

Article 5 | Use Regulations

Sec. 5.1 Use Table

5.1.1 Use Table Key

A. Types of Uses

1. Permitted (P)

A “P” in the use table indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of this Ordinance. They are not subject to the limited use standards found in Sec. 5.3, Limited Use Standards.

2. Permitted Subject to Limitations (L)

An “L” indicates that a use shall be permitted by right, provided that the use meets the additional requirements imposed by the referenced section in the “Notes” column of the table. These could include appropriate limited use standards set forth in Sec. 5.3, Limited Use Standards, and, for residential uses, the intensity standards imposed in Article 6, District Intensity Standards, and/or the design standards imposed in Article 7, Design Standards. Such uses are subject to all other applicable requirements of this ordinance. The applicable requirements are cross-referenced in the far right column of the use table.

3. Special Use Permit Required (M or m)

An “M” (Major) or “m” (minor) indicates that a use is only allowed where approved as a special exception by the appropriate approving authority in accordance with the procedures set forth in Sec. 3.9, Special Use Permit.

a. Special uses are subject to all other applicable requirements in this Ordinance, including the additional listed use standards in Sec. 5.3, Limited Use Standards, except where expressly modified by the approving authority as part of the special use approval.

b. A special use permit shall not be required if an approved development plan exists for the site and the specifications on the development plan comply with paragraph 3.5.6D.10, Uses and Minor/Major Special Use Permits; or the development plan also serves as a site plan or preliminary plat pursuant to paragraph 3.5.6F, Development Plan as Site Plan/Preliminary Plat.

4. Development Plan Required (‡)

A stacked addition symbol (“‡”) indicates that a use is allowed through approval of a development plan submitted in accordance with Sec. 3.5, Zoning Map Change, or if not in conflict with an existing development plan for the property under consideration.

5. Not Permitted (Blank Cell)

A blank cell in the use table indicates that a use is not allowed in the respective district.

B. Use Categories

Characteristics, principal uses and accessory uses of the various use categories are found in Sec. 5.2, Use Categories.

C. Notes

The “Notes” column on the use table is a cross-reference to the applicable limited use standards in Sec. 5.3, Limited Use Standards, and, for residential uses, the intensity standards in Article 6, District Intensity Standards and the design standards imposed in Article 7, Design Standards.

5.1.2 Use Table

		RESIDENTIAL					NONRESIDENTIAL							PLANNED				DESIGN					
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:	
AGRICULTURAL USES (City Only)																							
Agriculture	All agriculture, except as listed below	L	L																			5.3.1A	
	Apiculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Commercial crop production	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.3.1A	
	Forestry	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		L	5.3.1B	
RESIDENTIAL USES																							
Household Living	Single-family	L	L	L	L	L	L		L						‡					‡	L	L	6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.7, 6.12, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6
	Two-family			L	L	L	L								‡					‡	L	L	6.3.2, 6.4.2, 6.5.2, 6.12, 7.1.7
	Multifamily			L	L	L	L	L	L	L	L				‡		‡L			‡	L	L	6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.5, 6.11.7, 6.12, 7.1.8, 7.1.9, 7.1.10
	Family care home	L	L	L	L	L	L		L		L				L‡					L‡		L	5.3.2C, 6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.9.1, 6.10.2, 6.11.3, 6.11.7, 7.1.2

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		RESIDENTIAL					NONRESIDENTIAL							PLANNED				DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:
Household Living	Manufactured Home	L																				5.3.2D
	Manufactured home park or subdivision														‡L							5.3.2E
	Upper story residential							L	L	L	L				‡		‡L		‡	L	L	6.10.2, 6.11.3, 6.11.5, 6.11.7, 6.12
Group Living	All group living, except as listed below			m	m	m	m	m	m		m				‡m				‡m	m		
	Commercial dorm			L/m		L/m	L/m	L/m	L/m		L/m					‡L				L	L/m	5.3.2A
	Congregate living facility			L/m	L/m	L/m	L/m	L	L	L	L				‡L/m				‡L/m	L	L	5.3.2B
	Group home		L/m	L/m	L/m	L/m	L/m	L	L	L	L				‡L/m				‡L/m	L	L	5.3.2C
PUBLIC AND CIVIC USES																						
Community Service	All community service, except as listed below	P	P	P	P	P	P	P	P	P	P				‡		‡		‡	P	P	
	Auditoriums									L	L	L				‡L	‡L		‡L	P		5.3.3A
	Clubs and lodges	m	m	m	m	m	m	L	L	L	L	L	L		‡m		‡L	‡L	‡	L	L	5.3.3C
	Museums	L/m	L/m	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L				‡L	‡L		‡L	L	L	5.3.3G
Day Care	Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P		‡	‡	‡		‡	P	P	
	Day care facility	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L		‡L/m	L	‡L		‡L	L	L	5.3.3E
Educational Facilities	School, Elementary	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P		‡L/m	‡	‡	‡	‡	P	P	5.3.3K
	School, middle or high	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P		‡L/m	‡	‡	‡	‡	P	P	
	Universities or colleges		M	M	M	M	M	P		P	P	P	P		‡M	‡	‡	‡	‡	P	P	
	Vocational, trade or business schools							P		P	P	P	P				‡	‡	‡	P	P	

		RESIDENTIAL						NONRESIDENTIAL						PLANNED				DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:
Government Facilities	All government facilities, except has listed below	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P	P	‡L/m		‡	‡	‡	P	P	5.3.3F
	Correctional facilities												L/M	L/M			‡L/M	‡L/M		L/M		5.3.3D
Medical Facilities	All medical facilities, except as listed below							P	P	P	P		P		‡		‡	‡	‡	P	P	
	Hospitals							P		P	P		P			‡	‡		‡	P	P	
Parks and Open Areas	All parks and open areas, except as listed below	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	L	L	5.3.3H
	Cemeteries, mausoleums, columbaria, memorial gardens	P	P	P	P	P				P	P		P		‡		‡	‡	‡	L	L	5.3.3B
Passenger Terminals	All passenger terminals, except as listed below	M									M		M	M								
	Rail and Bus terminals				M	M	P		P	P	P	P	P			‡	‡	‡	‡	P	L	5.3.3i
Places of Worship	All places of worship	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L		L		‡L/m	‡L	‡L	‡	‡L	L	L	5.3.3j
Social Service Institutions	All social service institutions										M		M						‡M	M		
Utilities	Major utilities	L/m	L/m	L/m	L/m	L/m	L/m		L/m	L	L	L	L	L	‡L/m		‡L	‡L		m	M	5.3.3M
	Minor utilities	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	P	P	
	TV/HDTV/AM/FM Broadcast Antennae	L/m										L/m	L/m	L/m				‡L/m		L/m		5.3.3L
	Wireless Communication Facility, except as Listed Below	L/M ¹	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	L	L	5.3.3N
	Wireless Communication Facility, Freestanding Nonconcealed	L/M ¹ /m	L/m										L/m	L/m	L/m		‡L/m	‡L/m	‡L/M	‡L/m	L/m	

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USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:	
COMMERCIAL USES																							
Indoor Recreation	All indoor recreation, except as listed below							P	P		P		P				‡	‡	‡	P	P		
	Adult establishment												L/m	L								5.3.4A	
	Electronic gaming operations										L		L				‡L					5.3.4J	
	Firing range, indoor										L		L	L			‡L					5.3.4K	
	Nightclub or bar							L	L/m		L		L				‡L		‡L	L	L	5.3.4P	
Outdoor Recreation	All outdoor recreation, except as listed below	L/m							L/m		L		L				‡L		‡	L	L	5.3.4Q	
	Campground, summer camp, RV camp	m																					
	Drive-in theatre										L/m		L/m									5.3.4H	
	Firing range, outdoor, archery, skeet	L/M												L/M								5.3.4L	
	Golf course, country club, swim club, tennis club	L	L	L	L	L					L					‡L	‡L		‡L	‡L		5.3.4M	
	Marina, boating facility	M																					
	Paintball	L/m									L/m		L/m									5.3.4R	
	Stadium, arena										M		M				‡			‡M	M		
Overnight Accommodations	Hotel, motel, and extended stay residences							L		L	L		L				‡L	‡L	‡L	‡L	L	L	5.3.4N
	Bed and breakfast	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L				‡L/m		‡L		‡L	L	L	5.3.4D	
	Diet house								P	P	P						‡		‡	P	P		
Parking, Commercial	All commercial parking							L		L	L	P	L	P			‡		‡L	L	L	5.3.4F	
Restaurants	All restaurants, except as listed below							P	P		P		P				‡		‡	‡	P	P	
	Drive-through facilities								L		L		L				‡		‡L	‡L	‡L		5.3.4I

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USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:	
Retail Sales and Service	All retail sales and service, except as listed below							P	P		L		P		‡	L	‡		‡	P	P	5.3.4B	
	Antique shop	L						P	P		P		P		‡		‡		‡	P	P	5.3.4C	
	Art, music, dance, photographic studio or gallery							P	P	P	P		P		‡		‡	‡	‡	P	P		
	Convenience store with gasoline sales								L		L		L		‡		‡L		‡L	L	L	5.3.4G	
	Drive-through facilities								L		L		L		‡		‡L		‡L				5.3.4I
	Payday Lenders							P	P		L		P							P	L		5.3.4S
	Veterinary clinic, animal hospital, kennel	L						L	L	L	L		L	L	‡L		‡L	‡L	‡L	L	L		5.3.4W
Self-Service Storage	All self-service storage										L		L	L				‡L	‡L	L			5.3.4T
Vehicle Sales and Service	Car wash										L		L	L			‡L	‡L					5.3.4E
	Manufactured home sales										L		L	L				‡L					5.3.4O
	Vehicle sales, leasing, and rentals										L		L	L			‡L	‡L		L			5.3.4U
	Vehicle service												L	L				‡L					5.3.4V
	Vehicle service, limited							L	L/m		L		L	L			‡L	‡L	‡L				5.3.4V
OFFICE																							
Office	All offices, except those listed below							P	P	P	P	P	P		‡		‡	‡	‡	P	P		
	Conference center, retreat house	L/m						L		L	L	L			‡		‡L	‡L	‡L	L	L		5.3.5A
	Drive-through facilities								L	L	L	L	L		‡		‡L	‡L	‡L				5.3.4I

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USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	CD	NOTES:
INDUSTRIAL USES																						
Heavy Industrial	All heavy industrial, except as listed below													P								
	Asphalt plant													L/M								
	Concrete manufacturing plant													L/M								
	Hazardous and low-level nuclear disposal and storage													L/M								
	Wrecking, junk, and salvage yards												L/m	L								
Light Industrial Service	All light industrial service, except as listed below										L	P	P				‡		L			
	Research and development										L	P	P				‡		P	L		
Resource Extraction	All resource extraction													L/M								
Warehouse and Freight Movement	All warehouse and freight movement												P	P				‡				
Waste-Related Service	All waste-related services, except as listed below													M								
	Recycling centers												M	M								
	Transfer stations												L	L								
Wholesale Trades	All wholesale trade										m		P	P				‡		L		

¹If located within 300 feet of a designated North Carolina Scenic Byway.

Sec. 5.2 Use Categories

Commentary: The following use categories are not zoning districts. These categories are intended only to provide a mechanism to group uses for regulatory purposes. The names of some use categories (for example, “Commercial”) may be similar to zoning districts (such as “Commercial, General). A use listed in the examples below is only permitted by zoning district in accordance with the use table in Sec. 5.1.

5.2.1 In General

A. Approach to Categorizing Uses

1. The use categories found in the use table in Sec. 5.1 , Use Table, are set forth in this section. Specific uses may be further defined in Article 16, Definitions.
2. Any use not specifically set forth in the use category in this section is expressly prohibited, unless the Planning Director, or designee, determines that the use is similar to a permitted use in accordance with this section. Where such similar permitted use is subject to limited use standards or special exception approval, the proposed use shall also be subject to such standards or approval.

B. Basis for Classifications

Use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions. The use categories provide a systematic basis for assigning land uses to appropriate zoning districts.

C. Principal Uses Not Specifically Listed

Determination of the appropriate category for a proposed principal use shall be made by the Planning Director, or designee, in accordance with the criteria below. The following use information may be supplemented using NAICS codes as promulgated from time-to-time by the U.S. Census Bureau. The criteria below shall be used to determine both the appropriate category for a use not specifically listed in the use table or the examples in the use category descriptions, and whether a use is considered principal or accessory.

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The relative number of vehicle trips generated;
10. Signs;

11. How the use is advertised;
12. The anticipated impact on surrounding properties;
13. Whether the activity is likely to be found independent of the other activities on the site; and
14. When considering appropriate districts for a use not listed in the use table, the district intent statements in Article 4, Zoning Districts, shall be taken into consideration.

D. Developments with Multiple Principal Uses

Developments with multiple principal uses shall conform to the following:

1. When all principal uses of a development fall within one Use Category, the entire development shall be assigned to that Use Category;
2. When the principal uses of a development fall within different Use Categories, each principal use shall be classified in the applicable Use Category and each use shall be subject to all applicable regulations for that Use Category.

E. Principal Uses

The “Principal Uses” portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

Commentary: A use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

F. Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated elsewhere in these regulations. Some listed accessory uses can also be considered accessory structures. No accessory use shall be established on a site without a principal use.

G. Uses Not Included

The “Uses Not Included” portion provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different use category.

5.2.2 Agricultural Use Categories

Characteristics: Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.		
Principal Uses	Accessory Uses	Uses Not included
Animal raising including horses, hogs, cows, sheep, goats, and swine, poultry, rabbits, and other small animals, fish hatchery, aquaculture, dairying, personal or commercial animal breeding and development Apiculture Greenhouse or nursery not engaged in retail trade, floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture Livestock auction Riding academy or boarding stable	Ancillary indoor storage Animal (including poultry) processing, packing, treating, and storage, provided that these activities are accessory and secondary to normal agricultural activity Associated offices Auction ring Barns, garages, sheds, silos, stables (noncommercial) Home occupations Sales of agricultural products grown or raised on the premises Docks, noncommercial	Animal waste processing (see Waste-Related Service) Commercial feed lots (see Heavy Industrial) Livestock slaughtering (Heavy Industrial) Processing of food and related products (see Heavy Industrial) Solid or liquid waste transfer or composting (see Waste-Related Service) Housing for ranch or farm labor (Household Living) Resource Extraction Limited Agriculture (City Only)

5.2.3 Residential Use Categories

A. Household Living

Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.		
Principal Uses	Accessory Uses	Uses Not included
Manufactured Home, Class A or B, manufactured home park or subdivision Multiplex, apartment, congregate care facility with individual units that meet the definition of a dwelling unit, or retirement center apartment Single-family detached, zero lot line, traditional house, patio house, semi-attached house, duplex, townhouse Upper-story residential Family care home	Accessory dwelling unit, (i.e. granny flats and mother-in-law apartments) Accessory structure Ancillary indoor storage Children’s play area or equipment Greenhouse or nursery not engaged in retail trade Home occupation In-house care for six or fewer persons Private community center Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool Docks, noncommercial, Apiculture Limited Agriculture (City Only)	Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Group Home (see Group Living) Nursing or convalescent house (see Group Living) Residential assisted living facility not having individual dwelling units (see Group Living)

B. Group Living

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.		
Principal Uses	Accessory Uses	Uses Not included
Boarding house or orphanage Commercial dorm, fraternity or sorority Group home Hospice, nursing, or convalescent house Monastery, convent Retirement center or life care community without individual dwelling units Rooming house	Ancillary indoor storage Associated offices Food preparation and dining facility Recreational facility	Alternative or post-incarceration facility (see Social Service Institutions) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Congregate care facility where individual units meet the definition of a dwelling unit (see Household Living) Family care home (see Household Living) Membership club or lodge (see Indoor Recreation) Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (see Household Living) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

5.2.4 Public and Civic Use Categories

A. Community Service

Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training, or counseling to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses Not included
Auditorium Club or lodge (non-profit) Library Museum Neighborhood arts center or similar community facility (public) Philanthropic institution Senior center Union hall	Accessory residential uses Ancillary indoor storage Associated office Food preparation and dining facility Arts and crafts, day care, therapy area Indoor or outdoor recreation and athletic facility Limited retail sales (internal) Meeting area	Athletic, tennis, swim or health club (see Retail Sales and Service) Church, mosque, synagogue, temple (see Places of Worship) Counseling in an office setting (see Office) Membership clubs and lodges (see Indoor Recreation) Park (see Parks and Open Areas) Private community center (see Household Living: Accessory Use) Soup kitchen (see Social Service Institutions) Treatment center, transient lodging or shelter for the homeless (see Social Service Institutions)

B. Day Care

Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
Principal Uses	Accessory Uses	Uses Not included
Adult day-care program Child care center, nursery school, preschool (see definition of “school, public or private” in Sec. 16.3, Definitions) Latch-key program	Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility	Counseling in an office setting (see Office) In-house day care for 6 or fewer (see Household Living: Accessory Use) On-site school or facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)

C. Educational Facilities

Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.		
Principal Uses	Accessory Uses	Uses Not included
Business, truck driving, vocational, trade and other commercial schools College, community college or university Nursing or medical school not accessory to a hospital Public, private and charter schools Seminary Preschool (see definition of “school, public or private” in Sec. 16.3, Definitions)	Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Cafeteria or other food service Day care Dormitory Health facility Housing for students or faculty Laboratory, library Maintenance facility Meeting area Play area, recreational or sports facility Support commercial, internal (college-operated bookstore, for example)	Dance, art, music or photographic studio or classroom (see Retail Sales and Service) Driving (see Retail Sales and Service) Martial Arts (see Retail Sales and Service) Day care as a primary use (see Day Care)

D. Government Facilities

Characteristics: Offices, storage, and other facilities for the operation of local, state, or federal government.		
Principal Uses	Accessory Uses	Uses Not included
City, county, state, or federal government office Correctional facilities, jail, prison Emergency services, fire, sheriff or medical station	Ancillary indoor storage Helistop Associated offices Auditorium, meeting room Cafeteria Day care Holding cell, infirmary Limited fueling facility	Educational facility (see Educational Facilities) Maintenance facility (see Light Industrial Service) Parks (see Parks and Open Areas) Solid or liquid waste transfer or composting (see Waste-Related Service) Utilities (see Utilities)

E. Medical Facilities

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses Not included
Blood plasma donation center Rehabilitation clinic Medical center Medical clinic Medical laboratory Medical office Hospital Day treatment facility	Ancillary indoor storage Helistop Associated office Cafeteria Chapel, ancillary worship space Day care Housing for staff or trainees Laboratory Limited internal support retail Maintenance facility Meeting area Out-patient clinic Pharmacy Recreational facility	Exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents (see Social Service Institutions) Nursing or medical school not accessory to a hospital (see Educational Facilities) Urgent care or emergency medical office (see Retail Sales and Service)

F. Parks and Open Areas

Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Principal Uses	Accessory Uses	Uses Not included
Botanical garden, nature preserve, recreational trail Cemetery, columbaria, mausoleum, memorial park Game preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area Park Playground Reservoir, control structure, drainage well, water supply water well Zoo	Campground (public park only) Concessions Dock, pier or wharf (noncommercial) Indoor or outdoor recreation facility (public) Maintenance facility Play equipment Research or similar lab facilities Single residential unit for caretaker or security purposes Swimming pool, tennis court, ballfield (public park only)	Campground, private (see Outdoor Recreation) Crematorium (see Light Industrial Service) Firing Ranges (see Indoor or Outdoor Recreation) Golf course, country club (see Outdoor Recreation) Golf driving range, miniature golf facility (see Indoor Recreation) Membership club, lodge (see Indoor Recreation) Park maintained by residents (see Community Service) Water park (see Outdoor Recreation) Water tower, tank, standpipe (see Utilities)

G. Passenger Terminal

Characteristics: Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
Principal Uses	Accessory Uses	Uses Not included
Airport Bus terminal Heliport Rail passenger terminal	Ancillary indoor storage Associated office Concession Freight handling area Fueling facility Limited internal retail Maintenance facility	Park-and-ride facility (see Parking, Commercial) Taxi dispatch center (see Retail Sales and Service)

H. Place of Worship

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not included
Church, mosque, synagogue, or temple	Ancillary indoor storage Associated office Columbaria, memorial garden Day care Food services, dining area Meeting room/classroom for meetings or classes not held on a daily basis Staff residence located on-site	Athletic, tennis, swim or health club (see Retail Sales and Service) Educational Facility (see Educational Facilities) Neighborhood arts center or similar community facility, public (see Community Service) Private community center (see Household Living: Accessory Use) Revival or gospel tent (see Sec. 5.5, Temporary Uses) Senior center (see Community Service) Social service facility (see Social Service Institution) Treatment center, transient lodging, shelter for the homeless (see Social Service Institutions)

I. Social Service Institutions

Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses Not included
Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents and more than 12 patients are housed Social service facility, soup kitchen, transient lodging or shelter for the homeless	Adult educational facility Ancillary indoor storage Associated office Day care Food services and dining area Meeting room Staff residences located on-site	Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas) Congregate care facility with individual units that meet the definition of a dwelling unit (see Household Living) Educational facility (see Educational Facilities) Family care home (see Household Living) Group home (see Group Living) Philanthropic institution (see Community Service) Residential assisted living facility without individual dwelling units (see Group Living)

J. Utilities

Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or the general community and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses Not included
Major Utilities: Waste treatment plant, water tower or tank, water treatment facility, water reclamation facility, solar array power station Minor Utilities: AM/FM/TV/HDTV broadcast facility Electrical substation Gas meter and regulator stations Telephone exchange, water or wastewater pump station Wireless Communication Facility	Control, monitoring, data or transmission equipment Associated storage	Maintenance yard or building (see Light Industrial Service) Utility office (see Office) TV and radio studio (see Office) Reservoir or water supply (see Parks and Open Areas)

5.2.5 Commercial Use Categories

A. Indoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting.		
Principal Uses	Accessory Uses	Uses Not included
Adult establishment Bar, nightclub Bowling alley, game arcade, pool hall, skating rink Gymnastic facility, indoor sports academy Indoor firing range Membership club and lodge Movie or other theater	Ancillary indoor storage Associated office Concessions, indoor or outdoor Food preparation and dining area Pro shop or sales of goods related to the on-site activities of the specific use	Athletic, tennis, swim or health club (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)

B. Outdoor Recreation

Characteristics: Commercial uses, varying in size, providing daily or regularly scheduled recreation or entertainment-oriented activities. Such activities may take place outdoors or within a number of structures.		
Principal Uses	Accessory Uses	Uses Not included
Campground, summer camp, recreational vehicle (RV) park Drive-in theater Firing range such as rifle range, archery range, handgun, or skeet shooting Golf course, country club, swim club, tennis club Marina, boating facility Outdoor entertainment activity such as batting cage, golf driving range, amusement park, miniature golf facility, swimming pool, tennis court or water park Paintball Skateboard or BMX bicycle park Stadium or arena, commercial amphitheater, ballfield	Ancillary indoor storage Associated offices Caretaker or security person housing Classroom Clubhouse Concessions Day care facility Equipment storage Food preparation or dining area Maintenance facility Pro shop or sales of goods related to the on-site activities of the specific use Rain shelter	Athletic, tennis, swim or health club (see Retail Sales and Service) Botanical garden, nature preserve (see Parks and Open Areas) Indoor recreational facility (see Indoor Recreation)

C. Overnight Accommodations

Characteristics: Residential units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses Not included
Hotel, motel, inn, extended-stay facility, bed and breakfast establishment Diet House Residency or Single Room Occupancy Hotel	Ancillary indoor storage Associated offices Food preparation and dining facility Laundry facility Meeting facility Off-street parking Recyclable material storage (temporary) Swimming pool, other recreational facility	Campground, private (see Outdoor Recreation) Hunting/fishing camp, dude ranch (see Outdoor Recreation) Patient overnight accommodations (see Medical Facilities) Transient lodging, shelter for the homeless (see Social Service Institutions) Recreational vehicle (RV) park (see Outdoor Recreation)

D. Parking, Commercial

Characteristics: Facilities that provide parking not accessory to a specific use for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses Not included
Short- or long-term stand-alone parking facility	Structure intended to shield parking attendants from the weather	Bus barn (see Warehouse and Freight Movement) Sale or servicing of vehicles (see Vehicle Sales and Service)

E. Restaurants

Characteristics: Establishments that prepare and sell food for on- or off-premise consumption.		
Principal Uses	Accessory Uses	Uses Not included
Restaurant, fast-food restaurant pizza delivery facility, drive-in, yogurt or ice cream shop Caterer located in a restaurant	Ancillary indoor storage Associated offices Deck, patio for outdoor seating or dining Drive-through facility Valet parking facility	Bar or tavern (see Indoor Recreation)

F. Retail Sales and Service

Characteristics: Companies or individuals involved in the sale, lease or rental of new or used products, or providing personal services or repair to the general public.		
Principal Uses	Accessory Uses	Uses Not included
<p>Sales-Oriented: Convenience store (with or without gas sales) Drive-through facility Outdoor market Store selling, leasing or renting consumer, house, and business goods including alcoholic beverages, antiques, appliances, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gasoline, gifts, groceries, hardware, house improvement, household products, jewelry, medical supplies, musical instruments, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos</p> <p>Personal Service-Oriented: Art, music, dance, or photographic gallery or studio Athletic, tennis, swim or health club Bulk mailing service Caterer not located in a restaurant Drop-in/short-term childcare centers Dry-cleaning or laundry drop-off facility, laundromat Funeral home or mortuary Hair, nail, tanning, massage therapy and personal care service Payday lenders or check cashing services Photocopy, blueprint, and quick-sign service Psychic or medium Security service Tailor, milliner, upholsterer Taxi dispatch center Taxidermist Veterinary clinic, animal hospital or kennel Urgent care or emergency medical office</p> <p>Repair-Oriented: Appliance, bicycle, canvas product, clock, computer, gun, jewelry, musical instrument, office equipment, radio, shoe, television or watch repair Locksmith</p>	<p>Ancillary indoor storage Associated offices Food preparation and dining area Manufacture or repackaging of goods for on-site sale Public recycling drop-off site Residential unit for security purposes (single unit) Storage of goods Car wash at a convenience store with gas sales</p>	<p>Adult videos (see Indoor Recreation) Any use that is potentially dangerous, noxious or offensive to neighboring uses in the district or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial) Car wash, except at a convenience store with gas sales (see Vehicle Sales and Service) Crematorium (see Light Industrial) Food service contractor (see Light Industrial Service) Laundry or dry-cleaning plant (see Light Industrial Service) Repair or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Restaurant (see Restaurants) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)</p>

G. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not included
Mini-warehouse Multistory enclosed storage facility Storage garage	Associated office Outside storage of boats and campers On-site recycling facility On-site residential unit for security purposes (single unit)	Rental of light or medium trucks (see Vehicle Sales and Service) Storage area used as manufacturing use (see Light Industrial Services) Storage area used for sales, service, and repair operations (see Retail Sales and Service) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

H. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
Principal Uses	Accessory Uses	Uses Not included
Car wash Manufactured housing sales Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles) Vehicle service; including alignment shop, auto body shop, auto paint facility, auto upholstery shop, towing service Vehicle service, limited; including auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, tire sales and mounting	Ancillary indoor storage Associated offices Incidental sale of parts Single-bay, automatic car wash Towing Vehicle fueling Vehicle storage	Convenience store with gasoline sales (see Retail Sales and Service) Retail sale of farm equipment and machinery and earth moving and heavy construction equipment (see Heavy Industrial) Vehicle parts sale as a principal use (see Retail Sales and Service)

5.2.6 Office Use Categories

Characteristics: Activities conducted in an office setting and focusing on business, professional, or financial services.		
Principal Uses	Accessory Uses	Uses Not included
Advertising office, business management consulting, data processing, financial business such as lender, investment or brokerage house, collection agency, real estate or insurance agent, professional service such as lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency, business incubator Bank Conference center, retreat Counseling in an office setting TV or radio studio Utility office	Ancillary storage Cafeteria Day care Health facility Helistop Meeting room On-site day care, school or facility where children are cared for while parents or guardians are occupied on the premises Other amenity for the use of on-site employees Internal support retail Restaurants (without drive through)	Contractor or others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (see Light Industrial Service) Office/warehouse (see Warehouse and Freight Movement) Research, testing, and development laboratory (see Light Industrial Service) Urgent care or emergency medical office (see Retail Sales and Service)

5.2.7 Industrial Use Categories

A. Light Industrial Service

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not included
Building, heating, plumbing, or electrical contractor, contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Clothing or textile manufacturing Commercial bakery Crematorium Equipment rental Exterminator Food Service Contrator Janitorial and building maintenance service, Laundry, dry-cleaning, and carpet cleaning plants Maintenance yard or facility Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, and toys Microbrewery Movie production facility Photo-finishing laboratory Printing, publishing, and lithography Production of artwork Repair of scientific or professional instruments, electric motors Sheet metal shop Sign-making Soft drink bottling Storage area used for manufacturing Welding, machine, tool repair shop Woodworking, including cabinet makers and furniture manufacturing,	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Employee recreational facility On-site repair facility Residential unit for security purposes (single unit)	Brewery Caterer (see Restaurants and Retail Sales and Service) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)

B. Research and Development

Characteristics: Firms engaged in the fields of research and development. Few customers, especially the general public, come to the site.		
Principal Uses	Accessory Uses	Uses Not included
Research, testing, and development laboratory, pilot plant, prototyping Research-related manufacturing	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Employee recreational facility Major utilities, such as water towers and electrical substations On-site repair facility Outdoor storage, storage of hazardous and nuclear materials, incinerators, warehousing and employee retail and service facilities Residential unit for security purposes (single unit)	Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade) Small-scale catering establishments (see Restaurants)

C. Warehouse and Freight Movement

Characteristics: Firms involved in the storage or movement of goods for themselves or other firms. Goods are delivered to other firms or the final consumer with little on-site sales activity to customers.		
Principal Uses	Accessory Uses	Uses Not included
Bulk storage, including nonflammable liquids, feed and grain storage, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus barn Outdoor storage yard Parcel services Stockpiling of sand, gravel, or other aggregate materials Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred	Ancillary indoor storage Associated office Cafeteria Daycare Employee recreational facility Outdoor storage yard Residential unit for security purposes (single unit) Truck fleet parking and maintenance area	Bulk storage of flammable liquids (see Heavy Industrial) Mini-warehouse, multi-story enclosed storage facility, storage garages (see Self-Service Storage) Solid or liquid waste transfer or composting (see Waste-Related Service)

D. Waste-Related Service

Characteristics: Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses Not included
Animal waste processing Landfill, incinerator Manufacture and production of goods from composting organic material Recyclable material storage, including construction material Recycling center Transfer station	Ancillary indoor storage Associated office Off-street parking On-site refueling and repair Recycling of material Repackaging and shipment of by-products	Stockpiling of sand, gravel, or other aggregate materials (see Warehouse and Freight Movement)

E. Wholesale Trade

Characteristics: Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.		
Principal Uses	Accessory Uses	Uses Not included
Mail-order house Sale of building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Wholesaling of food, clothing, auto parts, and building hardware	Accessory medical clinic Ancillary indoor storage Associated offices Cafeteria Day care Minor fabrication services Product repair Repackaging of goods Residential unit for security purposes (single unit) Warehouse	Store selling, leasing, or renting consumer, house or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

F. Heavy Industrial

Characteristics: Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited		
Principal Uses	Accessory Uses	Uses Not included
Animal processing, packing, treating, and storage, livestock slaughtering, processing of food and related products, production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing, sawmill Asphalt plant Brewery Concrete manufacturing plant Hazardous or low-level nuclear material disposal Railroad freight yard Sale of farm equipment and machinery and earth moving and heavy construction equipment Wrecking, junk or salvage yard	Associated offices Cafeteria Product repair Repackaging of goods Warehouse, storage	Animal waste processing (see Waste-Related Service) Microbrewery Repair and service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Store selling, leasing, or renting consumer, house, and business goods (see Retail Sales and Service)

G. Resource Extraction

Characteristics: Characterized by uses that extract minerals and other solids and liquids from land		
Principal Uses	Accessory Uses	Uses Not included
Drilling for oil or natural gases Extraction of sand, gravel or minerals, borrow pit Quarries	Ancillary indoor storage Associated offices Equipment storage	Solid or liquid waste transfer or composting (see Waste-Related Service) Stockpiling of sand, gravel, or other aggregate materials (See Warehouse and Freight movement)

Sec. 5.3 Limited Use Standards

These standards shall only apply to those districts and uses where the “L” is designated on the use table in Sec. 5.1, Use Table.

5.3.1 Agricultural Use Standards

A. Agricultural Uses (City Only)

Agricultural uses in the City shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following standards:

1. In the RS-20 District, all agricultural uses shall be allowed. In all other RS districts, only apiculture, commercial crop production, and forestry are allowed.
2. For on-site sales as an accessory use pursuant to paragraph 5.2.2, Agricultural Use Categories, no parking spaces associated with the retail sales are required when no permanent structures used for the purpose of sales are proposed.
3. Except in RR and RS-20 districts, aquaponics and aquaculture are prohibited.
4. Sites shall be designed and maintained to prevent fertilizer, compost, soils, and any other materials from spilling and/or draining onto adjacent property, streams, and public or private stormwater collection systems.
5. The sale of compost is prohibited.

B. Forestry (City Only)

Forestry activities in the City shall be conducted in conformance with a Forest Management Plan which uses the current best management practices set out in "Forest Practice Guidelines Related to Water Quality," as adopted by the North Carolina Department of Environment and Natural Resources.

C. Agricultural Uses (County Only)

Agricultural uses in the County shall be permitted in accordance with state statute.

5.3.2 Residential Use Standards

A. Commercial Dorms

Commercial dorms shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The site plan shall include an approved floor plan showing the number of rooms and the proposed number of tenants. The floor plan shall be kept on file with the Inspections Department.

B. Congregate Living Facility

Congregate living facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Residential suites or assisted living units without cooking facilities shall be permitted to be constructed at the same density as the base density for dwelling units with each room or suite considered a dwelling unit.
2. Facilities with the following on-site common use facilities: dining, recreation, health care, a convalescent center, and multifamily units; shall not exceed 1½ times the allowed

multifamily base density of the district, with each unit counted separately, except in the DD District where there is no limit on the multifamily base density.

3. Facilities with the following on-site common use facilities: dining, recreation, health care, and a convalescent center; shall not exceed two times the allowed base density for the district, with each room or suite considered a dwelling unit, except in the DD District where there is no limit on the multifamily base density.

C. Family Care Homes and Group Homes

Family care and group home facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Family Care Homes

- a. Family care home facilities shall be separated by a minimum of 1,125 linear feet.
- b. Measurements shall be made as a straight line measurement from the closest point on the property line of each family care home facility.

2. Group Homes

- a. The facility shall meet all State requirements, and all applicable housing and building code requirements.
- b. The facility shall be separated by a minimum 1,125 linear feet from a group home or family care home facility. Measurements shall be made as a straight line measurement from the closest point on the property line of each facility.

D. Manufactured Home

Class A and Class B manufactured homes shall be permitted in accordance with the use table in Sec. 5.1, Use Tables, subject to the following:

1. Class A Manufactured Homes

Class A Manufactured Homes shall meet or exceed the following criteria:

- a. The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- b. The manufactured home shall have a minimum of 960 square feet of enclosed and heated living area per dwelling unit.
- c. The pitch of the roof of the manufactured home shall have a minimum vertical rise of 3 feet for each 12 feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.
- d. All roof structures shall provide an eave projection of no less than 6 inches, which may include a gutter.
- e. The exterior siding shall consist predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

- f. The manufactured home shall be set up in accordance with the standards set by the North Carolina Department of Insurance. Screening of the foundation area shall be by a continuous, permanent masonry foundation or masonry curtain wall in accordance with NC Building Code and Durham Minimum Housing Code regulations, unbroken except for required ventilation and access, and which shall be installed under the perimeter of the manufactured home.
- g. Stairs, porches, entrance platforms, ramps, and other means of entrance to and exit from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- h. The moving hitch, wheels and axles, and transporting lights shall be removed.

2. Class B Manufactured Homes

Class B Manufactured Homes shall meet or exceed the following criteria:

- a. The manufactured home shall meet requirements of the North Carolina Department of Insurance for installation and tie-downs.
- b. The manufactured home shall be skirted with a durable material that encloses the area between the chassis and the ground. Durable material includes but is not limited to vinyl or masonry.
- c. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the North Carolina Building Code, free standing or attached firmly to the primary structure and anchored securely to the ground.
- d. The moving hitch, wheels and axles, and transporting lights shall be removed.

E. Manufactured Home Park or Subdivision

Manufactured Home Parks or Subdivisions shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Only Class A or Class B manufactured homes shall be allowed.
2. Any manufactured home sites shall be specified on the approved Development Plan and manufactured homes shall be permitted only where they have been expressly indicated on the approved Development Plan.
3. Manufactured house subdivisions shall show the orientation of the house to the street in the Development Plans.
4. Manufactured homes in parks shall maintain a distance of at least 16 feet between manufactured homes. For the purposes of this section, added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.
5. Supporting uses within a manufactured home park shall maintain a side yard of at least 10 feet.

6. Development Plans for manufactured home parks and subdivisions shall show lot layouts, and pedestrian walkways that connect the house with any support facilities.

5.3.3 Public and Civic Use Standards

A. Auditoriums

Auditoriums shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Auditoriums shall not be located adjacent to residential uses.

B. Cemeteries, Columbaria, and Memorial Gardens

Cemeteries, columbaria, and memorial gardens shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. In the DD District no new cemeteries shall be allowed.
2. Cemeteries shall not exceed 300 graves in size.

C. Club or Lodge (Non-profit)

Non-profit clubs or lodges shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. All structures shall be located at least 30 feet from property lines. This distance can be reduced to 15 feet if a masonry wall at least six feet high is provided.
2. No outdoor public address systems shall be allowed.
3. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.
4. The requirements in paragraphs 1 and 3 do not apply in the Design Districts, in which the structure and parking location requirements of paragraphs 6.12.3A.1 and 6.12.4A.1, Building Placement, and paragraph 10.4.1A.3, Compact Neighborhood and Downtown Tiers, apply instead.
5. Clubs and Lodges shall not be permitted in the S2 sub-district of the CD District.

D. Correctional Facility

Correctional facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. In order to accommodate outdoor recreational facilities and to allow for potential building expansion, the site size for facilities located outside the DD District shall be a minimum of one acre in area or the minimum of the zoning district, whichever is larger.
2. Facilities within the DD District have no minimum site area.
3. The facility shall be established at least 650 feet from the nearest property which is residentially zoned or used, except in the DD District where it may be established adjacent to residential uses but shall be a minimum of 650 feet from the DD District boundary.
4. The facility shall not be established within 1,320 feet of a public or private school, day care, or place of worship.

5. Site development shall be in conformance with the landscaping and dimensional requirements of the zoning district.

E. Day Care Facility

Day care facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The facility shall meet all applicable State requirements for standards, licensing and inspections.
2. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.
3. The facility shall meet the following space requirements if children are the primary clients of the use:

a. Outdoor Play Space

- (1) There shall be 100 square feet of outdoor play space per child including children at the facility for after school care. This outdoor play space can be as little as 75 square feet with an increase in the amount of indoor play space provided on a one-to-one basis. Parking and loading areas shall not be counted toward play spaces.
- (2) All outdoor play space shall be useable for play purposes. As an example, streams, marsh land or other unsuitable areas shall not be credited toward the play space requirement.
- (3) Outdoor play areas shall be fenced in accordance with standards for fences and walls found in Sec. 9.9, Fences and Walls, with a minimum fence height of four feet.
- (4) Outdoor play space located between the structure and the street shall be set back beyond the minimum or maximum street yard, as applicable.

b. Indoor Play Space

There shall be at least 35 heated square feet per child. The heated space shall not include hallways, kitchens, bathrooms, closets, utility rooms, and offices.

F. Government Facilities

Government facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Following the initial approval of government facilities through the special use permit process, expansions of up to 35% of the area originally approved through the special use permit process pursuant to Sec. 3.9, Special Use Permit, may be approved administratively, unless such administrative approval is explicitly prohibited as a condition of the special use permit.
2. Administrative approvals of expansions of government facilities shall not waive any conditions of approval of the special use permit.
3. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

G. Museum

Museums shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The site shall have direct access from a street which is adequately sized to accommodate traffic generated by the museum.
2. Museums shall not be permitted in the S2 sub-district of the CD District.
3. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

H. Parks and Open Areas

Parks and open areas shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Vehicle Use Area Landscaping Standards

On sites greater than two acres, the shrub requirements of paragraph 9.8.3B.3, Shrubs, and paragraph 9.8.2B, Vehicular Use Areas Visible from Adjacent Property, shall not apply if the vehicle use areas are located 100 feet or more from property lines, and at least 25% of the total site area is left in natural vegetation.

2. Setbacks**a.** For all structures, picnic areas, playgrounds, and unlighted basketball courts and athletic fields:

- (1) Except in Design Districts, a 50-foot setback shall be maintained from property lines adjacent to residentially zoned or used property.
- (2) In Design Districts, a 15-foot setback shall be maintained instead of the required build-to line in paragraphs 6.12.3A.1 and 6.12.4A.1, Building Placement.
- (3) Through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permits, the setback may be reduced to as little as ten feet. In addition to the required findings in paragraph 3.9.8A, General Findings, the applicant shall demonstrate that the proposed design provides for equal or better functionality of the park, focusing on factors including but not limited to, proposed building orientation and location of amenities in relation to neighboring properties, and physical or environmental constraints.

b. For lighted facilities such as tennis courts, basketball courts, and athletic fields:

- (1) Except in Design Districts, a 100-foot setback shall be maintained from property lines adjacent to residentially zoned or used property.
- (2) In Design Districts, a 30-foot setback shall be maintained instead of the required build-to line in paragraphs 6.12.3A.1 and 6.12.4A.1, Building Placement.
- (3) Through the issuance of a minor special use permit per Sec. 3.9, Special Use Permits, the setback may be reduced with measures used to reduce light and glare onto adjacent residentially zoned or used property. Possible

measures include, but are not limited to directional lighting, lower fixture heights, berms, vegetation, and fences. In addition, documentation shall be provided from a registered professional with experience in lighting certifying that the lighting does not exceed 0.5 foot-candle at the property line of adjacent residentially zoned or used properties.

I. Passenger Terminals

Passenger terminals shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Passenger terminals shall not be permitted in the S2 sub-district of the CD District.

J. Places of Worship

Places of worship shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

K. Schools- Elementary, Middle, or High

Schools shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Use permits for public schools shall not be limited as to number of students. Notwithstanding any conditions on existing use permits, public schools may enroll the number of students that they are legally entitled to enroll under State building codes and other applicable State laws.
2. Following the initial approval of schools through the special use permit process, expansions of up to 20% of the area originally approved through the special use permit process pursuant to Sec. 3.9, Special Use Permit, may be approved administratively.
3. Administrative approvals of expansions of schools shall not waive any conditions of approval of the special use permit.
4. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

L. TV/HDTV/AM/FM Broadcast Antennae

Broadcast antenna-supporting structures and/or towers, including replacements, which contain antennae/towers that transmit signals for radio and television communications shall be permitted in accordance with the use table in Sec. 5.1, Use Table. They are subject to the requirements of Sec. 3.7, Site Plan Review, Sec. 3.9, Special Use Permit, and the following additional requirements:

1. Any antenna-supporting structure, equipment enclosures and ancillary structures shall meet the setback requirements of the underlying zoning district plus an additional six inches for every one foot of antenna support structure height.
2. The entire antenna-supporting structure or tower and all appurtenances shall be designed pursuant to the wind speed design requirements of ASCE 7-95, including any subsequent modification to those specifications.

3. Any facility shall be illuminated only in accordance with any applicable FAA requirements to provide aircraft obstruction lighting. Any such lighting shall not exceed the minimum FAA requirements and shall incorporate the most unobtrusive design allowed (e.g., white flashing lights are prohibited where red lights and painting are allowed).
4. A landscaped buffer shall surround the base of the broadcast antenna equipment compound. Existing trees and shrubs on the site can be used pursuant to Sec. 9.3, Existing Vegetation Credits for Required Landscaping, or paragraph 9.4.4, Natural Buffers, as applicable. Grading shall be limited only to the area necessary for the new broadcast antenna.
 - a. If the proposed broadcast antenna is the principal use of the property then landscaping per Article 9, Landscaping and Buffering, shall be applicable. Additionally a buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the broadcast antenna equipment compound in the RR district; and a buffer equivalent to that required for a Light Industrial use adjoining a Residential use around the broadcast antenna equipment compound in all other districts.
 - b. If the proposed broadcast antenna is to be located in front of an existing structure on the same zone lot, a street buffer shall also be required.
 - c. On sites in residential districts adjoining public rights-of-way an opaque fence consistent with the requirements of Section 9.9 shall surround the broadcast antenna equipment compound.
5. The only signage that shall be permitted upon an antenna-supporting structure/tower, equipment enclosures, or fence (if applicable) shall be informational, and for the purpose of identifying the antenna-supporting structure, (such as ASR registration number) as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable).
6. New antenna-supporting structures/tower shall be configured and located in a manner that minimizes adverse effects including visual impacts on properties within 300 feet or the proposed height of the tower, whichever is greater, of the property under consideration. The applicant shall demonstrate with specific information that alternate locations including existing towers and buildings, configurations, facility types, mass and scale, height, painting, lighting, and materials have been examined and shall justify the proposed alternatives in terms of effects on properties within 300 feet or the proposed height of the tower, whichever is greater, of the property under consideration.

M. Utility Facilities

Utility facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Utility facilities in residential areas or adjoining residential uses shall maintain residential setbacks, be fenced (unless totally enclosed within a structure), and either be screened from view or designed to have a residential appearance.
2. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

N. Wireless Communication Facilities for Transmitting and Receiving Electronic Signals (WCFs)

The purpose of this section is to:

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

WCFs and associated equipment shall be permitted in accordance with the use table in Section 5.1 subject to the following:

7. General Requirements

a. Application Requirements

In addition to all of the requirements of Sec. 3.7, Site Plan Review, and Sec. 3.9, Special Use Permit (if required), the following information must be supplied with the site plan and special use permit (if required) application for WCFs:

- (1) Identification of the intended user(s) of the WCF.
- (2) A report of diligent efforts to locate based on the hierarchy established elsewhere in this Section.

- (3) Certification by a registered engineer or other qualified professional regarding service gaps or service expansions that are addressed by the proposed WCF ("the proposed service"), and accompanying maps and calculations.
- (4) Evidence that no existing wireless communications facility can accommodate the applicant's proposed facility; or that use of such existing facilities would prohibit personal wireless services in the area of the City or County to be served by the proposed antenna-supporting structure. Evidence submitted to demonstrate that no existing wireless communications facility could accommodate the applicant's proposed facility may consist of any of the following:
 - (a) No existing wireless communications facilities located within the Geographic Search Area meet the applicant's engineering requirements.
 - (b) Existing wireless communications facilities are not of sufficient height to meet the applicant's engineering requirements, and cannot be increased in height.
 - (c) Existing wireless communications facilities do not have sufficient structural strength to support the applicant's proposed wireless communications facilities and related equipment, and the existing facility cannot be structurally improved.
 - (d) Other limiting factors that render existing wireless communications facilities unsuitable.
- (5) A report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant's need or the needs of the service providers desiring to locate on the proposed WCF, if the applicant is not a service provider, and the reasons these existing facilities cannot be used. Alternative existing facilities include all potentially useable utility distribution towers and other elevated structures within the proposed service area that would provide additional service to the users of the WCF. Documentation included in the report may include such things as calculations regarding coverage capability of supporting necessary equipment, or other relevant data; lease negotiations; or other information. Technical data included in such documentation shall be certified by a registered engineer or other qualified professional. The report shall include, in narrative form, the feasibility of any alternatives the applicant may have considered and their impact on adjacent properties, including, but not limited to:
 - (a) Height;
 - (b) Configuration;
 - (c) Location;
 - (d) Mass and scale;
 - (e) Materials and color;

- (f) Illumination; and
- (g) Information addressing the following items:
 - i. The extent of any commercial development within the Geographic Search Area of the proposed facility;
 - ii. The proximity of the antenna support structure to any residential dwellings;
 - iii. The proximity of the antenna support structure to any public buildings or facilities; and
 - iv. The existence of tall and like antenna support structures within the Geographic Search Area of the proposed structure.
- (6) Certification by a registered engineer that the WCF has sufficient structural integrity to accommodate multiple users, if required, and the number of additional users that can be accommodated on the proposed WCF.
- (7) Certification that the facility meets or exceeds applicable American National Standards Institute (ANSI) standards as adopted by the FCC in order to protect the public from unnecessary exposure to electromagnetic radiation.
- (8) A statement that the proposed facility is the Least Visually Obtrusive, as defined herein, and that the proposed facility conforms with State of the Art, as defined herein, or alternatively, that State of the Art technology is unsuitable for the proposed facility. Costs of State of the Art technology that exceed customary facility development costs shall not be presumed to render the technology unsuitable.
- (9) Simulated photographic evidence of the proposed WCFs appearance from all residential areas within 1,500 feet, and from other vantage points chosen by the Planning Director, or designee.
- (10) A statement to the following, in order to facilitate the City's and the County's regulation, placement, and construction of WCFs and their interaction with the City's and the County's public safety communications equipment:
 - (a) Compliance with Good Engineering Practices as defined by the FCC in its Rules and Regulations;
 - (b) Compliance with FCC regulations regarding susceptibility to radio frequency interference (RFI), frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to RFI; and
 - (c) In the case of co-location of telecommunications facilities, the applicant, together with the owner of the site, shall provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause RFI with the City's and County's public safety communications equipment.

(11) Third Party Review

Where due to the complexity of the methodology or analysis required to review an application for a wireless communication facility, the Planning Director may require the applicant to pay for a technical review by a third party expert, the costs of which shall be in addition to other applicable fees. Based on the results of the expert review, the approving authority may require changes to the applicant's application or submittals.

b. Site Preparation Requirements

Grading shall be minimized and limited only to the area necessary for the new WCF and equipment compound.

c. Building Requirements

WCFs shall be constructed and maintained in conformance with all applicable building code requirements.

d. Operational Requirements

(1) Lighting

Lighting shall not exceed the FAA minimum standard. Any lighting required by the FAA shall be of the minimum intensity and the number of flashes per minute (i.e., the longest duration between flashes) allowed by the FAA. Dual lighting standards shall be required and strobe lighting standards prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements.

(2) Signage

Commercial messages shall not be displayed on any WCF.

(3) Storage

A WCF equipment compound shall not be used for the storage of any excess equipment or hazardous materials, nor be used as habitable space. No outdoor storage yards shall be allowed in a WCF equipment compound.

(4) Interference

(a) With Public Safety Communications

When a specific base station is identified as causing RFI with the City's or the County's public safety communications equipment, the following steps shall be taken:

- i. Upon notification by the City and/or County of interference with Public Safety Communications equipment, the owners of the WCF equipment shall utilize the hierarchy and procedures set forth in the FCC's Wireless Telecommunications Bureau's Best Practices Guide. If the WCF owner fails to cooperate with the City and/or County in applying the procedures set forth in the Best Practices Guide in order to eliminate the interference, then the City or County may take steps to contact the FCC to eliminate the interference.

- ii. If there is a determination of RFI with the City's or the County's public safety communications equipment, the party which caused the interference shall be responsible for reimbursing the City and/or County for all costs associated with ascertaining and resolving the interference, including, but not limited to, any engineering studies obtained by the City and/or County to determine the source of the interference.

(b) With Radio or Television

WCFs shall not interfere with normal radio and television reception in the vicinity.

8. Siting Hierarchy

For all proposed WCFs other than those proposed as mitigation, siting shall be in accordance with the following siting alternatives hierarchy, with preference given to City- or County-owned sites, followed by other publicly-owned sites and only then considering privately owned sites:

- (1) Reduce the number of overall WCFs;
- (2) Reduce the number of nonconforming WCF types; or,
- (3) Replace an existing WCF with a new WCF to improve network functionality resulting in compliance with this section.

b. Standards

- (1) Height
The maximum height of a new WCF arising from mitigation shall not exceed 115% of the height of the tallest WCF that is being mitigated, to a maximum height of 199 feet.
- (2) Setbacks
A new WCF approved as mitigation shall not be required to meet setback requirements so long as the new WCF is no closer to any property lines or dwelling units as the WCF being mitigated.
- (3) Aesthetics
Freestanding nonconcealed WCFs used for mitigation shall be limited to monopole type antenna support structures.

c. Approval Authority

The Planning Director shall be responsible for the approval of applications for the mitigation of existing WCFs.

10. Concealed Attached

a. Standards

- (1) Height
The top of the WCF shall not be more than 20 feet above the facility to which it is attached.
- (2) Setbacks
The facility to which the WCF will be attached shall maintain the normal setbacks of the zone.
- (3) Aesthetics
Concealed attached WCFs, including feed lines and antennae, shall be designed so as to be compatible with the façade, roof, wall or facility on which it is affixing so that it matches the existing structural design, color and texture.

b. Approval Authority

The Planning Director shall be responsible for the approval of all concealed, attached WCFs.

11. Colocation

The Planning Director shall be responsible for the approval of the proposed collocation or combining on existing antenna supporting structures.

12. Nonconcealed Attached

a. Standard

Nonconcealed attached WCFs shall only be allowed on transmission towers and light stanchions with the top of the WCF no more than 20 feet above the facility to which it is attached.

b. Approval Authority

The Planning Director shall be responsible for the approval of nonconcealed attached WCFs.

13. Freestanding Concealed

a. Standards

(1) Height

(a) Generally

Calculations of height shall include the foundation of the WCF, but exclude lightning rods for the dissipation of lightning or lights required by the FAA that do not provide support for any antennae.

(b) In the RR or RS-20 Districts

The maximum height shall be 120 feet.

(c) In All Residential Districts Other than RR and RS-20

The maximum height shall be limited to 25 feet above the allowable building height of the underlying zoning district.

(d) In Nonresidential Districts

The maximum height shall be 199 feet.

(2) Setbacks

Setbacks shall be subject to the underlying zoning district. In residential districts, the WCF also shall not be any closer to an adjoining property line than the proposed facility is to the dwelling unit on the property on which it is proposed to be located.

(3) Buffers

A landscaped buffer consistent with the requirements of Sec. 9.4, Project Boundary Buffers, shall surround the base of the WCF equipment compound. Existing trees and shrubs on the site can be used pursuant to Sec. 9.3, Existing Vegetation Credits for Required Landscaping, or paragraph 9.4.4, Natural Buffers, as applicable. On sites in residential districts adjoining public rights-of-way an opaque fence consistent with the requirements of Section 9.9, Fences and Walls, shall surround the WCF equipment compound.

(4) Aesthetics

Freestanding concealed WCFs shall be designed so as to be compatible with adjacent structures and landscapes, with specific design considerations as to height, scale, color and texture.

b. Approval Authority

(1) Generally

The Planning Director or designee shall be responsible for the approval of freestanding concealed WCFs, unless the WCF is proposed to be located within 300 feet of a designated State of North Carolina Scenic Byway.

(2) In Proximity to Scenic Byways

Freestanding concealed WCFs proposed for location within this proximity to a designated State of North Carolina Scenic Byway, shall be subject to a Major Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

- (a) In addition to the requirements for Special Use Permits found in Section 3.9, Special Use Permit, the governing body, in determining whether a WCF is in harmony with the area (as specified in Section 3.9, Special Use Permit) or the effects and general compatibility of a WCF with adjacent properties (as specified in Section 3.9, Special Use Permit) may consider the aesthetic effects of the WCF as well as mitigating factors concerning aesthetics. The governing body may disapprove an application on the grounds that the WCFs aesthetic effects are unacceptable, or may condition approval on changes in WCF height, design, style, buffers, or other features of the WCF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects include:
 - i. The protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites;
 - ii. The concentration of WCFs in the proposed area; and,
 - iii. Whether the height, design, placement or other characteristics of the proposed WCF could be modified to have a less intrusive visual impact.
- (b) The governing body, when considering a Special Use Permit for freestanding WCFs, shall not be required to make a determination of the electromagnetic field (EMF) effects of the WCF on the health of the public, as specified in Sec. 3.9, Special Use Permit. The documentation required by this section that stipulates that the WCF not exceed the federal limits for power density requirements shall satisfy the applicant's compliance with this required finding.
- (c) If the governing body determines that the proposed additional service, coverage, or capacity to be achieved by the location of the proposed WCF can be achieved by use of one or more alternative WCF addressed in paragraph 2, Siting Hierarchy, or by one or more WCFs sited in alternative locations that better serve the stated purposes set forth in this section, it may disapprove the proposed WCF application.

14. Freestanding Nonconcealed

a. Standards

(1) Site Area

In all residential districts, freestanding, nonconcealed-WCFs shall only be permitted on parcels with a minimum lot size of five acres.

(2) Height

(a) Generally

Calculations of height shall include the foundation of the WCF, but exclude lightning rods for the dissipation of lightning or lights required by the FAA that do not provide support for any antennae.

(b) In the RR or RS-20 Districts

The maximum height shall be 120 feet.

(c) In Nonresidential Districts

The maximum height shall be 199 feet.

(3) Setbacks

Setbacks for WCFs shall be determined according to the underlying zoning district, plus an additional six inches for every one-foot of tower height. The approving authority may grant reductions to this setback requirement as a part of the special use permit approval.

(4) Buffers

(a) In the RR or RS-20 Districts

A buffer equivalent to that required for an Industrial use adjoining a Residential use shall be provided around the WCF equipment compound. On sites adjoining public rights-of-way an opaque fence consistent with the requirements of Section 9.9, Fences and Walls, shall surround the WCF Equipment Compound.

(b) In Nonresidential Districts

A buffer equivalent to that required for a Light Industrial use adjoining a Residential use around the WCF equipment compound shall be required.

(5) Aesthetics

Freestanding nonconcealed WCFs shall be limited to monopole type antenna support structures.

(6) User Standards

(a) Freestanding nonconcealed WCFs up to 120 feet in height shall accommodate at least two antenna arrays.

(b) Freestanding nonconcealed WCFs between 121 feet and 150 feet shall accommodate at least three antenna arrays.

- (c) Freestanding nonconcealed WCFs between 151 feet and 199 feet shall be engineered and constructed to accommodate at least four antenna arrays.

b. Approval Authority

(1) Generally

The Board of Adjustment, through issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit, shall be responsible for the approval of all nonconcealed freestanding WCFs (except those within 300 feet of a designated State of North Carolina Scenic Byway).

(2) In Proximity to Scenic Byways

Freestanding nonconcealed WCFs proposed for location within this proximity to a designated State of North Carolina Scenic Byway, shall be subject to a Major Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

(3) Criteria for Use Permits

- (a) In addition to the requirements for Special Use Permits found in Section 3.9, Special Use Permit, the approving authority, in determining whether a WCF is in harmony with the area (as specified in Section 3.9, Special Use Permit) or the effects and general compatibility of a WCF with adjacent properties (as specified in Section 3.9, Special Use Permit,) may consider the aesthetic effects of the WCF as well as mitigating factors concerning aesthetics. The approving authority may disapprove an application on the grounds that the WCFs aesthetic effects are unacceptable, or may condition approval on changes in WCF height, design, style, buffers, or other features of the WCF or its surrounding area. Such changes need not result in performance identical to that of the original application. Factors relevant to aesthetic effects are:
 - i. The protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites;
 - ii. The concentration of WCFs in the proposed area; and,
 - iii. Whether the height, design, placement or other characteristics of the proposed WCF could be modified to have a less intrusive visual impact.
- (b) The approving authority, when considering a Special Use Permit for freestanding WCFs, shall not be required to make a determination of the electromagnetic field (EMF) effects of the WCF on the health of the public, as specified in Sec. 3.9, Special Use Permit. The documentation required by this section that stipulates that the WCF not exceed the federal limits for power density requirements shall satisfy the applicant's compliance with this required finding.
- (c) If the approving authority determines that the proposed additional service, coverage, or capacity to be achieved by the location of the

proposed WCF can be achieved by use of one or more alternative WCF addressed in paragraph M.1, or by one or more WCFs sited in alternative locations that better serve the stated purposes set forth in this section, it may disapprove the proposed WCF application.

15. Exemptions

The following shall not be subject to the requirements of this section:

- a. Satellite earth stations (satellite dishes).
- b. Regular maintenance and/or upgrade of antenna elements of any existing wireless communications facility that does not include the addition of any new antenna elements, feed lines, and associated support equipment on the facility or the placement of any new wireless communications facility.
- c. A government-owned wireless communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City or County designee; except that such facility must comply with all federal and state requirements. No wireless communications facility shall be exempt from the provisions of this division section beyond the duration of the state of emergency.
- d. Antenna supporting structures, antennae and/or antenna arrays for AM/FM/TV/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.

5.3.4 Commercial Use Standards

A. Adult Establishments

Adult establishments shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. No property associated with the use shall be closer than 1,000 feet to a property line of a residential zone. No building or structure associated with the use shall be closer than 50 feet to a property line of an adjacent nonresidential zone.
2. No property associated with the use shall be closer than 1,000 feet to a pre-existing place of worship, state licensed day care facility, public or private school, public park, or library.
3. The minimum straight line distance between the property lines of two adult establishments shall be 2,000 feet. No two adult establishments shall be located within the same building.
4. Measurements shall be made from the property line of the proposed adult establishment to the property line or zoning district line as noted above, and from the property line of any separate parking lots used for the adult establishment.

B. All Retail Sales and Service

Retail sales and service uses shall be permitted in accordance with the use table in paragraph 5.1.2, Use Table, subject to the following standards:

1. Within the Rural Tier, CG uses shall be limited to a grocery store in areas designated as Village Centers in the Comprehensive Plan.

2. Within the UC and UC-2 Districts, limited retail uses, such as university-related bookstores and dining facilities located within other buildings, shall be permitted, to the extent that they are designed to serve the on-campus population of the university or college and not to attract additional traffic to the campus.

C. Antique Shops

Antique shops shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The parcel on which the shop is located shall be a minimum of five acres.
2. Backlit signs shall be prohibited.
3. The maximum parking allowed shall be no more than the minimum parking required.

D. Bed and Breakfasts

Bed and breakfasts shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. An approved floor plan shall be kept on file with the Inspections Department.
2. An owner or manager shall reside on site.
3. There shall be no substantial modifications to the exterior appearance of the structure; however, fire escapes, handicapped entrances and other features required by building or fire codes can be added to protect public safety.
4. Breakfast, lunch, and/or dinner can be available on the premises, and shall be only for guests and employees of the inn. Rooms shall not be equipped with cooking facilities.
5. Parking shall not be allowed in any street yard.

E. Car Washes

Car washes shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. No storage, repair, or sales of vehicles shall be allowed on the site.
2. Provisions shall be made for an on-site drainage system to capture water used to wash vehicles. This water shall be discharged into a sanitary sewer system or another approved on-site system and shall not be discharged into the stormwater system.

F. Commercial Parking

Commercial parking shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Commercial parking in the Downtown and Compact Neighborhood Tiers adjoining single-family residential development shall require installation of a wall a minimum of six feet in height along each property line adjacent to residential development pursuant to Sec. 9.9, Fences and Walls.
2. Commercial parking shall not be permitted in the S2 sub-district of the CD District.

3. Commercial parking shall only be permitted in the P sub-district of the CD District if buildings surround the parking area so that it is not visible from the public or private right-of-way or adjacent property.

Commentary: Parking areas will not be considered visible if they can only be seen by looking along driveways.

G. Convenience Stores with Gas Sales

Convenience stores with gas sales shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Fuel pumps shall be located at least 15 feet from the property line.
2. No outdoor storage shall be allowed.
3. Storage of vehicles for 15 days or more shall be prohibited.
4. A spill prevention and counter measures plan shall be provided prior to construction plan approval that includes, at a minimum:
 - a. Clean up procedures for fuel (or other hazardous material) spills occurring inside and outside the building;
 - b. Counter measures for use in preventing fuel (or other hazardous material) spills from entering the stormwater collection system; and
 - c. Routine cleanup procedures for work areas and parking areas. Washdown water shall not be permitted to enter the stormwater collection system.
5. Within the CN District and the Design Districts, the maximum number of fueling stations shall be limited to eight.
6. Within the S1 and S2 sub-districts of the CD District, Convenience Stores with Gas Sales shall not be permitted.
7. One parking space per two fueling stations can be credited towards minimum parking requirements per paragraph 10.3.1, Required Motorized Vehicle and Bicycle Parking.

H. Drive-In Theaters

Drive-in theaters shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The site shall have access from a major or minor thoroughfare.
2. The face of the projection screen shall not be visible from any public street within 1,500 feet.
3. Food sales shall be available to patrons of the drive-in theater only.
4. Vehicle areas shall be visually shielded so that lights will not shine onto adjacent property.

I. Drive-Through Facilities

Drive-through facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Where no street separates the use and residentially zoned property, at least 40 feet of separation shall be maintained between the residential lot line and the drive-through facility
2. The location of drive-through windows and associated facilities (for example: communications systems and access aisles) shall be identified on all site plans.
3. Any speaker systems associated with a drive-through facility shall be designed and located so as not to adversely affect adjacent uses.
4. Drive-through lanes between the right-of-way of a roadway and a building shall require landscaping pursuant to Sec. 9.8, Vehicle Use Area Landscaping, if the drive-through lane is within 50 feet of, and visible from, the roadway. Such landscaping shall be installed and maintained along the entire length of the drive-through lane and the adjacent roadway.

J. Electronic Gaming Operations

Electronic gaming operations shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Electronic gaming operations shall not be located on the same property as, and shall be located at least 500 feet from, the following uses:
 - a. Residential;
 - b. Place of worship;
 - c. Elementary, middle, or high schools;
 - d. Daycare facilities;
 - e. Parks; and
 - f. Other electronic gaming establishments.
2. Measurements shall be made as a straight line measurement from the closest point on the property line of the residential, place of worship, school, daycare, park, or other electronic gaming uses consisting of buildings or associated parking areas, to the closest point of the property line of the proposed electronic gaming operation, consisting of either a building or associated parking area.
3. Alcohol shall not be sold, provided, or consumed.
4. No outside storage or activities are allowed.
5. No lighting that flashes, changes, alternates, or moves shall be visible from the exterior of the establishment is allowed.
6. The maximum number of signs allowed shall be one.
7. No sign shall have changeable copy.

K. Firing Range, Indoor

Indoor firing ranges shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The range shall be located at least 200 feet from the property line of any of the following uses: existing dwelling or property holding a valid building permit for a dwelling, school, day care, or place of worship.
2. The walls shall be lined with a sound absorbing material certified by an acoustical professional, and any other measures necessary to ensure that the use will not create a nuisance or hazard shall be implemented.

L. Firing Range, Outdoor

Outdoor firing ranges shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The use shall be prohibited within the Airport Overlay. Proposals located within 5 miles of Raleigh Durham Airport shall provide a letter from the Airport Authority indicating that the use will not pose a hazard to aviation.
2. Outdoor ranges shall be prohibited within one mile of existing local airports, heliports, and helistops. The location of approved landing and take-off zones beyond the one mile boundary shall warrant an extension of the prohibition to ensure the safety of aircraft.
3. The property on which the range is located shall be at least 0.5 miles from the property line of any site being used for residential purposes.
4. The property on which the range is located shall be at least 1,000 feet from the property line of an existing school, day care or place of worship.
5. The distance from any firing point, measured down range in the direction of fire to the nearest property line of the property on which the range is located shall be at least 1,500 feet.
6. The range shall have backstops and embankments which meet the dimensional standards listed below.
 - a. **Backstop standards for ranges up to 900 feet in length:**

The range shall have an earth embankment not less than 25 feet in height and not less than 10 feet in thickness at the top along the entire length of the target line to serve as a backstop. The earth embankment shall retain a slope of 35 degrees from perpendicular or be terraced with timber or log retaining walls. Such embankment shall be topped with an earth filled double fence barricade not less than 15 feet in height and not less than three feet in thickness at the top. The required backstop can be either a natural terrain feature or a manmade earth embankment. In the case of a natural terrain feature, a topographic map at a scale of not less than one inch = 200 feet and two foot contour intervals showing the terrain feature shall be submitted with the initial application.
 - b. **Backstop standards for ranges greater than 900 feet in length:**

All the above standards shall apply except that the overall height shall increase 10 feet for every additional 300 feet or fraction thereof in additional range length.
7. A Suburban Tier buffer of 80% adjacent to vacant land, or 100% adjacent to developed land, as applicable, shall be required around the perimeter of the site.

8. The entrance and exit to an outdoor firing range shall be through gates which shall be locked during non-business hours.
9. Conditions of approval that may be considered in the decision to act on a special use permit pursuant to Sec. 3.9, Special Use Permit, include:
 - a. Limits on hours of operation;
 - b. Standards for lighting;
 - c. Requirements for additional landscaping and berming; and
 - d. Requirements to reduce noise such as installation of firing sheds.

M. Golf Course, Country Club, Swim Club, Tennis Club

Golf courses, country clubs, swim clubs, and tennis clubs shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. No maintenance building or clubhouse shall be closer than 100 feet to any residential use.
2. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

N. Hotels, Motels, and Extended Stay Residences

Hotels, motels, and extended stay residences shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. A minor special use permit shall be required if any access to a hotel, motel, or extended stay residence is through or adjacent to (including directly across a public right-of-way from) a residential district or use, unless such access is consistent with an approved development plan that specifies the type, size, and intensity of use.
2. All hotel, motel, and extended stay residence buildings, vehicular use areas that are at grade or higher, and elements of associated underground vehicular use areas that extend to grade or higher shall be located at least 50 feet from any property line adjacent to a residential district or use.
3. Any accessory commercial activities such as restaurants shall not be located along the side of the property adjacent to a residential district or use.
4. Any outdoor recreation facilities, such as swimming pools, shall not be located along the side of the property adjacent to a residential district or use. If the outdoor recreation facility is a swimming pool, it shall meet the standards of paragraph 5.4.9, Swimming Pools, with regard to fencing.
5. A minor special use permit shall be required if the property line of a hotel, motel, or extended stay residence is 200 feet or less from a residential district or the property line of a single-family residential use, unless such location is consistent with an approved development plan that specifies the type, size, and intensity of use.
6. In the Design Districts, the requirements in paragraphs 1 and 5 shall not apply. Instead, a minor special use permit shall be required if a hotel, motel, or extended stay residence is located in the S2 sub-district of the DD District. This use shall not be permitted in the S2 sub-district of the CD District.

7. In the Design Districts, the requirements in paragraphs 2, 3, and 4 shall apply only if a hotel, motel, or extended stay residence is adjacent to a residential district.
8. In the CD District, a six-foot-high masonry wall shall be provided along the entire property line between any outdoor recreation facility or vehicular use area and an adjacent pre-existing residential use at ground level.

O. Manufactured Home Sales

Manufactured home sales shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The display area of the property shall be a minimum of 500 feet from any residential district or use.
2. The display area shall be set back a minimum of 25 feet from the street right-of-way.
3. In addition to the landscaping requirements found in Article 9, Landscaping and Buffering, the following landscaping shall be provided within any street yard:
 - a. A hedge which is at least 24 inches in height; or
 - b. Plantings which meet the requirements for plantings for paragraph 5.3.4U.4.
4. Storage and repair activities shall be screened from off-site views.
5. A minimum separation of at least 10 feet shall be maintained between display homes. Display homes which are visible off-site shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the manufactured home.
6. In addition to the signs typically allowed in the district, each display house can have a placard not to exceed three square feet in area which gives information about the house.

P. Nightclubs or Bars

Nightclubs or bars shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. This section shall not apply to Outdoor Dining areas pursuant to City Code 54-110.
2. With the exception of nightclubs or bars located within the DD-C District, the applicant shall demonstrate that no existing place of worship is located within 250 feet of the proposed nightclub or similar establishment.
3. Within the DD-C District, the applicant shall demonstrate that no existing place of worship is located within 50 feet of the proposed nightclub or similar establishment.
4. Measurements shall be made from the point on the place of worship, whether on the building or associated parking area, that is closest to the proposed night club or similar establishment to the point on the proposed nightclub or similar establishment, whether on the building, associated parking area, or outdoor activity area that is closest to the place of worship.
5. No outside storage shall be located on the site.
6. Outside activities shall be allowed only in the DD-C and DD-S1 sub-districts. The following standards shall be met:

- a. For the area between the building line and the right-of-way, excluding alleys, the outdoor activity area shall:
 - (1) Not exceed 50% of the interior seating area square footage;
 - (2) Be physically delineated and separated from the public right-of-way by a fence or wall in conformance with the requirements of Sec. 9.9, Fences and Walls;
 - (3) Be utilized for seating areas only; and
 - (4) Be prohibited from having amplified music.
 - b. For all other areas, the outdoor activity area shall:
 - (1) Not exceed 100% of the interior seating area square footage;
 - (2) Be physically delineated and separated by a fence or wall as follows:
 - (a) A minimum six foot high fence or wall at the property line along adjacent properties; and
 - (b) A minimum three foot high fence or wall at the property line along rights-of-way.
 - (c) When a building wall is present along adjacent properties, no fence or wall shall be required along the length of that building wall.
 - (d) The fence or wall shall be in conformance with maximum heights and construction standards pursuant to Sec. 9.9, Fences and Walls.
 - c. All outside activities shall be conducted in accordance with paragraph 7.8.7, Noise.
 - d. Any area established for outside activities shall be shown on an approved site plan.
7. Nightclubs or bars in the DD-S2 District shall be located 50 feet or more from any residential zoning district outside of the Downtown Tier. Measurements shall be made from the residential district boundary to the point on the proposed nightclub or bar, whether on the building or associated parking area, that is closest to the residential district boundary.
8. Nightclubs and bars shall not be permitted in the S2 sub-district of the CD District.

Q. Outdoor Recreation

Outdoor recreation activities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

- 1. If not otherwise required, a minor special use permit shall be required if any access to the site is through or adjacent to (including directly across a public right-of-way) a residential district or use, unless such access is consistent with an approved development plan that accurately specifies the type, size, and intensity of use.

(3) All fences and walls shall be in conformance with the standards of Sec. 9.9, Fences and Walls.

6. In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

R. Paintball or Similar Recreation Facilities on Natural Sites

Paintball or similar recreation facilities on natural sites shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The site shall be at least five acres in size.
2. The use shall not be permitted to locate adjacent to any existing place of worship, day care or school.
3. All activities shall take place at least 100 feet from any residential district or use.
4. The use shall not change or modify the existing natural landscape except for accessory services or parking areas. Movable walls, barricades, or similar features shall be permitted as a part of the recreational use.
5. Any building shall be located at least 100 feet from all property lines. Total building floor area shall be as follows:
 - a. For sites in the Rural Tier, total building floor area shall be in accordance with the table below:

Site Acreage	Maximum Building Floor Area (square feet)
5 --10	750
More than 10--15	1,500
More than 15--20	2,000
More than 20--25	2,500
More than 25--30	3,000
More than 30--35	3,500
More than 35--40	4,000
More than 40--45	4,500
More than 45	5,000

- b. For sites in all other Tiers, the maximum building floor area shall be 750 square feet.
6. A buffer consistent with that of an Industrial Use adjacent to a Residential Use in the Suburban Tier shall be required (See Sec. 9.4, Project Boundary Buffers).
7. No outdoor storage shall be allowed.
8. No outdoor public address system shall be used.

S. Payday Lenders

Payday lenders shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Within the S1 and S2 sub-districts of the CD Districts, payday lenders shall not be permitted.

T. Self Service Storage

Self service storage shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The facility shall be screened from view from adjacent properties pursuant to Sec. 9.7, Screening, except in the DD District.
2. In the DD District, access to individual storage units shall be from corridors internal to the building.

U. Vehicle Sales, Leasing, and Rentals

Vehicle sales, leasing, and rentals shall be permitted in accordance with the use table in Sec. 5.1, subject to the following:

1. All junked or inoperable vehicles or equipment shall be within a completely enclosed building.
2. Vehicle or equipment repairs made on-site shall be subject to the restrictions of paragraph 5.3.4V, Vehicle Service, and Vehicle Service Limited.
3. Adequate on-site area shall exist for the loading and unloading of vehicles from car carriers to ensure that no such loading or unloading occurs in any public right of way.
4. Vehicle sales, leasing, and rental facilities, except in the CI and Design districts, shall meet the following landscaping standards instead of those in Sec. 9.8, Vehicular Use Area Landscaping:
 - a. Trees shall be planted at the rate of one tree per 50 linear feet of display area perimeter, and shrubs at the rate of one shrub per five linear feet of display area perimeter, unless a project boundary buffer pursuant to Sec. 9.4, Project Boundary Buffers, is required between the edge of the display area and the property line or right-of-way.
 - b. Plants can be grouped together, provided that a contiguous growing area as specified in *The Landscape Manual for Durham, North Carolina*, not encroached upon by impervious pavement, shall be provided for each planted tree. Sidewalks shall be permitted to encroach on sites within the Urban, Compact Neighborhood, and Downtown Tiers when a critical root path system is implemented pursuant to the *Landscape Manual*.
 - c. Plantings shall be located in an area adjacent to the display area, and between the display area and the property line; and shall meet the requirements for size and proximity to the display area as set for vehicular use areas in paragraph 9.8.1C, Standards, excluding paragraph 9.8.1C.7.
 - d. Shrubs shall not be required between a right of way (except an alley) or access easement and the display area if the display area is more than 50 feet from the right-of-way or access easement.

5. Vehicle sales, leasing, and rental facilities in the CI and Design districts shall meet the requirements of paragraph 9.8.4, Vehicular Use Area Landscaping in the CI and Design Districts.
6. The provisions of Sec. 7.5, Outdoor Display, shall not apply. No vehicles shall be displayed in required landscaping or in rights-of-way.

V. Vehicle Service, and Vehicle Service Limited

Vehicle service (full or limited) shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Fuel pumps shall be at least 15 feet from property lines.
2. Any repair, servicing, maintenance or other work on vehicles shall be conducted within an enclosed structure.
3. No outdoor storage shall be allowed.
4. No more than two inoperable motor vehicles per service bay, with a total maximum of ten regardless of the number of service bays, shall be kept on-site at any time.
5. A spill prevention and counter measures plan shall be provided prior to construction plan approval that includes, at a minimum:
 - a. Cleanup procedures for spills occurring inside and outside the building;
 - b. Counter measures for use in preventing spills from entering the stormwater collection system; and
 - c. Routine cleanup procedures for work areas and parking areas. Wash-down water shall not be permitted to enter the stormwater collection system.
6. Existing vehicle service (full or limited) facilities that were in operation prior to January 1, 1994, and do not comply with the provisions above, shall:
 - a. Provide an opaque screen (a fence or wall at least six feet in height but no more than eight feet in height or sufficient landscaping) to fully screen all outdoor operations of the vehicle repair shop, including vehicle storage, from off-site views, including views from rights-of-way and adjoining properties.
 - b. Additional screening shall not be required if no operations are visible from off-site.
 - c. Fences or walls, when used, shall not be located within any sight distance triangles at any intersection, but shall be set back to provide unimpeded vision clearance for pedestrian and vehicular traffic.

W. Veterinary Clinics, Animal Hospitals, and Kennels

Veterinary clinics, animal hospitals, and kennels shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. No outdoor runs, kennels, or storage shall be allowed in PDR or Design Districts.
2. A 300-foot separation shall be maintained between the outdoor areas where animals are kept and any property line of any adjacent residential use in a residential district.

3. A minimum six-foot tall wall shall be installed and maintained between outdoor areas where animals are kept and any property line of an adjacent residential use in a non-residential district.
4. Within the S1 and S2 sub-districts of the CD Districts, Veterinary Clinics, Animal Hospitals, and Kennels shall not be permitted.
5. In the RR District, parking located between the structure and the street shall be set back at least 25 feet from the right-of-way.

5.3.5 Office Use Standards

A. Conference Centers or Retreat Houses

Conference centers and retreat houses shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. If available, housing and meals shall be provided for participants and caretakers only.
2. Parking shall not be located in the street yard.

5.3.6 Industrial Use Standards

A. Asphalt Plants and Other Facilities for the Manufacture and Storage of Chemicals, Petroleum Products, Explosives, and Allied Products (When Not an Accessory Use – Service Stations and Research Laboratories are not Addressed by this Provision)

Asphalt plants and other facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The boundary of the property shall be at least 1,500 feet from any residential use or zone.
2. The use shall be totally enclosed by a security fence or wall at least 8 feet high or enclosed within a fire proof building.
3. All plans shall be reviewed by Fire and Emergency staff prior to approval in order to determine that existing services provide adequate protection for citizens.

B. Concrete Manufacturing Plants

Concrete manufacturing plants shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The facility shall not be within 1,500 feet of property zoned residential, however, intervening highways, streets, railroads, and similar rights-of-ways shall be included in the 1,500-foot measurement.
2. The property shall not be adjacent to an existing hospital, day care facility, educational facility, place of worship, convalescent center, or assisted living center.
3. The site shall be at least four acres in area and shall have direct access on a major or minor thoroughfare.
4. Property boundaries facing public streets shall be fenced with a six foot high fence and the fence shall be two-thirds screened by vegetation at planting.

C. Hazardous and Low Level Nuclear Material Disposal and Storage Areas

Hazardous and low level nuclear material disposal and storage areas shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The facility use shall comply with all applicable State and federal regulations.
2. The facility shall be located at least 1,500 feet from any residential zone.
3. Maps and engineering drawings shall be provided showing proposed drainage, proposed sewer system design, the depth of the water table, soil composition, all existing surface water, and all existing uses within ¼-mile of the property line.
4. The site shall be enclosed by a fence or wall at least 6 feet high. Entrance and exit shall be through a gate which shall be locked during non-business hours.

D. Light Industrial Uses

Light industrial uses shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Within the DD District, the following light industrial uses shall not be allowed:
 - a. Equipment rental;
 - b. Maintenance yard or facility; and;
 - c. Regional recycling center.
2. Within the SRP District, the only light industrial uses permitted shall be the manufacture or assembly of equipment, instruments (including musical instruments), precision items, or electrical items.
 - a. The manufacture or assembly of appliances, toys, or other similar items are not permitted.
 - b. Outdoor storage for manufacturing is allowed only as an accessory use.
3. No outdoor operations or storage shall be visible from the street.

E. Research and Development

Research and development shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Research and development shall not be permitted in the S2 sub-district of the CD District.
2. Within the SRP District:
 - a. Helipads are allowed as an accessory use with approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
 - b. Retail sales and service uses, and restaurants without drive-through windows, are allowed as an accessory use with the following conditions:
 - (1) No signs shall be visible off-site.
 - (2) The use shall be located within a building housing a principal use allowed in the District.

F. Resource Extraction

Resource extraction uses shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The application for the use shall include a plan for restoration procedures and methods to ensure financing of the restoration once the operation ceases.

G. Transfer Stations

Transfer stations shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The transfer station shall only handle waste that can be legally handled or disposed of in a solid waste landfill facility. This limitation shall not preclude use of the transfer station site for collection, processing, storage, and transfer of recyclable materials or for other waste reduction activities.
2. The transfer station entrance driveway shall be located on a major thoroughfare located within 2,000 feet of an interstate highway interchange.
3. There shall be at least 500 feet of separation between the transfer station facility [building and vehicular use areas adjacent to the building] and the nearest residential structure.
4. The facility shall conform to all applicable State and federal regulations.

H. Wholesale Trade

Wholesale trade shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

Outside storage or operations shall not be visible from the street.

I. Wrecking, Junk, and Salvage Yards

Wrecking, junk, and salvage yards shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. The facility shall not be within 1,000 feet of property zoned residential; however, intervening highways, streets, railroads, and similar rights-of-ways shall be included in the 1,000-foot measurement.
2. The facilities shall be enclosed by a fence and shall be screened from view. The fence shall be six-feet high, measured from the lowest point of grade. The fence shall be maintained in good condition. No stored materials shall be visible from ground level immediately outside the fence.
3. A spill prevention and countermeasures plan shall be provided prior to construction plan approval that includes, at a minimum:
 - a. Cleanup procedures for spills occurring inside and outside the building;
 - b. Countermeasures for use in preventing spills from entering the stormwater collection system; and
 - c. Routine cleanup procedures for work areas and parking areas. Washdown water shall not be permitted to enter the stormwater collection system.

4. Existing wrecking, junk and salvage yards that were in operation prior to January 1, 1994, and do not comply with all of the provisions listed above, shall provide an opaque screen (a fence or wall at least six feet in height but no more than eight feet in height or sufficient landscaping) to fully screen the facility from off-site views, including views from rights-of-way and adjoining properties. Additional screening shall not be required if no operations are visible from off-site. Fences or walls, when used, shall not be located within any sight distance triangles at any intersection, but shall be set back to provide unimpeded vision clearance for pedestrian and vehicular traffic.

Sec. 5.4 Accessory Uses and Structures

5.4.1 Accessory Structures

Accessory structures shall be subject to the following additional requirements:

- A. An accessory structure shall be clearly subordinate to the primary structure in aspects of size and purpose.
- B. Accessory structures shall be located as follows:
 1. Accessory structures associated with a single-family or duplex structure shall be located to the rear of the rear building line of the primary structure, with the following limitations and exceptions:
 - a. Except in the RU and RC Districts, the structure shall be no closer than five feet to the rear and side property lines.
 - b. Accessory structures in the RU and RC Districts shall be no closer than three feet to the side and rear property lines.
 - c. Accessory structures in the RR District can be located in front or to the side of the primary structure provided that:
 - (1) It is not located in the street or side yard; and
 - (2) It is on a lot at least two acres in size.
 2. Accessory structures in design districts shall be located to the rear of the rear building line of the primary structure(s) and shall be subject to the side and rear yard requirements of those districts.
 3. Accessory structures for all other development not indicated above shall be located to the side or rear of the primary structure, but not within side or rear yards. For developments with more than one primary structure, the primary structure located closest to the right-of-way shall be used to locate the accessory structure.
- C. Any accessory structures located less than five feet from the property line shall construct a wall meeting North Carolina Building Code Standards for fire obstruction on that side of the structure facing the property line.
- D. The height of an accessory structure in residential areas shall comply with the following standards:
 1. In RS Districts, the height shall not exceed 15 feet when the structure is within ten feet of the property line.
 2. In the RU and RC districts, the height of an accessory structure shall not exceed 25 feet when the structure is within five feet of the property line.
- E. Within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas, an accessory structure shall not exceed 1,000 square feet in area and shall meet the following criteria:
 1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 2. Accessory structures shall not be temperature-controlled;

3. Accessory structures shall be designed to have low flood damage potential;
 4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 5. Accessory structures shall be firmly anchored in accordance with Section 8.4, Floodplain and Flood Damage Protection Standards;
 6. All service facilities such as electrical shall be installed in accordance with Section 8.4, Floodplain and Flood Damage Protection Standards; and
 7. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 8.4, Floodplain and Flood Damage Protection Standards.
- F. In addition to the requirements in paragraphs A, B, C, and E, accessory structures in Design Districts shall comply with the following standards:
1. The height of the structure shall not exceed 35 feet and shall not exceed the primary structure in height; and
 2. The structure shall be compatible with the primary structure in style, materials, roof form, and details.

5.4.2 Accessory Dwellings

Accessory dwellings shall be subject to the following additional requirements:

A. General

1. Accessory dwellings shall not be permitted in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas.
2. One additional off-street parking space shall be provided, except in the DD District.

B. In Residential Districts and on Properties Devoted to Residential Use

1. Residential properties developed with more than one dwelling unit shall not be permitted to develop accessory dwellings.
2. The primary dwelling shall be located on a lot which meets the minimum area requirements of the zoning district.
3. Only one accessory dwelling shall be allowed.
4. The accessory dwelling can be located within the primary dwelling or shall meet the locational and dimensional requirements for accessory structures.
5. The heated floor area of the accessory dwelling shall be at least 400 square feet in area, but shall not exceed 30% of the heated or air-conditioned floor area of the primary dwelling, except in the RR district, where the heated or air-conditioned floor area can be a maximum of 50% of the primary dwelling heated or air-conditioned floor area on lots of four acres or larger.

Commentary: Examples of accessory dwelling square footage are:

A 1,333 square foot primary dwelling is needed for a 400 square foot accessory dwelling. (30% of 1,333 = 400 square feet)

A 2,000 square foot primary dwelling is needed for a 600 square foot accessory dwelling.

6. If the accessory dwelling is proposed for location on a single-family property, the property shall retain a single family appearance from the street.
7. Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a residential district or on property devoted to residential use, except that use of a travel trailer or RV during temporary visits of two weeks or less shall be allowed.

5.4.3 Amateur Wireless Facility

- A. Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, antennas or antenna arrays with an overall height less than 50 feet in Residential districts or with an overall height less than 70 feet in all other zoning districts can be developed, if in accordance with the following additional requirements.
 1. Towers and support structures shall meet the setback requirements for accessory structures for the zoning district in which the proposed facility shall be located, or 100% of the tower height, whichever is greater.
 2. The applicant shall commit in writing that the facility will be erected in accordance with manufacturer's recommendations.
- B. Non-commercial, amateur, ham radio or citizen's band antenna supporting structures, with a height greater than as provided above shall be regulated in accordance with paragraph 5.3.3N, Wireless Communication Facilities for Transmitting and Receiving Electronic Signals.

5.4.4 Home Occupations

Home occupations shall be subject to the following regulations:

A. Generally

The following requirements shall apply to all home occupations:

1. No display of goods, products or services shall be visible off site.
2. Only handmade items, foodstuffs, and crafts made on the premises can be offered directly for sale. No goods, products or commodities bought or secured for the express purpose of resale shall be sold at retail or wholesale on the premises. Catalog and electronic business orders may be received for goods, products or commodities bought or secured for the express purpose of resale at retail and wholesale when the products are received and shipped from the premises to fulfill catalog or electronic business orders.
3. Traffic and parking associated with the use shall not be detrimental to the neighborhood or create congestion on the street where the home occupation is located.

4. Vehicles used primarily as passenger vehicles shall be permitted in connection with the home occupation. Only one commercially licensed vehicle shall be allowed, except in the RS-20 and RR districts, where up to two heavy equipment vehicles can be permitted. All heavy equipment vehicles associated with a home occupation permit shall be screened from view from adjoining properties and the public right of way.
5. No equipment or process shall be used in connection with the home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference that is detectable off-site.
6. No hazardous materials can be manufactured, stored, processed or disposed of on the premises.

B. Rural Home Occupations

The following requirements shall apply to all home occupations located on properties zoned Residential Rural District (RR) containing at least 10 contiguous acres in addition to the provisions of paragraph A. above:

1. In addition to persons residing on the premises, up to three nonresident employees can be engaged in the home occupation.
2. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of the livable portion of the dwelling.
3. If located within the primary residence, internal alterations or construction modifications not customary in dwellings shall be prohibited, except to meet the accessibility requirements of the Americans with Disabilities Act.
4. An accessory structure or an accessory dwelling can be used for all or a portion of the floor area of the home occupation but the combined total square footage devoted to the home occupation shall not exceed the limits described in paragraph B.2 above. If a home occupation is located within an accessory structure or dwelling, the accessory structure or dwelling shall not be located closer to the front property line than the closest side of the primary dwelling to the front property line; nor closer to the side property line than the closest side of the dwelling to the side property line or 100 feet, whichever is a lesser distance, and not closer than 75 feet to the rear property line.

Commentary: Use of an accessory structure for a home occupation will require modification of the structure to meet the habitable space requirements of the Building Code. If outside employees are associated with the home occupation, modifications to an accessory structure or accessory dwelling may also be required to comply with the Americans with Disabilities Act.

5. The home occupation can include outdoor uses or activities. Any areas used for outdoor activities shall be at least 250 feet from any property line and shall also be closer to the principal dwelling on the site than to any dwelling on an adjoining site.
6. Any home occupations utilizing these provisions shall be required to cease operations if the parcel size is reduced to less than 10 acres.

C. Other Home Occupations

In all districts other than RR, or in RR-zoned properties less than ten acres, the following standards apply in addition to the standards of paragraph A. above:

1. Only persons residing on the premises and up to one nonresident employee can be engaged in the home occupation.
2. The home occupation shall be clearly incidental to the primary use as a residence. The total square footage devoted to the home occupation shall not exceed 30% of the floor area of the livable portion of the dwelling. Internal alterations or construction modifications not customary in dwellings and exterior modifications to the dwelling to accommodate the home occupation shall be prohibited except to meet the accessibility requirements of the Americans with Disabilities Act.
3. No outside storage use or activity (except parking and, for day care homes, required recreation areas) shall be associated with the home occupation.

D. Telecommuting

Telecommuting shall not be considered a home occupation.

5.4.5 Storage of One or More Junk Vehicles

Junk vehicles shall be prohibited within a residential district or on a property devoted to residential use, except that junk vehicles owned by an occupant of the dwelling and stored within an enclosed building so that they are not visible from an adjacent property or a public right-of-way may be allowed. Within the Rural Tier, junk vehicles may also be screened with a permanent enclosure to meet this standard.

5.4.6 Manufactured Home Storage

Storage of a manufactured home shall be prohibited within a residential district or on property devoted to residential use, unless the manufactured home is lawfully permitted pursuant to Sec. 5.1, Use Table, or paragraph 5.5.2F, Manufactured Homes.

5.4.7 On-Site Recycling Facilities and Drop-Off Sites

Commentary: On-site recycling facilities and public recycling drop-off sites should not be confused with recycling centers, which are much larger regional centers that process recyclables. Examples of on-site recycling facilities include cardboard or aluminum can recycling bins. Public recycling drop-off sites include facilities located in church or school parking lots where the public may deposit recyclables.

- A. Recycling facilities and drop-off sites shall be permitted as an accessory use in all nonresidential districts and multi-family residential property.
- B. The drop-off site shall be kept free of litter, residue and debris by the party responsible for the maintenance and management of the drop off facility.
- C. Recycling drop-off sites shall be located at least 50 feet away from adjoining residentially zoned property.
- D. The drop-off site containers 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.

- E. [City Only] Notwithstanding the other provisions of this section, unattended clothing donation containers are prohibited unless located at the operational site of a company or organization that collects used clothing for resale or donation as a primary business function. An unattended clothing container is any box, bin, dumpster, trailer or other receptacle that is intended for use as a collection point for donated clothing or other household materials at times when no employee or representative of the sponsoring company or organization is present to accept donations. Prohibited clothing donation containers that exist at the time this section is adopted shall be removed within 30 days of adoption.

5.4.8 Satellite Dishes (Earth Stations)

Satellite dishes (earth stations) that are less than one meter (39.37 inches) in diameter in residential districts and less than two meters in diameter in all other zoning districts shall be exempt from the standards of this section. Satellite dishes exceeding these dimensions shall be subject to the following additional requirements:

- A. A Minor Special Use Permit issued in accordance with Sec. 3.9, Special Use Permit, shall be required.
- B. If attached to a roof or building, a letter certifying the roof's and building's structural stability shall be written and sealed by a licensed engineer, prior to any approval of a roof-mounted satellite earth station.
- C. No commercial messages shall be placed on the dish.

5.4.9 Swimming Pools

Commentary: In-ground and above-ground pools are subject to any applicable public health and building code requirements.

When allowed, in-ground and above-ground swimming pools that have a water depth over 24 inches and have a surface area of at least 100 square feet shall be subject to the following additional requirements:

- A. **Private Pools**
Private swimming pools (as well as the decking and equipment associated with the pool) located on any residential lots with the exception of those described in paragraph B below, shall not be located between the street and the principal structure, and not be closer than five feet to any property line.
- B. **Outdoor Community Pools, Private Club Pools, or Townhouse, Mutiplex and Apartment Pools**
 1. Except for roof-top pools, outdoor pools including decking shall be located at least 100 feet from any property line adjacent to a single-family residential district or use. For purposes of this paragraph, a district or use that is across a public right-of-way shall not be considered adjacent.
 2. When the pool is adjacent to off-site residences, the playing of music detectable off-site on a public address system is prohibited. Informational announcements shall be permitted. This requirement shall not apply when a permit has been issued for a special event.

3. All outdoor pools shall be enclosed by a fence that is at least four feet in height. The exterior walls of buildings can be incorporated as a portion of the fence to create a fully enclosed area around the pool. All fence openings into the pool area shall be equipped with self-closing and self-latching gates.

5.4.10 Vehicle Repair

Up to two vehicles can be repaired simultaneously on a residential property if the vehicles are registered to an occupant of the residence.

5.4.11 Vehicle Sales

Vehicle sales shall be prohibited within a residential district or on property devoted to residential use, except that the sale of a private vehicle registered to the occupant of the residence shall be allowed. No more than one such vehicle shall be displayed at a time.

5.4.12 Limited Agriculture (City Only)

Limited agriculture shall be subject to the following regulations:

A. General

1. Permits Required

A permit under Sec. 3.22, Limited Agriculture Permit (City Only), is required in order to conduct the uses designated by this section. Such uses are distinct from agricultural uses or agricultural use categories permitted under this Ordinance. The limited agriculture permit is personal to the permittee and cannot be assigned.

Commentary: A building permit issued by the City-County Inspections Department may be required in addition to a Limited Agriculture Permit.

2. Permit Revocation and Removal of Items

- a. Compliance with the requirements of this Ordinance shall create a presumption that the permitted use does not create a nuisance or threat to public health or safety. The permit shall, however, be revoked if the Planning Director determines that the permitted use creates a nuisance or detriment to public health or safety.
- b. Violation of ordinance standards shall result in permit revocation under paragraph 3.22.4, Revocation, and possible enforcement under Article 15, Enforcement, including civil and criminal penalties. Misrepresentation by a permittee shall result in permit revocation or voiding under paragraph 15.3.7, Permit Revocation or Voiding.
- c. Regardless of whether an ordinance violation has occurred, the Planning Director is authorized to order immediate removal of items and structures associated with the permitted use that the Director determines create a nuisance or detriment to public health or safety.

3. Non-Commercial Use Only

Uses authorized under a Limited Agriculture Permit shall be non-commercial only. Commercial activities are prohibited. Domestic animals authorized by a Limited Agriculture Permit shall be kept as pets or for personal use only.

4. Nuisance Prohibited

Uses authorized under a Limited Agriculture Permit shall not create a nuisance. Uses shall be conducted in a manner that does not disturb the use or enjoyment of adjacent properties. Odor generated shall not be perceptible at the property boundaries, and noise generated shall not disturb people of reasonable sensitivity at the property boundaries. Only motion-activated lighting shall be used to light any limited agriculture area.

5. Public Health and Safety

Uses authorized under a Limited Agriculture Permit shall not create a detriment to public health or safety.

B. Domestic Chickens

1. Purpose

The purpose of this section is to authorize and provide standards for the keeping of domesticated chickens. It is intended to enable residents to responsibly keep a small number of female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood.

2. Definitions

"Chicken", "Chicken Coop", and "Chicken Pen" are defined in Sec. 16.3, Defined Terms.

3. Number and Type of Chickens Allowed

The maximum number of chickens allowed is ten (10) per lot, regardless of how many dwelling units are on the lot. Only female chickens are allowed. There is no restriction on chicken breeds.

4. Permitted Housing Types

Residents of single-family houses and townhouses can keep chickens as authorized under this section. A limited agriculture permit shall not be issued for chickens at other housing types.

5. Personal Use Only

- a.** Eggs, chicks, adult chickens, and processed chickens shall not be sold. Chicken manure and compost using chicken manure shall not be sold or otherwise distributed.
- b.** Produce on which chicken manure from the permitted chickens has been used as fertilizer, or on which compost made with such manure has been used, shall not be sold.

6. Chicken Enclosures

A chicken coop and chicken pen shall be provided. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours chickens can be

located in the chicken pen and can be located outside of the pen in a securely fenced yard or chicken tractor/portable pen if supervised by an adult person.

7. Construction and Design

- a.** The chicken coop shall comply with the requirements of Sec. 5.4, Accessory Uses and Structures. The coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high, and provide at least 3 square feet of floor area per chicken. The coop shall provide 1 square foot of window per 15 square feet of floor area, and vents as necessary to ensure adequate ventilation. The materials for each element, e.g., walls, roof, windows and doors, shall be uniform and in harmony with the surrounding area. Doors shall be constructed so that they can shut and lock. Windows shall be constructed so they can shut. Windows and vents shall be covered with wire that is 14 1/2-gauge or less with maximum spacing of 1 inch by 1 inch. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.
- b.** The chicken pen shall be constructed of wood or metal posts and wire fencing material that is 14 1/2-gauge or less with maximum spacing, overall or along the lower portion for graduated poultry fencing, of 1 inch by 6 inches. The pen shall provide at least 10 square feet of area per chicken. The fence shall rise at least 4 feet above the ground and be buried at least 1 foot in the ground. The pen shall be covered with wire, aviary netting, or solid roofing.

8. Maintenance

The chicken coop, chicken pen, and surrounding area shall be kept clean, dry, odor-free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed in a timely manner and disposed of in a sanitary manner. The permittee is subject to, and shall comply with, the requirements of Chapter 70, Utilities, Article V, Stormwater Management and Pollution Control. The permittee shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Slaughter and other processing of chickens shall be conducted in accordance with Small Flock Management Resources guidance provided by the Poultry Science Division of the North Carolina Cooperative Extension/North Carolina State University College of Agriculture and Life Sciences. Slaughter shall not be visible from any adjacent property, public area, or right-of-way. If a chicken dies from causes other than slaughter, it shall promptly be placed into a plastic bag, which shall be closed securely and disposed of with household waste.

9. Living Conditions

The chicken coop shall provide adequate security, ventilation, and shelter from moisture and extremes of temperature. The chicken pen shall provide adequate security and sun and shade. Chickens shall have access to feed and clean water at all times, and such feed and water shall be inaccessible to rodents, wild birds, and predators. Chickens shall be provided adequate bedding in the chicken coop and perches are encouraged.

10. Waste Storage and Use

- a.** No more than 2 cubic feet of chicken manure shall be stored, for use as unprocessed fertilizer. All other manure shall be disposed of or composted. All stored manure shall be completely contained in a waterproof container.
- b.** Any compost using chicken manure shall be produced in an enclosed backyard composter.

Commentary: Be aware that unprocessed chicken manure may contain pathogens that can be transmitted to produce on which it is used as fertilizer. A proper mix of materials and maintaining a temperature of at least 131 degrees Fahrenheit for at least 3 consecutive days is necessary to destroy pathogens in compost.

11. Location

Notwithstanding the location requirements of Sec. 5.4, Accessory Uses and Structures, chicken coops shall be located at least 15 feet from any property line or public right of way, and chicken pens shall be located at least 5 feet from any property line or right-of-way.

Sec. 5.5 Temporary Uses

Commentary: Temporary uses should not be confused with permanent outdoor activities (for example, a car sales lot) that are only allowed in certain zones and require site plan approval, nor should they be confused with an outdoor display area (for example, a garden center that is part of a building supply store) that may be a part of a retail store and require site plan approval.

Some uses are considered temporary in nature and can be approved as temporary uses in any zoning district (unless otherwise provided below), subject to the following requirements in addition to requirements of Sec. 3.12, Temporary Use Permit. Additional restrictions regarding the operation of these uses may be imposed through the City or County code, as applicable.

5.5.1 In General

- A. The maximum allowed time period for a Temporary Use Permit is 45 days, unless otherwise specified below. A Temporary Use Permit can be renewed for an additional 45 days, unless otherwise specified below.
- B. No more than one permit and one renewal shall be issued for any temporary use on a property within a 12 month period, unless otherwise specified below.

5.5.2 Specific Temporary Uses

A. Carnivals

1. General

A carnival shall only operate between the hours of 8:00 a.m. and 10:00 p.m., Sunday through Thursday, and between the hours of 8:00 a.m. and 11:00 p.m., Friday and Saturday.

2. Location

Carnivals shall not be permitted in residential districts. All facilities associated with a carnival shall be located at least 100 feet from the property line of the closest residential property or use.

3. Permitted Timeframe

No carnival shall be permitted for any period longer than 10 days.

B. Christmas Tree Sales Lots

1. General

Christmas tree sales lots shall require a temporary use permit if located in a residential district.

2. Permitted Timeframe

No Christmas tree sales lot requiring a permit shall be permitted for any period longer than 60 days.

C. Circuses

1. Location

Circuses shall not be permitted in residential districts. All facilities associated with a circus shall be located at least 100 feet from the property line of the closest residential property or use.

2. Permitted Timeframe

Temporary Use Permits for a circus shall not be granted for any period longer than 10 days.

D. Construction Buildings

1. General

Construction buildings can be permitted as a temporary use incidental to construction occurring in accordance with a valid building permit.

2. Permitted Timeframe

Construction buildings shall be removed prior to the issuance of a final certificate of compliance for the construction project, or upon the expiration of the building permit associated with the construction project.

E. Land Clearing and Inert Debris Landfills (LCIDs)

1. General

LCIDs shall comply with all applicable local, State, and federal regulations.

2. Size

The total disposal area shall be less than two acres in size.

3. Permitted Timeframe

The permit shall be valid for five years from the date of issuance. One renewal of the permit, for a maximum of an additional five years from the original expiration of the permit, can be issued.

F. Farmers' Markets

A farmers' market can operate with a temporary use permit as follows:

- 1.** Unless prohibited within the committed elements of a development plan, farmers' markets are allowed within any non-residential zoning district, and within residential zoning districts on property used as an educational facility, place of worship, park, community service facility, or government facility.
- 2.** Temporary use permits are valid for one year and can be renewed on a yearly basis by providing the same documentation that demonstrates compliance with Ordinance standards as done with the original issuance.
- 3.** In addition to the requirements of Sec. 3.12, Temporary Use Permit, the following shall be required:
 - a.** On-site presence of a market manager during all hours of operation.
 - b.** All vendors shall be producers, as defined in Sec. 16.3, Defined Terms.
 - c.** All products sold shall be food or beverage products, farm products, or value-added farm products.
 - d.** Provisions for recycling and waste removal. All recycling and waste shall be removed from the premises by the termination of tear-down.
 - e.** Hours and days of operation:

- (1) Hours of operation shall be allowed between 7 a.m. and 9 p.m. but shall not exceed five hours per day. One and one-half hours before and one and one-half hours after the hours of operation are permitted for set-up and tear-down.
- (2) A market shall not operate more than two days per week.
- (3) An additional day per week or two additional hours per day are permitted three times a year to accommodate holidays or special events.

f. Signs: Signs are permitted as follows:

- (1) Signs erected only during market hours:
 - (a) No sign permit is required.
 - (b) One sign per street frontage is allowed.
 - (c) The maximum sign area per sign is 24 square feet.
 - (d) Signs shall be set up only during the hours between the start of set-up and the end of tear-down.
 - (e) Sec. 11.3, Prohibited Signs, shall apply.
- (2) Permanent signs:

Permanent signs shall comply with Article 11, Sign Standards, and shall be incorporated into the common signage plan of the overall development site hosting the market. If no common signage plan exists for the host site, a common signage plan shall be required.

4. Parking

- a.** During hours of operation, the minimum motor vehicle parking requirements for outdoor markets, pursuant to paragraph 10.3.1A.1, Minimum, shall be provided. If the zoning district has no minimum parking requirement, then no minimum parking shall apply.
 - (1) Except as allowed via off-site parking pursuant to paragraph (2) below, all parking shall be on-site. Required parking spaces of the host property shall be permitted to count towards required market parking so long as a document signed by the property owner and market manager demonstrates that there will be no parking demand associated with the use of the host property for the same parking spaces during the hours of operation of the farmers' market.
 - (2) Off-site parking up to 500 feet away, measured from property line of the parking area to the property line of the market site, can satisfy parking requirements subject to the following:
 - (a) Such parking areas shall be under the same control (by ownership or lease) as the host property or farmers' market. A copy of the deed or lease agreement shall be provided to demonstrate compliance with this requirement.

- (b) A pedestrian-safe route exists connecting the parking site and the market site, consisting of sidewalks, traffic-controlled crossings of right-of-way, with no crossing of freeways or major thoroughfares.

G. Manufactured Homes

1. Following a Fire or Natural Disaster that Causes an Existing Building to be Uninhabitable

a. General

Class A or B manufactured homes are permitted as temporary residences following a fire or natural disaster.

b. Location

Such manufactured homes shall be located to the rear of the site unless site conditions make such location impractical.

c. Permitted Timeframe

Temporary Use Permits for manufactured homes can be granted for the period of construction, but shall not be valid for longer than thirty days after a Certificate of Compliance is received for the permanent structure.

2. During Home Construction in the RR District

a. General

Class A, B, or C manufactured homes are permitted as temporary residences in the RR District while construction of a new dwelling is actively underway. A Class C manufactured home shall require certification by a Professional Engineer that it is safe and habitable in order to be permitted.

b. Location

Any manufactured homes used for this purpose shall be located to the rear of the site unless site conditions make such a location impractical.

c. Permitted Timeframe

The manufactured home shall not be permitted for periods longer than 12 months, though such permits may be renewed one time, if valid building permits have been issued for the site, to provide an additional 12 months of use on the site. The manufactured home shall be removed from the site when construction ceases, even if the permit has not expired.

3. For Custodial Care

a. General

Class A or B manufactured homes may be permitted as temporary accessory dwellings to provide custodial care.

b. Location

Manufactured homes used for this purpose shall only be permitted in residential districts on sites developed with a single-family residence. The manufactured home shall be located to the rear of the primary structure and shall maintain all required setbacks of the district.

c. Permitted Timeframe

- (1) The manufactured home shall not be permitted for periods longer than 24 months, but can be renewed for additional 24-month periods.
- (2) The manufactured home shall be removed once it is determined that custodial care is no longer required.

d. Approval Process

The following shall be provided with an application for custodial care:

- (1) A notarized document specifying that direct custodial relationship exists between the occupants of the manufactured home and the house.
- (2) A physician's note indicating custodial care is necessary.

H. Mobile Communication Towers

1. General

Mobile communication towers permitted as temporary uses shall not exceed 125 feet in height.

2. Permitted Timeframe

Mobile communication towers associated with temporary events shall not be permitted for longer than one week. No extension shall be granted.

I. Outdoor Sales

1. Residential

Garage or yard sales in residential districts shall not require a temporary use permit provided they comply with the following requirements:

a. General

- (1) No sales activities occur except in daylight hours on no more than two consecutive days.
- (2) No display or storage of goods occurs outside except on the day of the sale.

b. Permitted Timeframe

No more than four sales occur on any single site in any calendar year, with a minimum period between sales of three months.

2. Nonresidential

Commentary: For outdoor sales located within the public right-of-way, consult the regulations within the City of Durham *Code of Ordinances*.

- a.** Temporary outdoor sales shall be limited to property within commercial zoning and Design districts.
- b.** Outdoor sales activity shall be located outside of required parking areas, required loading areas, and required landscaping.
- c.** A temporary use permit shall be required for temporary outdoor sales except for the following:

- (1) Mobile food vendors within the DD District or on construction sites;
- (2) Mobile vendors, other than those within the DD District or construction sites, that are occupying private property and set-up once per day for a maximum of four hours;
- (3) Mobile ice cream vendors;
- (4) Outdoor displays in compliance with Sec. 7.5, Outdoor Display and Storage; or
- (5) Sales of home grown produce.

J. Portable On-Site Storage on Residential Property

1. General

- a. A portable on-site storage unit is any container designed for the storage of personal property and for transport by commercial vehicle that is typically rented to owners or occupants of property for their temporary use. A portable on-site storage unit is not a building or structure.
- b. A portable on-site storage unit can be located anywhere on a residential property without a temporary use permit while the property is the job address listed on an active building permit issued by the Durham City-County Inspections Department.
- c. Except as authorized under paragraph J.1.b above, a portable on-site storage unit shall require temporary use permit under Sec. 3.12, Temporary Use permit, if it is located on a residential property for more than 30 days.

2. Location

a. Single-Family Residences

Except as authorized under paragraph J.1.b above, a portable on-site storage unit for a single-family residence shall be located in the driveway or in the side or rear yard at least five feet from any property line.

b. All Other Types of Residences

Except as authorized under paragraph J.1.b above, a portable on-site storage unit for any residential housing type other than a single-family residence shall be located in an on-site vehicular use area and shall not obstruct any drive aisle or block any required parking space.

3. Size

The longest dimension of a portable on-site storage unit, or the longest aggregate dimension of multiple units, shall not exceed 20 feet.

4. Permitted Timeframe

A temporary use permit for a portable on-site storage unit shall be limited to a maximum of 30 days. Such permit can be renewed one time for a maximum of 30 days provided renewal occurs prior to expiration of the original temporary use permit.

K. Public Facilities

1. General

Structures associated with government activities shall be incidental to a permanent use or building located on the site.

2. Location

Except for modular school classrooms, the temporary public facility can be located within street yards, but not within any required parking or landscape area. An all-weather surface shall be provided for access to the temporary public facility.

3. Permitted Timeframe

Except for modular school classrooms, the temporary public facility shall not be permitted for periods longer than three years, although the permit can be renewed once for up to an additional 24 months.

4. Modular School Classrooms

When modular classroom units are needed to accommodate additional enrollment at a public school facility, a temporary use permit can be issued subject to the following:

- a. Documentation provided by the applicant verifies the units are needed to accommodate additional student enrollment;
- b. Documentation provided by the applicant specifies the anticipated amount of time needed for the modular units;
- c. A stormwater impact analysis (SIA) provided by the applicant, to be reviewed and approved by the City Public Works Department, or the County Engineering Department, as applicable, shall be submitted when units are proposed on a pervious surface. Improvements determined necessary based upon an approved SIA shall be installed prior to receiving a Certificate of Compliance for the modular units;
- d. Documentation provided by the applicant that demonstrates the existing parking facilities can accommodate the additional classrooms, or additional parking spaces shall be provided, per Article 10, Off-Street Parking and Loading;
- e. The temporary use permit shall be valid for one year, and can be renewed on a yearly basis provided the same documentation demonstrating conformance to Ordinance requirements is submitted.

L. Real Estate Sales Offices and Model Homes

1. General

Temporary facilities used as real estate sales offices or model homes may be located within new subdivisions.

2. Location

Such facilities shall be required to meet all setback requirements of the underlying zoning district and shall not be used as residences.

3. Permitted Timeframes

A facility permitted as a temporary real estate sales office shall be removed upon completion of sales in the subdivision.

M. Special Events

Special events of a civic, religious, or non-profit nature shall include, but are not limited to, outdoor concerts, markets, and festivals. Such events shall not require a temporary use permit if located on public property.

N. Temporary Structures on Nonresidential Development or Residential Development with at Least 50 Units

1. General

Manufactured homes are permitted during construction.

2. Location

Such manufactured homes shall be located on the site and shall comply with all setback requirements of the district.

3. Permitted Timeframe

The temporary structure shall be permitted only during construction activities, but shall in no case be permitted for periods longer than 24 months, although such permits can be renewed one time to provide an additional 12 months of use on the site. The temporary structure shall be removed from the site when construction ceases, or the permit expires, whichever occurs first.

O. Tents

Tents used as temporary uses require permits from the fire marshal's office as well as a temporary use permit.

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