

1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
2. Access roads shall be located no closer than fifty (50') feet to any property line other than a railroad right-of-way line.
3. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

SR 27 Landfill, Building Debris, Private

A. Setbacks

There shall be a one-hundred (100') foot minimum distance from any property line.

B. Use Separation

There shall be a five-hundred (500') foot minimum separation from any residence.

C. Access

Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or trees to prevent unregulated dumping.

D. Dust

All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

E. Operation

No filling is permitted in any flood hazard area. No filling is permitted in minor drainage ways unless the drainage has been piped in accordance with approved plans. No filling is permitted in utility easements.

F. Signs

An information board/sign shall be posted and maintained at the entrance, listing the name and phone number of the current operator, the types of material accepted, and the hours of operation.

SR 28 Landfill, Sanitary

A. An Operations and Rehabilitation Plan shall be submitted for approval prior to permitting.

B. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.

C. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:

- 1.** Between 7:00AM and 7:00PM - 60 decibels (DBA)
- 2.** Between 7:00PM and 7:00AM - 55 decibels (DBA)

D. The Rehabilitation Plan shall be referred to the Soil and Water Conservation District Committee for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.

- E. The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust-free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- F. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
- G. Where the proposed fill shall take place within five-hundred (500') feet of a dwelling, school, church, hospital, commercial or industrial building, public building or public land, a security fence at least six (6') feet high shall be installed.
- H. The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.

SR 29 Mining and Quarrying

A. Setbacks

- 1. The edges of any pit where a mining operation is taking place, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the mine or quarry shall be located at least one-hundred (100') feet from any property line.
 - 2. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
- B. Security fencing, a minimum of six (6') feet in height, shall be provided around the perimeter of both existing and abandoned operations.

C. Rehabilitation

1. Within six (6) months after the cessation of production at all mining operations, all equipment and stockpiles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
2. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extraction operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding, and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses which will minimize erosion due to wind or rainfall.
3. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties of public ways, nor to appreciably increase the width of any natural watercourse, or to include any existing drainage course.

D. All operations involving blasting discernible beyond the external property line of a quarry shall only be conducted between the hours of 7:00AM and 6:00PM.

E. All unpaved storage areas shall be maintained in a manner, which prevents dust from adversely impacting adjacent properties.

F. Access

1. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
2. Access roads shall be located no closer than thirty (30') feet to any property line other than a railroad right-of-way line.
3. A site plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize

impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

SR 30 Petroleum and Related Products (Wholesale or Manufacturing)

A. Setbacks

1. Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or height of the tank, except that such distance need not exceed one hundred-twenty (120') feet.
2. Storage tanks not equipped as indicated in (1) above shall not be located closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one-hundred seventy-five (175') feet.

B. Above ground storage tanks and loading facilities shall be located a minimum of five-hundred (500') feet from any existing residence or residentially zoned property.

C. Gravel or paved roadways shall be provided to all storage tanks.

D. Security fencing, a minimum of six (6') feet in height, shall be provided along the entire boundary of such facilities.

E. Dikes

1. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainage ways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
2. Dikes or retaining wall shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid-tight and to withstand a full hydraulic head. Earthen dikes three (3') feet or more in height shall have a flat section at the top not less than two (2') feet in width. The slope shall be consistent

with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6') feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area.

3. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

F. Tank Maintenance

1. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust-free exterior surface.
2. A firm substratum shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

- G.** All storage facilities shall comply with the latest edition of the *Flammable and Combustible Liquids Code, NFPA 30 of the National Fire Protection Association*.

SR 31 Water Treatment Plants, Sewage Treatment Plants, Non-Governmental Public

Such plants shall meet the following standards:

- A.** No use shall be made of the site that is not directly related to the operation of the plant.

- B. All buildings shall meet the minimum yard setbacks for the district in which located or twenty (20') feet whichever is the greater.
- C. Screening shall be provided adjoining residences with a six (6') feet high, ninety (90%) percent opaque screen.
- D. All structures shall be enclosed by a chain link fence at least eight (8') feet in height.

SR 32 Wireless Telecommunication Towers and Facilities

(amended 05/01/2014)

A site plan shall be submitted containing the name of the tower owner, property owner, scale, north arrow, and latitude/longitude coordinates; existing site conditions, including contours, any unique natural or man-made features such as vegetation and ground cover; exact boundary lines of the property containing the proposed tower construction, fall radius and any associated guide wires; description of adjacent land use and all property owners(s) and their addresses; a front and side elevation profile, drawn to scale, of all existing and proposed towers and their antennas to be located on the property.

Wireless telecommunication towers and facilities located on property owned by the City of Mount Airy shall not be subject to a Special Use Permit or to the standards of this Special Requirement.

- A. Towers shall have a setback of one (1') foot for each one (1') foot in height of tower, plus an additional fifty (50') feet from all property lines and rights-of-way, as measured from ground level.
- B. Towers shall not be located within a one-half (1/2) mile radius of any other wireless telecommunication tower, unless concealed in a church steeple, farm silo, or other architecturally designed encasement. Furthermore, towers located beyond a one-half (1/2) mile radius and not exceeding three (3) mile radius from other wireless telecommunication tower shall not be permitted, unless the Applicant can prove that co-location is not a viable option and no "stealth" location is possible.

CITY OF MOUNT AIRY ZONING ORDINANCE

- C.** Towers shall not exceed five-hundred (500') feet in height as measured from ground level.
- D.** Towers with a height greater than one hundred-fifty (150') feet shall be constructed to permit the capability for the co-location of additional provider antennas as follows:

 - 1.** 151 feet to 200 feet - two (2) additional antennas
 - 2.** 201 feet to 250 feet - three (3) additional antennas
 - 3.** 251 feet to 300 feet - four (4) additional antennas
 - 4.** 301 feet to 350 feet - five (5) additional antennas
- E.** The Applicant shall be required to provide written documentation showing that no proposed tower lies within a thirty (30') foot to one (1') foot run to rise ratio from the nearest point of the nearest runway of a private airstrip or airport registered with the Federal Aviation Administration (FAA).
- F.** No business signs, billboards, or other advertising shall be installed on a tower, nor shall any tower be painted or have a color considered obnoxious or offensive. All towers except stealth towers shall be of monopole construction.
- G.** No offices or outdoor storage of equipment or materials are permitted on tower sites located in a residential district.
- H.** Accessory or component buildings shall be setback fifty (50') feet from all property lines and rights-of-way.
- I.** All structures shall be enclosed by a chain link fence at least eight (8') feet in height and screened with a six (6') foot high, ninety (90%) percent opaque screening.
- J.** The Applicant shall be required to provide written documentation stating that the tower is in compliance with all applicable Federal and State regulations.
- K.** Notice shall be provided to the Zoning Administrator when any telecommunication tower is placed out of service. Towers not used for a period of six (6) months or more shall be removed by the owner within one hundred-twenty (120) days of receipt of notification to

CITY OF MOUNT AIRY ZONING ORDINANCE

that effect. The Applicant shall also provide the City with written documentation substantiating that the Applicant has and will sustain the financial ability to disassemble and remove the tower, once no longer in operation.

- L.** Additional provider antennas and equipment shelters associated with an approved telecommunication tower site are permitted, provided said changes do not increase the setback requirement beyond the allowable limit according to tower height.
- M.** Tower lighting shall not exceed the minimum for obstruction lighting as administered by the Federal Aviation Administration (FAA).
- N.** All permits for the construction of a wireless telecommunication tower are issued in reliance upon a presumption that the tower will in fact conform to the plans, which are submitted as the basis for the permit. Once constructed, the tower must continue to be maintained in compliance with the provisions of this Ordinance.
- O.** The Applicant shall be required to notify all property owners within a one-half (1/2) mile radius of a proposed tower with a height greater than two hundred-fifty (250') feet. The notice shall be by certified mail and shall include tower height and design type and date, time, and location of proposed meeting.
- P.** The Applicant shall be required to provide written documentation stating that it is not viable to co-locate on existing facilities within the coverage area. Facilities include other towers, elevated tanks, electrical transmission lines, or other structures.
- Q.** The Applicant shall provide the City with proof of liability insurance, which protects against losses due to personal injury or property damage resulting from the construction or collapse of the tower, antenna, or accessory equipment. Such proof shall be supplied to the City by the applicant at the time of application.
- R.** The Applicant shall provide to the Zoning Administrator an inventory of its existing antennas and towers that are either within the jurisdiction of the City or within three (3) miles of the border

thereof, including specific information about the location, height, and design type of each tower and antenna. The applicant shall also provide an inventory of potential future tower sites within the jurisdiction of the City. The Zoning Administrator may share such information with other applicants; however, that by sharing this information, it is not in any way representing or warranting that such sites are available or suitable.

- S. Notwithstanding A-R above, Alternate Wireless Telecommunication Antenna (also known as “Stealth Antenna”) may be integrated into existing or proposed structures in any zoning district upon review and approval by the Planning Board. Examples of alternate facilities are ball field lights, high-tension power lines, light poles within the public right-of-way, shopping center signs, flagpoles, water tanks, public art, clock towers, historical monuments, etc. All such designs and multiple-use structures shall be disguised, hidden, and designed to detract attention from the antennas. Building-mounted wireless telecommunication facilities shall be designed and integrated into the existing building architecturally. Alternate facility designs must be presented in full drawing, accompanied by an impact analysis study of the proposed alternate facility indicating the structures’ visual impact on the surrounding environment prior to review by the Planning Board. The Planning Board shall use the impact analysis to assist in their review and approval of the alternate site.

SR 33 Adult-Oriented Business

- A. No such business shall locate within one-thousand (1,000’) feet of any other adult-oriented business, as measured in a straight line from property line to property line.
- B. No adult-oriented business shall be located within one-thousand (1000’) feet of a church, public or private elementary or secondary school, library child day care or nursery school, public park, residentially zoned or residentially used property, or any

establishment with an on premise ABC license, as measured in a straight line from property line to property line.

- C. The gross floor area of any adult-oriented business shall not exceed three-thousand (3,000ft²) square feet and all business related activity shall be conducted in a building.
- D. No adult-oriented business may have sleeping quarters.
- E. There shall not be more than one (1) adult-oriented business in the same building, structure, or portion thereof. no other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult-oriented business.
- F. Except for signs as may be permitted by Article IX of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- G. No enclosed or underground parking shall be permitted.

SR 34 Temporary Use *(amended 7/19/2012)*

The Zoning Administrator may issue a permit to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. The permit is to be issued prior to conducting or establishing a temporary use or structure provided he/she make the following affirmative determinations:

- A. The owner of the property has authorized in writing for the use to be held on the property.
- B. The application for the permit is made at least five (5) working days prior to the start date.
- C. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding any type of traffic generated or impacted by

CITY OF MOUNT AIRY ZONING ORDINANCE

the temporary use or structure and impact upon traffic circulation in the area.

- D.** That adequate off-street parking is available to serve the use. The use shall not displace the required off-street parking spaces or loading areas of the principal use on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances.
- E.** Arrangements are made for suitable garbage disposal and site cleanup.
- F.** Structures and/or display of merchandise shall comply with the yard and property line setbacks requirements of the zoning district within which it is located. The items shall be displayed so as not to interfere with the sight triangle of the intersection. In no case shall items be displayed, or business conducted within the public right-of-way.
- G.** A copy of the Zoning Permit must be prominently displayed on the site of the temporary use.
- H.** Only one (1) Zoning Permit for a temporary use shall be permitted for a single parcel of land at any given time.
- I.** These restrictions shall not be applicable to special events recognized by the City where mobile food vendors are permitted or non-profit fundraising events of five (5) days or less.
- J.** Period of time between permits:

Type	Per Location		
	Minimum Permit Length	Time Between Expiration	Maximum Time Allowed Per Year
Agriculture Products, Non-Residential	180 days	N/A	180 days
Agriculture Products, Residential	7 days	Renewable	180 days
Classroom buildings	24 months	Renewable	12 months
Fireworks Stands	45 days	90 days	45 days

CITY OF MOUNT AIRY ZONING ORDINANCE

Type	Per Location		
	Minimum Permit Length	Time Between Expiration	Maximum Time Allowed Per Year
Sidewalk Vendors	90 days	90 days	90 days
Contractor Offices, Equipment Sheds	30 days	N/A	12 months
Real Estate Offices	6 months	Renewable	12 months
Religious Events, Offsite	30 days	Renewable	60 days
Shaved Ice Stands	30 days	Renewable	180 Days
Yard Sales	2 days	Renewable	4 days

- K. Seasonal Sale of Agriculture Products** (including Christmas trees)
A maximum of one (1) building/display booth shall be allowed. The building/display booth must be portable and completely removed at the end of the period. In residential zoning districts, sales are limited to daylight hours.
- L. Classroom Buildings**
Temporary classroom buildings for public schools may be permitted for a two (2) year period.
- M. Fireworks Stands**
Limited to only non-residential zoning districts. A maximum of one (1) structure shall be allowed. The structure must be portable and completely removed at the end of the permit period.
- N. Sidewalk Vendors**
Limited non-residential outdoor sales may be permitted if the sales activity is conducted with the property owner's permission and the display area is located within the B-1, B-2 or B-4 zoning districts. This use is prohibited on vacant property.
- O. Contractors Office and Equipment Sheds**
Temporary buildings incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) or construction. Such temporary building shall be

removed promptly upon completion of construction. No such building shall be used for dwelling purposes.

P. Real Estate Offices

Temporary structures such as a construction trailer and/or temporary modular unit may be used as a real estate office or promotion and management office in any new construction project for the sale and promotion of properties within that project and/or its future phases only. Such a temporary use shall be allowed in all zoning districts. A model home may also be used as a real estate office for a new construction project. The number of employees utilizing the office at any one time may not exceed five (5). A real estate office may not contain sleeping or cooking accommodations unless located in a model dwelling.

Q. Religious Events, Offsite

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district.

R. Yard Sales

A yard sale may be conducted by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a civic or religious organization for the purpose of selling surplus household items for profit or for charitable purposes. Yard sales shall be prohibited on commercially zoned properties and on vacant lots. Items purchased elsewhere expressly for resale are prohibited. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale. Each yard sale event is limited to the daylight hours. Yard sale signs shall be allowed in accordance with Section 9.1 of this Ordinance.

S. Similar and compatible uses not specified

If a particular temporary use is not listed, the Zoning Administrator shall have the authority to grant a Zoning Permit for a “similar and compatible use”. Similar and compatible uses not specified are those uses which are similar or compatible to those allowed as temporary uses in this Section. Determination of what

constitutes similar and compatible shall be made by the Administrator. In such instances, the Applicant shall provide the following information such as type of use; number of employees; parking/circulation needs/hours of operation; and duration of operation. If the Administrator determines that the use is not similar and compatible, the Applicant may appeal the decision to the Board of Adjustment in accordance with Article 12 of this Ordinance.

SR 35 Flea Markets

Permitted in the M-1 district only, with an approved site plan. Standard site plan needs to show:

- A. Number of booths or stalls
- B. Driveway circulation pattern
- C. Hours and days of operation
- D. Parking layout
- E. Dumpster location
- F. Location of signage

SR 36 Wineries/Restaurants/Tasting Rooms

- A. Site plan showing parking, loading, signage, public areas such as outside tables and restrooms.
- B. State number of employees, days, and hours of operation.
- C. Delivery route plan of trucks so as not to disrupt traffic flow.
- D. Development must secure all Federal, State, and local permits.

SR 37 Boarding/Rooming Houses

- A. The facility shall meet the City's Zoning Ordinance, Minimum Housing Code, and all State Building Codes.
- B. Permitted in R-20, R-6, and R-4 residential zoning districts. New structures must meet the minimum lot size of the particular zoning district.

- C. One (1) parking space per room and one (1) handicapped space per building.
- D. Any additions to the existing house must have approved building plans.

SR 38 Home Occupation *(amended 7/19/2018)*

A home occupation may be established in a single-family dwelling and shall be operated in conformance with the following standards:

- A. No person other than members of the immediate family occupying such dwelling shall be employed.
- B. No stock in trade (except articles produced by the members of the immediate family residing on the premises) shall be displayed or sold upon the premises.
- C. No alteration of the principal building shall be made which changes the character thereof as a dwelling.
- D. No more than thirty-three (33%) percent of the area of the dwelling shall be devoted to any home occupation. The operation of the home occupation shall only occur within the dwelling structure.
- E. No chemical, mechanical, or electrical equipment that creates odors, light emissions, noises, or interference in radio or television reception detectable outside the dwelling shall be permitted.
- F. Only vehicles used primarily as passenger vehicles (e.g. automobiles, vans, pickup trucks) shall be permitted in connection with the conduct of the home occupation.
- G. Only two patrons shall be permitted at one time with no on-street parking, except that instructional programs may have two (2) students at one (1) time.

SR 39 Mobile Food Vendors *(amended 3/17/2016)*

The Zoning Administrator may issue a permit to allow a mobile food vendor. The permit is to be issued prior to conducting or establishing a temporary use or structure provided he/she make the following affirmative determinations:

CITY OF MOUNT AIRY ZONING ORDINANCE

- A. Vendors must have a current permit from the County Health Department in North Carolina (except ice and ice cream vendors, which are not regulated by the Health Department).
- B. The owner of the property has authorized in writing for the use to be held on the property.
- C. Mobile Food Vendors shall not be permitted on vacant lots.
- D. Mobile Food Vendors shall not be permitted on residential (use) lots.
- E. Street vending units and/or sidewalk vending units shall be removed from all permitted locations after close of business each night. Units shall not be stored, parked or left overnight on any public street or sidewalk.
- F. Street vending units must be a minimum of one-hundred (100') feet from the main entrance of any restaurant.
- G. A copy of the Zoning Clearance Permit must be prominently displayed on the site of the temporary use.
- H. No more than three (3) mobile food vendors shall be permitted for a single parcel of land at any given time.
- I. Arrangements are made for suitable garbage disposal and site cleanup.
- J. Permits are valid on an annual basis from July 1 to June 30 and must be renewed annually.
- K. The following information must be provided with each application:
 - 1. Name of Mobile Food Vendor
 - 2. Make, model, and license plate of vending unit.
 - 3. Owner's contact information
 - 4. Operator's contact information
 - 5. Type of vendor (street vending unit or sidewalk vending unit)
 - 6. Copy of approved permit from the County Health Department

CITY OF MOUNT AIRY ZONING ORDINANCE

7. List of operating locations and times
 8. Signatures from property owners indicating consent for the use of their property
- L. These restrictions shall not be applicable to special events recognized by the City where mobile food vendors are permitted or non-profit fundraising events of five (5) days or less.

SR 40 Unattended Donation Containers *(added 8/1/2013)*

- A. Container shall be durable, waterproof, covered and of uniform color. The name and phone number of the party responsible for maintenance shall be posted on the container.
- B. Container is prohibited unless located at the operational site of a company or organization that collects used clothing or other household materials for resale or donation as a primary business function.
- C. Prohibited donation containers that exist at the time this Section is adopted shall be removed within sixty (60) days of adoption.

SR 41 Accessory Dwellings *(added 7/19/2018)*

- A. No accessory dwelling shall be permitted prior to a single-family dwelling or bed and breakfast inn being constructed on a lot.
- B. Only one (1) accessory dwelling shall be permitted per lot.
- C. The accessory dwelling shall not exceed fifty (50%) percent of the square footage of the conditioned (heated) area of the principle structure or one-thousand (1,000ft²) square foot of gross floor area, whichever is less.
- D. A detached accessory dwelling shall be sited to the rear of the principle structure. In the R-20 district, a detached accessory dwelling may be sited to the side of the principle structure if the lot exceeds two (2) acres in size.
- E. The exterior of the accessory dwelling shall be compatible with the principle structure in terms of color, siding, roof pitch, window

CITY OF MOUNT AIRY ZONING ORDINANCE

detailing, roofing materials, and foundation or skirting appearance. Mobile homes shall not be pulled up to or attached to a principle structure and considered an accessory dwelling.