

CHAPTER 6. USE REGULATIONS

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Article 6.1. Allowed Uses

Sec. 6.1.1. Classification of Uses

A. Use Categories

1. In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.
2. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties and site conditions.
3. Use category definitions are included in *Article 6.2. Residential Uses* through *Article 6.6. Open Uses*.
4. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Zoning Administrator has the responsibility for categorizing all uses.

B. Principal Uses

Allowed principal uses by district are listed in *Sec. 6.1.4*. Principal uses are grouped into categories of uses.

C. Accessory Uses

Accessory uses are allowed in conjunction with a permitted principal use as set forth in *Article 6.7. Accessory Uses & Structures*.

D. Temporary Uses

Temporary uses are allowed as set forth in *Article 6.8. Temporary Uses*.

Sec. 6.1.2. Use Determination

A. Interpretation by the Zoning Administrator

The Zoning Administrator is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Zoning Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Zoning Administrator will consider the following criteria:

1. The actual or projected characteristics of the proposed use;
2. The relative amount of site area or floor area and equipment devoted to the proposed use;

3. Relative amounts of sales;
4. The customer type;
5. The relative number of employees;
6. Hours of operation;
7. Building and site arrangement;
8. Types of vehicles used and their parking requirements;
9. The number of vehicle trips generated;
10. Signs;
11. How the proposed use is advertised;
12. The likely impact on surrounding properties; and
13. Whether the activity is likely to be found independent of the other activities on the site.

B. Uses Not Specifically Listed

A use not specifically listed is prohibited unless the Zoning Administrator determines the use to be part of a use category as described in *Sec. 6.1.1.A*.

C. Zoning Administrator Action

Following a determination by the Zoning Administrator, a written record shall be kept by the City (see *Sec. 10.2.14.*).

Sec. 6.1.3. Key to Use Table

The allowed use table in *Sec. 6.1.4*. identifies uses permitted in each zoning district. The use table key is set forth below.

A. Permitted Use (P)

Indicates that the use is permitted by right in the district.

B. Limited Use (L)

Indicates that the use, while allowed by right in the district, must meet the use standards associated with the specific use (see right-hand column for definitions/use standards).

C. Special Use (S)

Indicates that the use requires approval by the Board of Adjustment as a special use (see *Sec. 10.2.9.*) before it is allowed in the district. Use standards associated with the specific use may also apply.

D. Use Not Permitted (--)

Indicates that a use is not permitted.

Sec. 6.1.4. Allowed Principal Use Table

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL					Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	CMP	
RESIDENTIAL																		
HOUSEHOLD LIVING, AS LISTED BELOW:																		
Single-unit living	P	P	P	P	P	P	--	P	P	P	P	--	--	P	--	P	P	Sec. 6.2.1.A.
Two-unit living	--	L	L	P	P	P	--	P	P	P	P	--	--	--	--	--	P	Sec. 6.2.1.B.
Multi-unit living	--	--	L	L	P	P	--	P	P	P	P	L	--	--	--	--	P	Sec. 6.2.1.C.
Cottage court	--	L	L	P	P	P	--	P	P	P	--	--	--	--	--	--	--	Sec. 6.2.1.D.
Conservation development	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 6.2.1.E.
Compact development	P	P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 6.2.1.F.
Manufactured home development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	Sec. 6.2.1.G.
Multi-unit supportive housing residence	L	L	L	L	L	L	--	L	L	L	L	L	--	L	--	--	L	Sec. 6.2.1.H.
Supportive housing residence	L	L	L	L	L	L	--	L	L	L	L	L	--	L	--	--	L	Sec. 6.2.1.I.
GROUP LIVING, EXCEPT AS LISTED BELOW	S	S	S	S	S	P	--	P	P	P	P	P	--	--	--	--	P	Sec. 6.2.1.J.
Boardinghouse	--	--	--	--	S	L	--	L	L	L	L	--	--	--	--	--	L	Sec. 6.2.2.A.
Congregate care	S	S	S	S	L	L	--	L	L	L	L	L	--	--	--	--	L	Sec. 6.2.2.B.
Dormitory, fraternity, sorority	--	--	--	--	--	P	--	P	--	P	P	P	--	--	--	--	P	Sec. 6.2.2.C.
Continuing care retirement community	S	S	S	S	L	L	--	L	L	L	L	L	--	--	--	--	S	Sec. 6.2.2.D.
Rest home	S	S	S	L	L	P	--	P	P	P	P	P	--	--	--	--	P	Sec. 6.2.2.E.
SOCIAL SERVICE, AS LISTED BELOW:																		Sec. 6.2.2.F.
Emergency shelter type A	--	--	--	--	--	--	--	S	--	S	S	S	--	--	L	--	--	Sec. 6.2.3.A.
Emergency shelter type B	--	--	--	--	--	L	--	L	--	L	L	L	--	--	L	--	--	Sec. 6.2.3.B.
Special care facility	S	S	S	S	S	S	L	L	L	L	L	L	--	--	L	--	L	Sec. 6.2.3.C.
PUBLIC & INSTITUTIONAL																		
CIVIC, EXCEPT AS LISTED BELOW:	L	L	L	L	L	P	P	P	P	P	P	P	--	P	P	L	P	Sec. 6.2.3.D.
Cemetery	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Sec. 6.3.1.A. & E.
College, community college, university	--	--	--	--	--	--	P	P	--	P	P	P	--	--	--	--	P	Sec. 6.3.1.B.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

CHAPTER 6. USE REGULATIONS | Article 6.1. Allowed Uses

Sec. 6.1.4. Allowed Principal Use Table

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL					Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	CMP	
School, public or private (K-12)	L	L	L	L	L	L	L	L	L	L	L	L	--	L	--	L	L	Sec. 6.3.1.D.
PARKS, OPEN SPACE AND GREENWAYS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.2.A.
MINOR UTILITIES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 6.3.3.A.
MAJOR UTILITIES, EXCEPT AS LISTED BELOW	--	--	--	--	--	--	--	--	--	--	--	S	--	--	S	--	--	Sec. 6.3.3.B.
Telecommunication tower (<250 ft)	L	L	L	L	L	L	L	L	L	L	L	L	--	L	L	L	L	Sec. 6.3.3.C.
Telecommunication tower (≥250 ft)	S	S	S	S	S	S	S	S	S	S	S	S	--	S	S	S	S	Sec. 6.3.3.D.
COMMERCIAL																		
DAY CARE, AS LISTED BELOW:																		Sec. 6.4.1.A.
Day care, home	L	L	L	L	L	L	--	L	L	L	L	L	--	L	--	L	L	Sec. 6.4.1.B.
Day care center	S	S	S	S	S	S	L	L	L	L	L	L	--	--	--	S	L	Sec. 6.4.1.C.
INDOOR RECREATION, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	--	P	Sec. 6.4.2.A.
Adult establishment	--	--	--	--	--	--	--	--	--	S	S	S	--	--	S	--	--	Sec. 6.4.2.B.
Dance, martial arts, music studio or classroom	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	P	
Health club	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	--	Sec. 6.4.2.C.
Sports academy	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	Sec. 6.4.2.D.
MEDICAL	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	P	Sec. 6.4.3.A. & B.
OFFICE	--	--	--	--	--	L	P	P	P	P	P	P	--	--	P	--	P	Sec. 6.4.4.A. & B.
OUTDOOR RECREATION, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	P	Sec. 6.4.5.A.
Golf course	L	L	L	L	L	--	--	--	--	P	--	P	--	--	--	--	P	Sec. 6.4.5.B.
Outdoor sports or entertainment facility (≤250 seats)	P	P	P	P	P	P	P	P	P	P	P	P	--	P	--	P	P	Sec. 6.4.5.C.
Outdoor sports or entertainment facility (>250 seats)	S	S	S	S	S	S	S	S	S	S	S	S	--	S	S	S	S	Sec. 6.4.5.C.
Riding stables	L	--	--	--	--	--	--	--	--	--	--	L	--	L	--	--	--	Sec. 6.4.5.D.
OVERNIGHT LODGING, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	P	S	--	P	P	P	--	--	--	--	P	Sec. 6.4.6.A.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL					Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	CMP	
Bed and breakfast	--	--	--	--	L	L	--	P	P	P	P	--	--	--	--	--	P	Sec. 6.4.6.B.
Hospitality house	--	--	--	--	L	P	--	P	--	P	P	P	--	--	--	--	P	Sec. 6.4.6.C.
PARKING, AS LISTED BELOW																		Sec. 6.4.7.A.
Commercial parking lot	--	--	--	--	--	--	--	P	P	P	P	P	--	--	P	--	P	Sec. 6.4.7.B.
Remote parking lot	S	S	S	S	S	L	L	L	S	L	L	L	--	--	L	--	L	Sec. 6.4.7.C.
PASSENGER TERMINAL , EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	P	P	P	--	--	P	--	P	Sec. 6.4.8.A.
Airfield, landing strip	--	--	--	--	--	--	--	--	--	--	--	S	--	S	S	--	S	Sec. 6.4.8.B.
Heliport, serving hospitals	--	--	--	--	--	--	--	L	--	L	L	L	--	--	--	--	L	Sec. 6.4.8.C.
Heliport, all others	--	--	--	--	--	--	S	S	--	S	S	S	--	S	S	--	S	Sec. 6.4.8.D.
PERSONAL SERVICE, EXCEPT AS LISTED BELOW:	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.A. & G.
Animal care (indoor) Except as Listed Below:	--	--	--	--	--	--	--	--	L	L	L	L	--	L	L	--	L	Sec. 6.4.9.B.
Veterinary Clinic/Hospital	--	--	--	--	--	--	--	L	L	L	L	L	--	L	L	--	L	Sec. 6.4.9.B.
Animal care (outdoor)	--	--	--	--	--	--	--	--	--	--	--	S	--	S	S	--	--	Sec. 6.4.9.C.
Beauty/hair salon	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.D.
Copy center	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.E.
Optometrist	--	--	--	--	--	L	P	P	P	P	P	P	--	--	--	--	P	Sec. 6.4.9.F.
RESTAURANT/BAR, AS LISTED BELOW:																		Sec. 6.4.10.A.
Bar, nightclub, tavern, lounge	--	--	--	--	--	--	--	--	L	P	P	P	--	--	--	--	--	Sec. 6.4.10.B.
Eating establishment	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	L	Sec. 6.4.10.C.
Food truck	--	--	--	--	--	--	L	L	L	L	L	L	--	--	L	--	L	Sec. 6.4.10.D.
RETAIL SALES, EXCEPT AS LISTED BELOW:	--	--	--	--	--	L	--	L	P	P	P	P	--	--	--	--	P	Sec. 6.4.11.A.& C.
Pawnshop	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	Sec. 6.4.11.B.
VEHICLE FUEL SALES (INCLUDING GASOLINE AND DIESEL FUEL)	--	--	--	--	--	--	--	--	L	L	L	L	--	--	--	--	--	Sec.6.4.11.C.3
VEHICLE SALES/RENTAL	--	--	--	--	--	--	--	--	L	L	L	L	--	--	P	--	--	Sec. 6.4.12.A.& B.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

CHAPTER 6. USE REGULATIONS | Article 6.1. Allowed Uses

Sec. 6.1.4. Allowed Principal Use Table

USE CATEGORY Specific Use	RESIDENTIAL					MIXED USE							SPECIAL					Definition/ Use Standards
	R-1	R-2	R-4	R-6	R-10	RX-	OP-	OX-	NX-	CX-	DX-	IX-	CM	AP	IH	MH	CMP	
INDUSTRIAL																		
HEAVY INDUSTRIAL, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 6.5.1.A.
Detention center, jail, prison							S	S	S	S	S	S			P			Sec. 6.5.1.B.
Towing yard for vehicles	--	--	--	--	--	--	--	--	--	--	--	--	--	--	S	--	--	Sec. 6.5.1.C.
LIGHT INDUSTRIAL	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	Sec. 6.5.2.A.
LIGHT MANUFACTURING	--	--	--	--	--	--	P	--	--	P	P	P	--	--	P	--	P	Sec. 6.5.3.A.
RESEARCH & DEVELOPMENT	--	--	--	--	--	--	P	P	--	P	P	P	--	--	P	--	P	Sec. 6.5.4.A.
SELF-SERVICE STORAGE	--	--	--	--	--	--	--	--	--	L	L	L	--	--	P	--	--	Sec. 6.5.5.A. & B.
VEHICLE SERVICE, AS LISTED BELOW:																		Sec. 6.5.6.A.
Car wash	--	--	--	--	--	--	--	--	--	L	--	L	--	--	P	--	--	Sec. 6.5.6.B.
Vehicle repair (minor)	--	--	--	--	--	--	--	--	L	L	L	P	--	--	P	--	--	Sec. 6.5.6.C.
Vehicle repair (major)	--	--	--	--	--	--	--	--	--	L	L	P	--	--	P	--	--	Sec. 6.5.6.D.
Vehicle repair (commercial vehicle)	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	Sec. 6.5.6.E.
WAREHOUSE & DISTRIBUTION	--	--	--	--	--	--	--	--	--	--	--	L	--	--	P	--	--	Sec. 6.5.7.A. & B.
WASTE-RELATED SERVICE	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 6.5.8.A.
WHOLESALE TRADE	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	Sec. 6.5.9.A.
OPEN																		
AGRICULTURE, EXCEPT AS LISTED BELOW:	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	Sec. 6.6.1.A.
Community garden	L	S	S	S	L	L	L	L	L	L	L	L	--	L	--	S	L	Sec. 6.6.1.B.
Plant nursery	S	--	--	--	--	--	--	P	P	P	P	P	--	L	--	--	--	Sec. 6.6.1.C.
Produce stand	L	L	L	L	L	L	L	L	L	L	L	L	--	L	L	L	L	Sec. 6.8.2.D.
Restricted agriculture	P	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	Sec. 6.6.1.D.
Urban farm	--	--	--	--	--	S	S	S	S	S	S	S	--	--	--	--	--	Sec. 6.6.1.E.
RESOURCE EXTRACTION	--	--	--	--	--	--	--	--	--	--	--	--	--	L	L	--	--	Sec. 6.6.2.A.

Key: P = Permitted Use L = Limited Use S = Special Use -- = Use Not Permitted

Sec. 6.1.5. Prohibited Uses

Except for improvements made pursuant to *Chapter 8. Subdivision & Site Plan Standards* or use determinations made pursuant to *Sec. 6.1.2.*, any use not explicitly allowed as a permitted use by right, a limited use or a special use in the zoning district by the Allowed Principal Uses Table, *Sec. 6.1.4.*, is prohibited. The enumerations of prohibited uses below are expressly prohibited, but such enumeration shall not be deemed exclusive or all-inclusive. Prohibited uses include:

- A. Any use of prima fascia business, commercial, or industrial character not otherwise specifically allowed in an R-1, R-2, R-4, R-6, R-10, RX-, OP- or OX-district;
- B. Any use prohibited by an applicable conditional use zoning district;
- C. Any use prohibited by an applicable overlay zoning district;
- D. Manufactured home or travel trailer except in a -MH or allowed in a PD District;
- E. Open dump;
- F. School administrative personnel offices located outside a school in a Residential District;
- G. A sign not explicitly allowed in the zoning district by the table of Signs Allowed by Districts, *Sec. 7.3.2.* or signs erected in violation of *Article 7.3. Signs*; and
- H. Storage of 2 or more unlicensed, uninspected, wrecked, crushed, dismantled, or partially dismantled automotive vehicles except as temporarily allowed in towing yards for vehicles.

Article 6.2. Residential Uses

Sec. 6.2.1. Household Living

A. Household Living Use Category

Residential occupancy of a dwelling unit by a household. Household living includes the following uses.

1. Single-unit living, two-unit living, multi-unit living.
2. Cottage court.
3. Conservation development.
4. Compact development.
5. Manufactured home development.
6. Multi-unit supportive housing residence.
7. Supportive housing residence.

B. Single-Unit Living

1. Defined

One dwelling unit in a single principal structure.

C. Two-Unit Living

1. Defined

Two dwelling units in a single principal structure.

2. Use Standards

Where two-unit living is allowed as a limited use, it is allowed only in a conservation development (see *Article 2.4. Conservation Development*).

D. Multi-Unit Living

1. Defined

Three or more dwelling units in a single principal structure. Multiple principal buildings are allowed on the same lot.

2. Use Standards

- a. In a Residential District where multi-unit living is allowed as a limited use, it is allowed only in a conservation development (see *Article 2.4. Conservation Development*).
- b. In an IX- District where multi-unit living is allowed as a limited use, it is allowed only in the upper stories of a building. A lobby or other entrance is allowed on the ground floor.

E. Cottage Court

1. Defined

A group of small detached houses centered around a common open space or courtyard.

2. Use Standards

Only permitted in the R-2 and R-4 districts in association with a Conservation Development or Compact Development.

F. Conservation Development

1. Defined

A conservation development trades smaller lot sizes (with smaller setbacks) and additional density in exchange for protecting a significant amount of open space.

G. Compact Development

1. Defined

A compact development permits a reduction in lot size for residential subdivisions in exchange for an increase in common open space. This allows for efficient residential subdivisions and ample amenity area for the residents.

H. Manufactured Home Development

1. Defined

A site which contains or is intended for the long-term location of manufactured homes that may include services and facilities for the residents. Includes both manufactured home park (with leased or condominium spaces) and manufactured home subdivision (individually platted spaces).

2. Use Standards

Manufactured home developments must meet standards in *Article 4.5. Manufactured Housing (MH)*.

I. Multi-Unit Supportive Housing Residence

1. Defined

A facility housing persons who are disabled emotionally, mentally or physically or otherwise possess a disability that is protected by the provisions of either the Americans with Disabilities Act 42 USC 12101 or N.C. Gen. Stat. Article 3, Chapter 168, along with support or supervisory personnel or family members who may reside, but are not required to reside, at the facility.

2. Use Standards

- a. Each multi-unit supportive housing residence must be composed of no less than 2 and no more than 4 attached dwelling units.
- b. The total number of individuals occupying a multi-unit supportive housing residence cannot exceed 6.
- c. Each multi-unit supportive housing residence must be treated for zoning purposes in the same manner as single-unit living, except parking must be provided in accordance with *Article 7.1. Parking*.
- d. No multi-unit supportive housing residence can be located within 300 feet of another multi-unit supportive housing residence or supportive housing residence (determined by a straight line from property line to property line).
- e. The multi-unit supportive housing residence must conform to one of the following:

- i. It is licensed by the federal or state government; or
 - ii. It is funded in part by a government grant or loan.
- f. Nothing in this section can prevent 4 or fewer persons with disabilities from occupying any lawful dwelling as a household.

J. Supportive Housing Residence

1. Defined

A facility in which more than 4 unrelated persons may reside who are battered individuals, abused children, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse, and all other persons who possess a disability that is protected by the provisions of either the Americans with Disabilities Act 42 USC 12101 or N.C. Gen. Stat. Article 3, Chapter 168, along with family members and support and supervisory personnel.

2. Use Standards

- a. The total number of individuals occupying a supportive housing residence cannot exceed 12.
- b. A resident manager must reside permanently on the premise.
- c. No supportive housing residence can be located within 1,125 feet of another multi-unit supportive housing residence or supportive housing residence (determined by a straight line from property line to property line).
- d. The supportive housing residence must conform to one of the following:
 - i. It is licensed by the federal or state government; or
 - ii. It is funded in part by a government grant or loan.

Sec. 6.2.2. Group Living

A. Group Living Use Category

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training. Group living includes the following uses.

1. Boardinghouse.
2. Congregate care.
3. Dormitory, fraternity, sorority.
4. Hospice.
5. Continuing care retirement community.
6. Monastery, convent.
7. Orphanage.
8. Rest home.

B. Boardinghouse

1. Defined

A facility that contains individual rooms without cooking facilities that are rented to the general public to more than 4 unrelated persons. Includes rooming house, lodging house and tourist home.

2. Use Standards

- a. The facility was constructed originally as a detached house.
- b. The total number of individuals occupying a boardinghouse is limited to 6.
- c. In a Residential District, there is no exterior advertising except 1 unlit announcement sign not to exceed 2 square feet in area.
- d. No boardinghouse can be located within 1,200 feet of another boardinghouse (determined by a straight line from property line to property line).

C. Congregate Care

1. Defined

A long-term care facility for elderly people who are able to get around on their own but who may need help with some daily activities and have staff on call. Includes assisted living and independent living.

2. Use Standards

- a. The facility is limited in occupancy to persons 62 years or older, their spouses and their surviving spouses, except for rooming units or dwelling units occupied by resident staff personnel performing duties directly related to the operation of the facility.
- b. In the R-6 and R-10 districts, a congregate care facility is allowed a number of rooming units and dwelling units equal to 2 times the density of the applicable district.
- c. Each rooming unit or dwelling unit may be occupied by no more than 2 persons not related by blood, marriage or adoption.
- d. Facilities for resident managers or custodians providing administrative services and medical services for the exclusive use of the residents shall be located on site and open and staffed for at least 4 hours, one day a week.
- e. The facility must contain indoor shared food preparation service, common dining halls and common recreation rooms, for the exclusive use of all residents and their guests, and these facilities together shall total a minimum of 30 square feet per constructed rooming unit or dwelling unit, as applicable, exclusive of circulation space. Common indoor social and related service facilities may also be part of the facility.
- f. Structures shall demonstrate a comprehensive pedestrian circulation plan, including internal accessible walkways, is submitted and approved with provisions for alternative transportation services for the residents of the facility. Alternative transportation services may include, but are not limited to, regularly scheduled or on-call van services, tram services and full bus service.

- g. Outdoor open space or park area must be provided at a minimum rate of the greater of either 10% of the land area of the facility or 218 square feet per rooming unit or dwelling unit, as applicable, excluding private drives and off-street parking areas. A majority of the open space or park area must be located no further than 300 feet from the controlled entranceway of the facility.

D. Dormitory, Fraternity, Sorority

1. Defined

A social organization of students providing group living accommodations for a college or university.

E. Continuing Care Retirement Community

1. Defined

Facility providing a continuum of residential and health care services to persons aged 62 years or older. Allows residents to continue living in the same complex as their housing and health care needs change. Continuing care retirement communities may offer a variety of services such as congregate care, skilled nursing, rest home, health and wellness, recreational facilities, support services and entertainment and social uses, as well as offering a range of residential opportunities (apartments, townhouses, cottages). A rest home must be provided as a component of a continuing care retirement community.

2. Use Standards

- a. The continuing care retirement community and accessory facilities must be designed and used to serve its residents and their guests only.
- b. The continuing care retirement community must be planned, developed and operated according to a unified plan under the direction of a single owner or agent for the owner.
- c. The minimum site size and density limits must be in accordance with *Sec. 2.3.1.* for a Residential District. There is no minimum size or density limitation in any other district.
- d. The continuing care retirement community may provide individual dwelling units in any combination of residential building types or housing

options as allowed in the respective zoning district under *Article 2.3. Compact Development* and *Article 2.4. Conservation Development Option.*

- e. If provided, a congregate care facility must meet the requirements under *Sec. 6.2.2.C.*
- f. If provided, a rest home must meet the requirements under *Sec. 6.2.2.F.*
- g. Additional facilities designed only to serve members of the continuing care retirement community may include, but not be limited to, health and wellness, medical, recreation and support services such as a private chapel, bank, hairdressers, pharmacy, library and convenience shopping.
- h. A minimum of 10% of the total site area must be designated and maintained as common open space under *Sec. 2.5.* The required protective yard described in subsection E.2.i below shall not be included in this minimum common open space standard.
- i. A Type B1 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along any side of the property abutting a residential use.
- j. If provided, the density of a congregate care is calculated in keeping with *Sec. 6.2.2.C.2.b.*
- k. The density of a rest home is calculated in keeping with *Sec. 6.2.2.F.2.*

F. Rest Home

1. Defined

A long-term care facility for individuals who need full-time assistance and supervision. The focus is on individuals who cannot live independently and require full-time nursing assistance, and on younger individuals who have physical or mental handicaps.

2. Use Standards

The number of total occupants allowed is based on 4 persons being the equivalent of 1 dwelling unit. The number of occupants cannot exceed the equivalent number of units per acre allowed in the respective zoning district.

Sec. 6.2.3. Social Service

A. Social Service Use Category

Facilities that provide treatment for psychiatric, alcohol or drug problems. Also includes facilities that provide transient housing related to social service programs. Social service includes the following uses.

1. Emergency Shelter Type A.
2. Emergency Shelter Type B.
3. Special care facility.

B. Emergency Shelter Type A

1. Defined

A facility providing temporary sleeping facilities for displaced persons with no limit on the number of individuals accommodated.

2. Use Standards

- a. The shelter must provide a minimum of 50 square feet of sleeping space per person.
- b. An employee or volunteer must maintain continuous on-site supervision during hours of operation.
- c. No shelter can be located within 2,640 feet of another emergency shelter Type A or emergency shelter Type B (determined by a straight line from property line to property line).
- d. No emergency shelter Type A can be located within 300 feet of a supportive housing residence or multi-unit supportive housing residence (determined by a straight line from property line to property line). No later establishment of a supportive housing residence or multi-unit supportive housing residence closer than 300 feet to a previously permitted emergency shelter may be construed to create a nonconformity or illegality on the part of the existing emergency shelter.
- e. The shelter is not allowed in an Airport Overlay District.

C. Emergency Shelter Type B

1. Defined

A facility providing temporary sleeping facilities for not more than 10 displaced persons at any one time.

2. Use Standards

- a. No individual shall remain in the facility longer than 30 consecutive days per calendar year. No individual shall be readmitted until at least 14 days have elapsed from their last residency at that shelter.
- b. No counseling or therapeutic activities may be conducted. Referral of residents to employment agencies and other personal service agencies shall not be deemed to be counseling.
- c. No shelter can be located within 2,640 feet of another emergency shelter Type B, or emergency shelter Type A (determined by a straight line from property line to property line).
- d. No emergency shelter Type B can be located within 300 feet of a supportive housing residence or multi-unit supportive housing residence (determined by a straight line from property line to property line). No later establishment of a supportive housing residence or multi-unit supportive housing residence closer than 300 feet to the previously permitted emergency shelter shall be construed to create a nonconformity or illegality on the part of the existing emergency shelter.
- e. The shelter is not allowed in an Airport Overlay District.

D. Special Care Facility

1. Defined

A facility which provides psychosocial rehabilitation, skill development activities, educational services and pre-vocational training and transitional and supported employment services to individuals with severe and persistent mental illness. Includes a rehabilitative clinic and adult rehabilitation center.

2. Use Standards

- a. No special care facility can be located within 1,200 feet of another special care facility (determined by a straight line from property line to property line).
- b. To permit a special care facility in a Residential District, the following minimum lot areas per enrollee apply:
 - i. R-1, R-2, and R-4: 1,040 square feet;
 - ii. R-6: 640 square feet; and
 - iii. R-10: 240 square feet.
- c. In a Residential District, 1 unlit announcement sign not to exceed 2 square feet in area and 3½ feet in height is permitted.
- d. Only 1 vehicle used in connection with the special care facility may be parked or stored on the premises or residential street.

Article 6.3. Public & Institutional Uses

Sec. 6.3.1. Civic

A. Civic Use Category

Places of public assembly that provide ongoing governmental, life safety, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following uses.

1. Cemetery.
2. College, community college, university.
3. Civic club.
4. Museum, library.
5. Places of worship including church, mosque, synagogue, temple.
6. Police, fire, EMS station.
7. School, public or private (K-12).

B. Cemetery

1. Defined

A facility used for the permanent interment of humans or animals or their cremated remains. Includes mausoleum, columbarium, memorial park and pet cemetery.

2. Use Standards

- a. If the cemetery exceeds 2 acres in size or is planned and phased to exceed 2 acres in size, it must comply with the City's public facility dedication and improvements requirements.
- b. If an existing cemetery increases the land area for cemetery use by one-half acre or more from its size that results in a cemetery greater than 2 acres in size, the cemetery must comply with the City's public facility dedication and improvements requirements.
- c. The cemetery use must take into account present and future public improvements, including those expressed in the Comprehensive Plan.
- d. No grave space, mausoleum, vault, crypt or columbarium shall be located within 40 feet of any street right-of-way (including existing or proposed

right-of-way) or thoroughfare designated on the Comprehensive Plan.

The requirements of this subsection may be waived in whole or in part by the Planning Director if the Transportation Director certifies that the full 40-foot buffer will not be required for the construction of future public improvements.

C. College, Community College, University

1. Defined

An institution of higher education, including general or liberal arts education, graduate level education and technical or professional training.

D. School, Public or Private (K-12)

1. Defined

A public or private (including charter or religious) school at the primary, elementary, middle, junior high or high school level that provides basic academic education.

2. Use Standards

- a. Meet the curricular teaching certification of instruction approved by the State Board of Education.
- b. Be located on a lot with total area of 500 square feet area per enrolled pupil unless within a DX- District in which case no minimum area per pupil shall be required.
- c. Be located outside any Airport Overlay District or Primary Reservoir Watershed Protection Area.
- d. The additional traffic generated to and from the site during peak travel periods, combined with the background traffic volume traveling on the roadway would not reduce the roadway or nearby intersections' capacity below level-of-service "D," as defined in the Highway Capacity Manual, 1994.
- e. In a Residential District, a Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along any side of the property abutting any residential use.
- f. In a Residential District, a Type C2 street protective yard (see Sec. 7.2.4.B.) must be established along all property lines abutting a public right-of-way.

E. Use Standards for All Other Civic Uses

A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along any side of the property abutting a residential use.

Sec. 6.3.2. Parks, Open Space and Greenways**A. Parks, Open Space and Greenways Use Category**

Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas and having few structures. Parks, open space and greenways includes the following uses.

1. Botanical garden, nature preserve, recreational trail, greenway.
2. Game preserve, wildlife management area, refuge, animal sanctuary.
3. Park, recreation field. A public park may contain civic uses such as a community center, museum or library.
4. Reservoir, control structure, water supply, water well.

Sec. 6.3.3. Utilities**A. Minor Utilities Use Category****1. Defined**

Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities includes the following uses.

- a. On-site stormwater retention or detention facility.
- b. Neighborhood-serving cable, telephone, gas or electric facility.
- c. Sustainable energy system.
- d. Water and wastewater pump station or lift station.
- e. Electrical substation.
- f. Utility service.

B. Major Utilities Use Category**1. Defined**

Public or private infrastructure serving the general community and possibly having on-site personnel. Major utilities includes the following uses.

- a. Aeration facility, artesian well.
- b. Electric or gas generation plant.
- c. Telecommunication tower.
- d. Water or sanitary sewer treatment plant.

C. Telecommunication Tower (less than 250 feet)**1. Defined**

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

2. Use Standards

- a. Radio or television or similar reception for adjoining properties will not be disturbed or diminished.
- b. The height of the tower cannot exceed 250 feet.
- c. The lighting of the tower cannot exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system contained in Advisory Circular No. 70/7460-IF dated 27 September, 1978, as the same may be amended.
- d. The minimum setback from the outside dimensions of the tower, not from guy anchors, and not located within the property of a civic use in a Residential District, are as follows:
 - i. Installation of a new tower where no tower is being replaced.
 - a) 20 feet from the property line of either any adjoining lot that is developed without a dwelling, congregate care facility or vacant lot located in a Mixed Use or Special district, unless increased by *Sec. 6.3.3.C.2.d.i.b)* and *Sec. 6.3.3.C.2.d.i.c)* below.
 - b) 200% of the tower height, unless the tower is constructed as a monopole in which case the minimum setback shall be 100% of the tower height, but no less than 50 feet from the property line of an abutting Residential District.

- c) 100% of the tower height from the property line of an abutting Mixed Use or Special district.
 - d) 20 feet from any public street.
 - e) The setbacks required by *Sec. 6.3.3.C.2.d.i.b)* and *Sec. 6.3.3.C.2.d.i.c)* above shall not be applicable to any residential dwelling that is not a permitted use in the district.
 - f) If a telecommunication tower is located on the property of a civic use in a Residential District, the setbacks in *Sec. 6.3.3.C.2.d.i.a)* through *Sec. 6.3.3.C.2.d.i.d)* above apply, except that in no case shall a tower be located less than 200% of the tower height to the property line of a lot developed with a dwelling, congregate care facility, or a vacant lot located in a Residential District, unless a protective yard is preserved or installed adjacent to the property line of a lot developed with a dwelling, congregate care facility or a vacant lot located in a Residential District. The protective yard shall be of a width equal to the tower height, and shall contain plantings meeting the minimum standards of a Type B1 or B2 transitional protective yard (see *Sec. 7.2.4.A.)* and *Sec. 6.3.3.C.2.d.ii.e)* below.
- ii. Installation of a new tower where an existing tower is being replaced.
- a) If one or more existing telecommunication towers is to be concurrently removed and replaced by a new tower, then the required setback exceeding 100 feet in *Sec. 6.3.3.C.2.d.i.b)* and *Sec. 6.3.3.C.2.d.i.c)* above may be reduced by 15% for each additional telecommunication user in excess of that of the existing tower. Evidence shall be presented by the applicant that each additional user will upon installation occupy the new tower.
 - b) The Board of Adjustment may grant a further reduction to the setbacks for the removal of an existing tower and replacement with a new tower with more telecommunications users in accordance with *Sec. 6.3.3.D.*
 - c) The base of the tower and each guy anchor are surrounded by a fence or wall at least 8 feet in height unless the tower and all guy anchors are mounted entirely on a building over 8 feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than ⅓ of the surface of the fence or wall is visible within 3 years after erection of the structure from a public street or from any adjoining lot which contains a dwelling, congregate care facility, or from any adjoining lot zoned a Residential District.
- d) The area adjoining street rights-of-way shall contain a Type C₁ or C₂ street protective yard (see *Sec. 7.2.4.B.)* installed parallel to the street right-of-way. No protective yard is required along street frontage located a distance from the tower of more than 200% of the tower height.
 - e) A protective yard that contains the same plantings required in a Type B₁ or B₂ transitional protective yard (see *Sec. 7.2.4.A.)* must be installed within all the yard areas required by *Sec. 6.3.3.C.2.d.i.b)* and *Sec. 6.3.3.C.2.d.i.c)*. The installation of any fence, wall, planting or berm shall not reduce or lessen this requirement.
 - f) The output power from the tower shall not exceed federally-approved levels for exposure to electronic magnetic force (EMF).
 - g) If determined by the City that the proposed tower is situated in a location which will benefit the City's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system.
 - h) The tower is either less than 100 feet in height or located no closer than 1,000 feet to a tower greater than 100 feet in height (determined by a straight line and not street distance).
 - i) If the tower is located within an Overlay District that restricts height, the tower cannot exceed the maximum building height allowed within the more restrictive zoning district.
 - j) No tower shall be approved unless evidence is presented that at least 1 telecommunication user upon installation will occupy the tower. If the tower is between 100 feet and 150 feet in height, the tower shall be engineered and constructed to accommodate a minimum of 2 telecommunication users. If the tower equals or exceeds 150 feet in height but is less than 180 feet in height, the

tower shall be engineered and constructed to accommodate a minimum of 3 telecommunication users. If the tower equals or exceeds 180 feet in height, but is less than 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of 4 telecommunication users. If the tower equals or exceeds 200 feet in height, the tower shall be engineered and constructed to accommodate a minimum of 5 telecommunication users.

- k) Unless enclosed by a closed fence at least 8 feet in height to totally obscure the building from view, the exterior appearance of all buildings located in a Residential District shall look like a residential dwelling, including without limitation, pitched roofs and frame or brick veneer construction. The closed fence shall be the same or compatible in terms of texture and quality with the material and color of the surrounding dwellings. For each potential telecommunication user to occupy the tower, there shall be a minimum of 600 square feet reserved on the plans for associated buildings and equipment, unless the applicant provides evidence that less space is necessary.
- l) Within 6 months after approval of a plot plan for the telecommunication tower, the tower must be installed and operational or the plot plan shall be void. No telecommunication tower approved prior to September 1, 2013, which is discontinued, unused or unoccupied by any telecommunication user for a continuous period 365 days or more shall be restarted, resumed or reoccupied without the prior approval of a new plot plan complying with the then applicable provisions.
- m) The applicant must provide evidence that the proposed tower meets Federal Aviation Administration requirements, and will be in accordance with all the tower requirements and standards of the Raleigh Durham Airport Authority.
- n) For any telecommunication tower approved after September 1, 2013, that is discontinued, unused or unoccupied by the telecommunication user for a continuous period of 365 days or more, the tower shall be removed within 30 days of notification of the property owner by the Development Services Director.

D. Telecommunication Tower (250 feet and more)

1. Defined

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

2. Use Standards

- a. Radio or television or similar reception for adjoining properties cannot be disturbed or diminished.
- b. The height of the tower cannot exceed 510 feet.
- c. The lighting of the tower cannot exceed the minimum standards of the Federal Aviation Administration for red obstruction lighting system contained in Advisory Circular No. 70/7460-1F dated 27 September, 1978, as the same may be amended.
- d. The minimum setback from the outside dimensions of the tower, not from guy anchors, are as follows:
 - i. 20 feet from the property line of any adjoining lot or lot across a street that is vacant and zoned as a mixed use or special district or any adjoining lot or lot across a street that is developed without a dwelling or congregate care facility, unless increased by paragraphs *Sec. 6.3.3.D.2.d.ii.* or *Sec. 6.3.3.D.2.d.iii.* below.
 - ii. 100% of the tower height, but no less than 50 feet, from the property line of an abutting Residential District.
 - iii. 50% of the tower height from the property line of an abutting Mixed Use or Special district.
 - iv. The setbacks required by *Sec. 6.3.3.D.2.d.ii.* or *Sec. 6.3.3.D.2.d.iii.* above shall not be applicable to any residential dwelling that is not a permitted use in the zoning district.
 - v. If one or more existing telecommunications towers is to be removed concurrently and replaced by a new tower, then that portion of the required setback exceeding 100 feet in *Sec. 6.3.3.D.2.d.ii.* or *Sec.*

6.3.3.D.2.d.iii. above may be reduced by 15% for each additional telecommunication user in excess of the existing tower.

- vi. For towers exceeding a height of 250 feet, or where one or more existing telecommunications towers is concurrently being removed and replaced with a new tower containing additional telecommunication users, this setback may be reduced by the Board of Adjustment. In the case of a replacement tower, the Board of Adjustment shall show that the lesser setback will reduce the number of towers in the area. In all cases, the Board of Adjustment shall also show that the lesser setback will not be injurious to property or improvements in the affected area. In no case shall the setback be reduced to less than 50% of the tower height.
- e. The base of the tower and each guy anchor must be surrounded by a fence or wall at least 8 feet in height unless the tower and all guy anchors are mounted entirely on a building over 8 feet in height. Except for fence and wall entrances, all fences and walls shall be screened with plant material so that no more than $\frac{2}{3}$ of the surface of the fence or wall is visible, within 3 years after erection of the structure, from a public street or from any adjoining lot which contains a dwelling, congregate care facility or is zoned a Residential District.
- f. The area adjoining street rights-of-way shall contain a Type C1 or C2 street protective yard (see *Sec. 7.2.4.B.*) installed parallel to the street right-of-way. No protective yard is required along street frontage located a distance from the tower of more than 200% of tower height.
- g. A protective yard that contains the same plantings required in a Type B1 or B2 transitional protective yard (see *Sec. 7.2.4.A.*) must be installed within all the yard areas required by *Sec. 6.3.3.D.2.d.ii.* or *Sec. 6.3.3.D.2.d.iii.* The installation of any fence, wall, planting or berm shall not reduce or lessen this requirement.
- h. The output power from the tower shall not exceed federally approved levels for exposure to electronic magnetic force (EMF).
- i. If determined by the City that the proposed tower is situated in a location which will benefit the City's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system.
- j. If the proposed tower is located on property that is zoned a Residential District at the time of the special use hearing, the tower shall be either less than 75 feet in height or be located no closer than 1,500 feet to a tower greater than 75 feet in height which was constructed after September 1, 2013, (determined by a straight line and not street distance).
- k. If the proposed tower is located on property that is zoned a mixed use or heavy industrial district at the time of the special use hearing, the tower shall be either less than 100 feet in height or be located no closer than 1,000 feet to a tower greater than 100 feet in height which was constructed after September 1, 2013, (determined by a straight line and not street distance).
- l. The Board of Adjustment may approve the construction of a tower which does not meet the above standards if evidence is provided which demonstrates that reasonable effort has been made to lease space on an existing tower or that no existing tower will technically satisfy the applicant's specific needs.
- m. If the tower is located within an Overlay District that restricts height, the tower cannot exceed the maximum building height allowed within the more restrictive zoning district.
- n. The tower shall be engineered and constructed to accommodate a minimum of 5 telecommunication users.
- o. Unless enclosed by a closed fence at least 8 feet in height, the exterior appearance of all buildings located in a Residential District shall look like a residential dwelling, including without limitation, pitched roofs and frame or brick veneer construction. For each potential telecommunication user to occupy the tower, there shall be a minimum of 600 square feet reserved on the plans for associated buildings and equipment, unless the applicant provides evidence that less space is necessary.

- p. The applicant must provide evidence that the proposed tower meets Federal Aviation Administration requirements, and will be in accordance with all the tower requirements and standards of the Raleigh Durham Airport Authority.
- q. Associated buildings located in any Residential District may not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- r. The use will not be injurious to property or improvements in the affected area.
- s. Unless otherwise specified by this permit, that within one year of approval of the special use permit, a grading permit, building permit or zoning permit is obtained, and the tower is installed and operational, or the special use permit shall be void.
- t. For any telecommunication tower approved after September 1, 2013, which is discontinued, unused, or unoccupied by the telecommunication user for a continuous period of 365 days or more, the tower shall be removed within 30 days of notification by the Development Services Director.

Article 6.4. Commercial Uses

Sec. 6.4.1. Day Care

A. Day Care Use Category

A facility providing care, protection and supervision of 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. Day care includes the following uses.

1. Day care, home.
2. Day care center.

B. Day Care, Home

1. Defined

A day care for a maximum of 8 persons in the residence of the provider.

2. Use Standards

- a. The day care must be carried on by a resident of the structure as either a sole proprietorship or a corporation that is wholly owned by the residents of the structure or a partnership where all partners are residents of the structure.
- b. The use of any accessory building or accessory structure for a day care is not allowed.
- c. Any outdoor play equipment stored throughout the day and night shall not be permitted in the front yard area and can be located no closer than 15 feet from any adjoining lot containing a dwelling.
- d. No person, other than members of the family residing on the premises, shall be engaged or employed. This shall not apply to a substitute non-resident person providing care on the premise while the owner/operator is sick or otherwise unable to provide care.
- e. No more than 8 persons shall be cared for at any given time.
- f. Must comply with all state and local standards.

C. Day Care Center

1. Defined

A day care for more than 8 persons where staffing complies with state and local regulations. Includes nursery school and preschool.

2. Use Standards

- a. In a Residential District, the following minimum lot areas per enrollee apply:
 - i. R-1, R-2, and R-4: 1,040 square feet;
 - ii. R-6: 640 square feet; and
 - iii. R-10: 240 square feet.
- b. In a Residential District, 1 unlit announcement sign is allowed, not to exceed 2 square feet in area and 3½ feet in height.
- c. In a Residential District, a Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along any side of the property abutting a residential use.
- d. In a Residential District, a Type C2 street protective yard (see *Sec. 7.2.4.B.*) must be established along all property lines abutting a public right-of-way.
- e. Must comply with all state and local standards.

Sec. 6.4.2. Indoor Recreation

A. Indoor Recreation Use Category

Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following uses.

1. Adult establishment.
2. Amusement center, game arcade, children's amusement center.
3. Billiard hall, pool hall.
4. Bingo parlor.
5. Bowling alley.
6. Convention center, arena.
7. Dance, martial arts, music studio or classroom.
8. Health club.
9. Shooting range.
10. Sports academy.
11. Miniature golf facility.
12. Motor track.
13. Movie theater or other indoor theater.
14. Skating rink.

B. Adult Establishment

1. Defined

Adult cabarets, adult media centers, sadomasochism centers, and any place contained in N.C. Gen. Stat. §14-202-10(b), excluding masseurs.

2. Use Standards

- a. Except for permitted on-premise and off-premise signs, advertisements, displays or other promotional materials shall not be visible to the public from pedestrian sidewalks or walkways.
- b. An adult establishment cannot be located within 2,000 feet of another adult establishment (determined by a straight line from property line to property line). Adult establishments because of their very nature, are

recognized as having serious objectionable operational characteristics upon adjacent neighborhoods, particularly when they are concentrated. Special regulation of these establishments is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. To prevent an over concentration of adult establishments and the creation of a de facto downgrading or blighting of surrounding neighborhoods; this spacing requirement is necessary, unless otherwise determined under *Sec. 6.4.2.B.2.d.* below.

- c. An adult establishment cannot be located within 2,000 feet of a preexisting place of worship, public or private school, day-care facility, or any R-, RX-, OP, OX-, NX-, R-MP, or CMP district (determined by a straight line from property line to property line or district boundary line). Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near a Residential District or certain other districts which permit residential uses. Special regulation of these establishments is necessary to ensure that these adverse effects will not contribute to a downgrading or blighting of surrounding Residential Districts or certain other districts which permit residential uses, unless otherwise, determined by *Sec. 6.4.2.B.2.d.* below.
- d. The Board of Adjustment may vary the spacing requirements in *Sec. 6.4.2.B.2.b.* and *Sec. 6.4.2.B.2.c.* above when it finds that:
 - i. Practical difficulties or unnecessary hardships would result from the strict enforcement of the radius requirements.
 - ii. The proposed use will not be injurious to property or improvements in the affected area.
 - iii. The proposed use will not enlarge or encourage the development of a "skid row" area.
 - iv. The permitting of an adult establishment in the area will not be contrary to any governmental program of neighborhood conservation, rehabilitation, improvement or revitalization.
 - v. All other applicable provisions of this Chapter will be observed.
 - vi. The proposed use will not adversely impact public services and facilities such as parking, traffic, police, and that the secondary effects of such uses will not adversely impact on adjacent properties.

The secondary effects would include but not be limited to noise, light, stormwater runoff, parking, pedestrian circulation and safety.

- e. When determining preponderance of adult materials, only those objects which have equal access and visibility shall be considered.

C. Health Club

1. Defined

A facility with equipment for exercising and improving physical fitness.

2. Use Standards

A health club in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- b. The unit cannot exceed 4,000 square feet in gross floor area; and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

D. Sports Academy

1. Defined

A facility for sports education or instruction.

Sec. 6.4.3. Medical

A. Medical Use Category

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical includes the following uses.

1. Ambulatory surgical center.
2. Blood plasma donation center, medical or dental laboratory.
3. Hospital, urgent care, emergency medical office.
4. Medical, dental office or chiropractor, osteopath, physician, medical practitioner.
5. Medical clinic.
6. Medical day care.
7. Student infirmary.

B. Use Standards

A medical facility in an RX- District is subject to the following:

1. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
2. The unit cannot exceed 4,000 square feet in gross floor area;
3. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries; and
4. Drive-thru or drive-in facilities are not permitted.

Sec. 6.4.4. Office

A. Office Use Category

Activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes the following:

1. Business services including, but not limited to, advertising, business management consulting, data processing or collection agency.
2. Professional services including, but not limited to, lawyer, accountant, bookkeeper, engineer, architect, sales office or travel agency.
3. Financial services including but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent or mortgage agent.
4. Charitable institution (not providing housing or shelter).
5. Counseling in an office setting.
6. City, county, state, federal government office.
7. Radio, TV or recording studio, utility office.
8. Trade, vocational, business school.

B. Use Standards

An office in an RX- District is subject to the following:

1. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
2. The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot;

3. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries; and
4. Drive-thru or drive-in facilities are not permitted.

Sec. 6.4.5. Outdoor Recreation

A. Outdoor Recreation Use Category

Uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following uses.

1. Drive-in theater.
2. Camp, campground, travel trailer park, recreational vehicle park.
3. Extreme sports facility such as paintball, BMX or skateboarding.
4. Golf course.
5. Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.
6. Outdoor theater.
7. Outdoor sports or entertainment facility.
8. Riding stable.
9. Shooting range.
10. Racetrack.
11. Sports academy for active recreational or competitive sports.
12. Stadium, arena.

B. Golf Course

1. Defined

A facility consisting of a large landscaped area for playing golf. Includes executive or par 3 golf course and support facilities such as a country club, clubhouse and driving range.

2. Use Standards

A golf course in a Residential District is subject to the following:

- a. Only the sale of merchandise associated with the golf course is permitted. No merchandise or advertisement shall be visible from the public right-of-way; and
- b. There shall be no external advertising or identification in any manner, except for tract identification sign that does not exceed the standards of Sec. 7.3.11.

C. Outdoor Sports or Entertainment Facility

1. Defined

A predominantly outdoor facility, including any associated structures, for playing sports and conducting entertainment, including but not limited to, sports fields with or without seating, stadiums, track and field facilities and amphitheatres.

2. Use Standards

- a. The facility and activities requested to be conducted will not have a substantial adverse impact on surrounding properties; including without limitation, stormwater, dust, smoke or vibration.
- b. The practical limits of public facilities and services such as stormwater, water and sewer lines, streets, fire, public safety, trash collection and recyclable material are not exceeded.
- c. The traffic generated to and from the site will not create unsafe or inefficient parking, loading, vehicular and pedestrian circulation patterns with consideration, among other things, to: the physical character of roads, the classification of roads, accident experience near the site, traffic volumes existing and projected from approved site plans and subdivisions, interference with any other driveway, and response time of nearby emergency services such as fire and hospital.
- d. Buffers must be provided that lessen the perceived height and bulk of proposed structures as seen from nearby residential neighborhoods.
- e. The nearby properties must be protected from sound amplification and lighting.
- f. The facility will not be injurious to property or improvements in the affected area.
- g. The site is not located in a Primary Watershed Protection Area.

D. Riding Stables

1. Defined

A facility for the boarding and riding of horses. Includes riding academy and equestrian center.

2. Use Standards

- a. No part of any building or structure in which animals are housed shall be closer than 200 feet from any existing residential use, except for property owned or occupied by an owner or operator of the riding stable.
- b. All horses connected with the riding stable shall be enclosed by fencing so that horses cannot run at large.
- c. Only 1 horse may be kept on a lot less than 1 acre in size. For lots from 1 to 5 acres in size, a maximum of 3 horses per acre may be kept. For lots greater than 5 acres, up to 10 horses per acre may be boarded if the setbacks listed in *Sec. 6.4.5.D.2.d.* below are increased to 200 feet from the property line.
- d. Buildings, stables and riding rings may not be placed closer than 50 feet to any property line. However, the main manure storage area shall be no closer than 150 feet to any property line.
- e. In the R-1 and AP districts, there shall be no on-premise external advertising or identification in any manner, except for 1 unlit announcement sign not exceeding 9 square feet in area and 3½ feet in height.

Sec. 6.4.6. Overnight Lodging

A. Overnight Lodging Use Category

Accommodations arranged for short term stays. Overnight lodging includes the following uses.

1. Bed and breakfast.
2. Hospitality house.
3. Hotel, motel, inn.
4. Youth hostel.

B. Bed and Breakfast

1. Defined

A detached house or other structure constructed for a use permitted within the district that has no more than 5 guest rooms. Breakfast is customarily served to guests.

2. Use Standards

- a. The facility is located within one or more of the following:
 - i. A General Historic Overlay District or Streetside Historic Overlay District;
 - ii. A property designated as a Historic Landmark;
 - iii. A property listed on the National Register of Historic Places; or
 - iv. A property identified as a contributing structure within a National Register Historic District, as defined in the Code of Federal Regulations, as amended.
- b. The use is located in a structure originally constructed as a detached house.
- c. In R-10, no exterior advertising is allowed except a small unlit announcement sign not to exceed 2 square feet in area and 3½ feet in height.
- d. In R-10, special events such as wedding receptions are not permitted.

C. Hospitality House

1. Defined

A detached house associated with a hospital or similar long-term stay facility that provides overnight lodging for families of patients.

2. Use Standards

A hospitality house in an R-10 District is subject to the following:

- a. Must be associated with a serving hospitals licensed by the State of North Carolina pursuant to N.C.Gen.Stat. §131E-176 et seq;
- b. Must be located within one-half mile of the associated hospital (determined by a straight line from property line to property line);

- c. Contains rooms without individual cooking facilities for lodging of visitors but not for rent to the general public;
- d. Provides a maximum of 6 bedrooms with a maximum occupancy of 12 persons; and
- e. Complies with standards for a detached house.

D. Hotel, Motel, Inn

1. Defined

A facility that contains one or more rooms for overnight guests containing registration facilities, on-site management, cleaning services and combined utilities.

2. Use Standards

In the OP- and OX- districts, the minimum lot size for a hotel, motel, inn is 2½ acres.

Sec. 6.4.7. Parking

A. Parking Use Category

Facilities that provide parking as a principal use. Includes commercial parking and remote parking.

B. Commercial Parking Facility

1. Defined

A facility that provides parking as a principal use on the site. A fee may or may not be charged.

C. Remote Parking Facility

1. Defined

A facility that provides parking as a principal use that is used to meet the off-site parking provisions of *Sec. 7.1.2.C.* for a permitted principal use within the same the zoning district.

2. Use Standards

- a. The remote parking lot must be located within the specified distance of the principal use served as set forth in *Sec. 7.1.5.B.*

- b. The remote parking lot must be located completely within the same contiguous zoning district as the principal use served.
- c. A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along any side of the property abutting a residential use.
- d. In an R-1, R-2, R-4, R-6, R-10 or R-X district, a fee may not be charged.

Sec. 6.4.8. Passenger Terminal

A. Passenger Terminal Use Category

Facilities for the takeoff and landing of planes and helicopters, and facilities for trains, buses, taxis or limo services. Passenger terminal includes the following uses.

- 1. Airport.
- 2. Airfield, landing strip.
- 3. Bus passenger terminal, multi-modal facility.
- 4. Heliport.
- 5. Railroad station.
- 6. Taxi dispatch center, limousine service.

B. Airfield, Landing Strip

1. Defined

Facility for the taking off and landing of aeroplanes. Does not include accommodations for passengers.

2. Use Standards

- a. Design standards for an airfield shall be in accordance with Federal Aviation Administration requirements.
- b. The length of the clear zone to be controlled and maintained by the airfield (no buildings allowed) such that future construction is prohibited is 1,000 feet.
- c. There shall be a planted area at least 25 feet wide on both sides of the landing strip, provided and maintained by the airfield owner in such a manner as to minimize noise, dust and hazard from the field, in areas

where in the opinion of the Board of Adjustment such protection is found to be desirable.

- d. The area shall be fenced to prevent trespassing by animals or unauthorized persons.
- e. Except in areas properly zoned for such uses, there shall be no business, repair or advertisement, except for the sale of gasoline to the planes based at the field.

C. Heliport, Serving Hospitals

1. Defined

Facility for the taking off and landing of helicopters serving hospitals licensed by the State of North Carolina pursuant to N.C.Gen.Stat. §131E-176 et seq. that operate acute care beds as defined by 10A N.C.A.C. 14C.3801 as an accessory use.

2. Use Standards

- a. The heliport is used only for emergency medical purposes.
- b. Design standards for a heliport shall be in accordance with Federal Aviation Administration requirements.
- c. Proof of Air Space Clearance from the Federal Aviation Agency is required prior to the issuance of a certificate of occupancy or zoning permit.
- d. Evergreen shrub plantings adjacent to the security fence surrounding any ground-level heliport safety area shall be required. These plantings shall be required to obscure at least 75% of the security fence at the time of planting to a height of 24 inches and all shrub plantings shall be expected to reach a height of 5 feet or greater within 5 years of planting.

D. Heliport, All Others

1. Defined

Facility for the taking off and landing of helicopters not associated with a hospital licensed by the State of North Carolina.

2. Use Standards

- a. Design standards for a heliport shall be in accordance with Federal Aviation Administration requirements.
- b. Proof of Air Space Clearance from the Federal Aviation Agency is required prior to the issuance of a certificate of occupancy or zoning permit.
- c. The facility must be designed and placed so that it will not be detrimental to adjoining properties or to properties within a 1,000-foot radius of the heliport site as measured from the center of the final approach and takeoff area.
- d. Evergreen shrub plantings adjacent to the security fence surrounding any ground-level heliport safety area shall be required. These plantings shall be required to obscure at least 75% of the security fence at the time of planting to a height of 24 inches and all shrub plantings shall be expected to reach a height of 5 feet or greater within 5 years of planting.
- e. The applicant for a heliport special use permit shall notify by first class mail all property owners within a 1,000-foot radius of the center of the proposed final approach and takeoff area. This notice shall be posted at least 30 days prior to the date of the hearing on the request. This notice shall contain the same information as the notice required by Sec. 10.2.1.C.5.a.

Sec. 6.4.9. Personal Service

A. Personal Service Use Category

Facilities involved in providing personal or repair services to the general public. Personal service includes the following uses.

- 1. Animal care.
- 2. Beauty/hair salon.
- 3. Catering establishment.
- 4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
- 5. Copy center.

- 6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.
- 7. Locksmith.
- 8. Optometrist.
- 9. Palmist, psychic, medium, fortune telling.
- 10. Post office.
- 11. Repair of appliance, bicycle, canvas product, clock, computer, jewelry, musical instrument, office equipment, radio, shoe, television or watch.
- 12. Tailor, milliner, upholsterer.
- 13. Tattoo parlor, body piercing.
- 14. Taxidermist.
- 15. Wedding chapel.

B. Animal Care (Indoor)

1. Defined

Any building or land used, designed or arranged for the care of animals without limited outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and doggy day care.

2. Use Standards

- a. No overnight outdoor activity associated with the care of animals. For the purposes of this section "overnight" constitutes the hours between 11 PM and 7 AM.
- b. Outdoor activity, including but not limited to, walking and bathing of animals, is permitted during the day, provided that no more than 4 animals are engaged in outdoor activity at a time. For the purposes of this section, "during the day" constitutes the hours between 7 AM and 11 PM.

C. Animal Care (Outdoor)

1. Defined

Any building or land used, designed or arranged for the care of animals that includes overnight outdoor activity. Includes animal grooming, animal

hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and doggy day care.

2. Use Standards

- a. All exterior exercise areas and runs must be fenced for the safe confinement of animals.
- b. A Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along any exterior areas used to exercise, walk, or keep animals that abut a residential use.
- c. No part of any building, structure or run in which animals are housed shall be closer than 150 feet from any property line, except property owned or occupied by an owner or operator; provided, that the minimum distance referred to above shall not apply if all portions of the facility in which animals are enclosed is located wholly within a building.
- d. In the AP District, 1 unlit announcement sign not exceeding 9 square feet in area and 3½ feet in height is allowed.

D. Beauty/Hair Salon

1. Defined

A facility providing beauty enhancement treatments such as hairdressing, nail, tanning, facials and therapeutic massage. Includes barber.

2. Use Standards

A beauty/hair salon in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- b. The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot; and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

E. Copy Center

1. Defined

A facility that provides printing, publishing, photocopying, packing, shipping and quick-sign services.

2. Use Standards

A copy center in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
- b. The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

F. Optometrist

1. Defined

A primary eye care provider who diagnoses, manages and treats disorders of the visual system and eye diseases.

2. Use Standards

An optometrist in an RX- District is subject to the following:

- a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets;
- b. The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot; and
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

G. Use Standards for All Other Personal Service Uses

1. A personal service use in an RX- District is subject to the following:
 - a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
 - b. The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.

- d. Drive-thru or drive-in facilities are not permitted.
- e. Tattoo parlors, body piercing, taxidermists and wedding chapels are not permitted.

2. A personal service use in an OX- District is subject to the following:

- a. Must be within or attached to a multi-tenant building, cannot be located in a standalone building.
- b. The floor area of the use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
- c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
- d. Drive-thru or drive-in facilities are not permitted.
- e. Tattoo parlors, body piercing, taxidermists and wedding chapels are not permitted.

Sec. 6.4.10. Restaurant/Bar

A. Restaurant/Bar Use Category

A facility that prepares and sells food and drink for on- or off-premise consumption. Restaurant includes the following uses.

1. Bar, nightclub, tavern, lounge.
2. Eating establishment.
3. Food truck.

B. Bar, Nightclub, Tavern, Lounge

1. Defined

A facility that prepares and sells food and drink that has alcoholic beverage sales in excess of 70% of the business's total annual sales.

2. Use Standards:

- a. A bar, nightclub, tavern or lounge in the NX- District is subject to the following:
 - i. No live performances.

- ii. No dance floor.
- iii. No outdoor seating in excess of 8 seats.

C. Eating Establishment

1. Defined

A facility that prepares and sells food and drink that may or may not have alcoholic beverage sales. If allowed in no case can alcoholic beverage sales exceed 70% of the business's total annual sales.

2. Use Standards

- a. An eating establishment in an RX- District is subject to the following:
 - i. Must be located on the first floor of a corner unit in an apartment building located at the intersection of 2 public streets.
 - ii. The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
 - iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - iv. Drive-thru or drive-in facilities are not allowed.
- b. An eating establishment in an OX- District is subject to the following:
 - i. Must be within or attached to a multi-tenant building, cannot be located in a standalone building.
 - ii. The floor area cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
 - iii. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - iv. Drive-thru or drive-in facilities are not allowed.
 - v. Must be located at least 150 feet from an abutting Residential District (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the district boundary line).

- c. An eating establishment in a CMP District is subject to the following:
 - i. Drive-thru or drive in facilities are not permitted.
 - ii. Must be located at least 150 feet from an abutting Residential District (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the district boundary line).

D. Food Truck

1. Defined

A licensed, motorized vehicle or mobile food unit which is temporarily stored on a premise where food items are sold to the general public.

2. Use Standards

- a. Food trucks can only be located on a lot containing a principal building or use and the maximum number of food trucks per lot is limited as follows:
 - i. Maximum of 2 food trucks on lots of one-half acre or less;
 - ii. Maximum of 3 food trucks on lots between one-half acre and 1 acre; and
 - iii. Maximum of 4 food trucks on lots greater than 1 acre.
- b. Food trucks must be located at least 100 feet from the main entrance to any eating establishment or similar food service business, 100 feet from any outdoor dining area and 50 feet from any permitted food vending cart location, as measured from the designated location on the lot accommodating the food truck. In the event that one or more of the aforementioned uses locates within the minimum separation requirement subsequent to food truck location being approved, nothing shall prohibit the property owner from continuing to operate at the approved location until the food truck permit has expired.
- c. Food trucks must be located at least 5 feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit or emergency access/exit way, or emergency call box and must not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. Food trucks must be located a minimum distance of 15 feet in all directions of a fire hydrant.

- d. Food trucks and associated seating, if any, must not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business.
- e. Food trucks and associated seating, if any, must not occupy parking spaces that may be leased to other businesses and uses to fulfill their minimum parking requirements.
- f. Food trucks must not occupy any handicap accessible parking space as specified in N.C. Gen. Stat. §20-37.6.
- g. No free-standing signage or audio amplification is allowed as part of the food trucks vending operation. Outdoor seating areas associated with a food trucks vending operation are only permitted on lots 2 acres or greater in size.
- h. Hours of operation are limited to the hours between 6 AM and 3 AM unless the designated location on the lot accommodating food truck is located within 150 feet of the property line of a single-unit or two-unit dwelling in which case the hours of operation are limited to the hours between 7 AM and 10 PM.
- i. The food truck operator or their designee must be present at all times except in cases of an emergency.
- j. Food trucks and associated outdoor seating must be removed from all permitted locations during impermissible hours of operation and must not be stored, parked, or left overnight on any public street or sidewalk.
- k. The food truck vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose. Vendors must remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor must keep all areas within 5 feet of the truck and any associated seating area clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances can grease be released or disposed of in the City's sanitary sewer system.
- l. With the exception of allowable outdoor seating areas, all equipment required for the operation must be contained within, attached to or

within 3 feet of the food truck and all food preparation, storage, and sales/distribution made in compliance with all applicable County, State and Federal Health Department sanitary regulations.

- m. A zoning permit must be obtained by the property owner (as listed in the Wake County tax records) for any lot proposed to accommodate one or more food trucks. If at any time evidence is provided that the lot is being used other than in compliance with these regulations, the zoning permit will be rendered null and void, and the owner punished for the violation. This zoning permit must be required to be renewed annually.
- n. A food truck permit must be obtained for food truck business and all required Wake County and City permits and licenses must be clearly displayed on the food truck. A copy of the approved food truck permit and zoning permit shall be kept in the food truck. The approved food truck as shown on the food truck permit shall be clearly delineated on the improved surface. Prior to the issuance of the food truck permit, the vendor must provide evidence of having obtained a City Business License, NC Sales and Use Certificate for collecting and paying the proper sales taxes and prepared meals taxes, a Wake County Environmental Services – Vending Permit and a means for the disposal of grease within an approved grease disposal facility. This food truck permit is required to be renewed annually. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food truck permit will be rendered null and void and the food truck business will be required to cease operation immediately. The operator of the food truck business will be punished for the violation.
- o. If at any time, Wake County revokes or suspends the issued food vending permit, the City permit for the food truck business will be revoked or suspended simultaneously.

Sec. 6.4.11. Retail Sales

A. Retail Sales Use Category

Facilities involved in the sale, lease, or rental of new or used products. Retail sales includes the following uses.

- 1. Antiques, appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, fuel (including gasoline and diesel fuel), furniture, garden supplies, gifts or

novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.

2. Art gallery.
3. Check cashing, payday loan.
4. Pawnshop.

B. Pawnshop

1. Defined

A shop where loans are made with personal property as security.

C. Use Standards

1. A retail sales use in an RX- District is subject to the following:
 - a. Must be located on the first floor of a corner unit in an apartment building type located at the intersection of 2 public streets.
 - b. The unit cannot exceed 4,000 square feet in gross floor area individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - d. Drive-thru or drive-in facilities are not permitted.
 - e. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.
2. A retail sales use in an OX- District is subject to the following:
 - a. Must be within or attached to a multi-tenant building, cannot be located in a standalone building.
 - b. The floor area of the retail use cannot exceed 15% of the gross floor area of the entire building or 4,000 square feet, whichever is greater individually or cumulatively in combination with any other allowed Limited Commercial use per lot.
3. Vehicle Fuel Sales (including gasoline and diesel fuel) in the NX- District is subject to the following:
 - a. If any portion of the property is located within 200 feet of a Residential District (determined by a straight line from the property line to the district boundary line) Vehicle Fuel Sales (including gasoline and diesel fuel) shall meet all of the following:
 - i. Width Dimensions:
 - a) Width (min): 100'
 - ii. Any lot that contains Vehicle Fuel Sales (including gasoline and diesel fuel) must be located within 300' of the centerline of an intersection that includes a street from at least one of the following Street Types: Mixed Use Streets or Major Streets.
 - iii. Hours of operation for Vehicle Fuel Sales (including gasoline and diesel fuel) can begin no earlier than 6 AM and end no later than 11 PM. Operations include all deliveries and collections. Preparation, store cleaning and inventory may be allowed during these restricted hours. Uses other than Vehicle Fuel Sales (including gasoline and diesel fuel), car washing and vacuuming may continue operation during these restricted hours.
 - iv. The total number of vehicles capable of being simultaneously serviced cannot exceed 8.
 - v. All vacuuming and compression machines located outside of an enclosed building shall be located at least 50 feet from a Residential District or use and shall be of a design that does not exceed a noise level reading of 55 dB(A).
 - vi. Accessory car washing is only allowed if the car wash is equipped only with fully automatic wash equipment so the driver remains in their car during the entire wash process.
 - c. Hours of operation can begin no earlier than 6 AM and end no later than 11 PM, including all deliveries.
 - d. Drive-thru or drive-in facilities are not permitted.
 - e. Vehicle fuel sales, check cashing and payday loan facilities are not permitted.

- vii. Backlighting of fuel canopies is prohibited. All canopy lighting shall be flushed mounted underneath the canopy except for signs.
 - viii. Canopies shall be limited to a 16 feet maximum height to the bottom of the underside of the canopy and a 23 feet maximum to the top of the roof of the canopy (absent any required vent stacks).
 - ix. Fuel pumps must be located a minimum of 50 feet from a Residential District.
4. Vehicle Fuel Sales (including gasoline and diesel fuel) in a NX-, CX-, DX- or IX-District is subject to the following:
- a. A Type 2: Medium protective yard, in accordance with *Sec. 3.5.3*, must be established along any side of the property abutting a Residential District or a residential use. The protective yard must include a wall at least 6.5 feet in height.
 - b. Subject to NC DOT driveway access regulations, no fuel pump island shall be located closer than 25 feet from any public street right-of-way.

conducted within a fully-enclosed building. The outdoor display and storage of vehicles for sale or rental is not be permitted.

Sec. 6.4.12. Vehicle Sales/Rental

A. Vehicle Sales Use Category

Direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle sales includes the following.

- 1. Boats and other recreational vehicle sales.
- 2. Vehicle sales, rental or leasing.

B. Use Standards

- 1. A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all property lines abutting a residential use.
- 2. All vehicular display area with frontage on any portion of a street right-of-way (not including an alley) must be screened along the street edge by a Type C3 street protective yard under *Sec. 7.2.4.B.*
- 3. Vehicle displays shall not be artificially elevated above the general topography of the site.
- 4. No outside speaker system is permitted.
- 5. In a NX- District, the sales and leasing of motor vehicles for display shall be

Article 6.5. Industrial Uses

Sec. 6.5.1. Heavy Industrial

A. Heavy Industrial Use Category

Any facility that involves dangerous, noxious or offensive uses or a facility that has 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. Heavy industrial includes the following uses.

1. Asbestos, radioactive materials.
2. Animal processing, packing, treating and storage, concentrate plant, processing of food and related products, production of lumber, tobacco, chemical, rubber, leather, clay, bone, paper, pulp, plastic, stone, or glass materials or products, production or fabrication of metals or metal products including enameling and galvanizing.
3. Automobile dismantlers and recyclers.
4. Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.
5. Commercial feed lot.
6. Concrete batching and asphalt processing and manufacture, batch plant Earth moving, heavy construction equipment, transportation equipment.
7. Detention center, jail, prison.
8. Explosives.
9. Fabricated metal products and machinery.
10. Industrial sign-making.
11. Leather and leather products includes tanning and finishing.
12. Lumberyard and wood products.
13. Manufactured or modular housing sales.
14. Outdoor storage yard for vehicles.
15. Primary metal manufacturing.
16. Pulp mill, rubber and plastic products, rubber manufacturing.
17. Scrap metal processors, sawmill, secondary materials dealers.

18. Trailer leasing, auction vehicle, broker vehicle.
19. Tire recapping, tobacco products, transportation equipment.

B. Detention Center, Jail, Prison

1. Defined

A secured facility for the incarceration of individuals either awaiting trial or convicted of a crime.

C. Towing Yard for Vehicles

1. Defined

A facility for the impound and temporary storage of vehicles that is operated by someone engaged in the wrecker or towing business.

2. Use Standards

- a. The facility must be used exclusively for vehicle storage and no parts from stored vehicles can be sold.
- b. A Type B1 or B2 transitional protective yard (see Sec. 7.2.4.A.) must be established along all shared property lines, except for an adjacent heavy industrial use or waste-related service.
- c. A Type C1 or C2 street protective yard (see Sec. 7.2.4.B.) must be established along all property lines abutting a public right-of-way.
- d. No towing yard for vehicles can be within 5,280 feet of another towing yard for vehicles (determined by a straight line from property line to property line).

Sec. 6.5.2. Light Industrial

A. Light Industrial Use Category

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. Light industrial includes the following uses.

1. Bottling.
2. Brewery, winery.

3. Bus or rail transit vehicle maintenance or storage facility.
4. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
5. Food and beverage products except animal slaughter, stockyards.
6. Lawn, tree or garden service.
7. Laundry, dry-cleaning, and carpet cleaning plants.
8. Leather and leather products except tanning and finishing.
9. Sheet metal, welding, machine, tool repair shop or studio.
10. Stone, clay, glass, and concrete products.
11. Woodworking, including cabinet makers and furniture manufacturing.

Sec. 6.5.3. Light Manufacturing

A. Light Manufacturing Use Category

A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following uses.

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Office showroom/warehouse.
4. Printing, publishing, and lithography.
5. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
6. Repair of scientific or professional instruments and electric motors.

Sec. 6.5.4. Research & Development

A. Research & Development Use Category

A facility focused primarily on the research and development of new products. Research and development includes the following uses.

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

Sec. 6.5.5. Self-Service Storage

A. Self-Service Storage Use Category

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. Self-service storage includes the following uses.

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

B. Use Standards

1. A self-storage facility in an CX- District is subject to the following.
 - a. The minimum size of the site is at least 2 acres.
 - b. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with *Article 7.5. Outdoor Display and Storage*.
 - c. All storage units must be contained in a single building and accessed internally. For properties where an Urban Frontage is applied, storage units are not permitted on the ground floor. The outdoor storage of boats, RV's or similar vehicles is not permitted.
 - d. A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all shared property lines, except for an adjacent self-

service storage, heavy industrial use, waste-related service or residential use.

- e. A Type B1 or B2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all property lines abutting a residential use.
 - f. A Type C1 or C2 street protective yard (see *Sec. 7.2.4.B.*) must be established along all property lines abutting a public right-of-way.
2. A self-storage facility in a DX- District is subject to the following:
 - a. All storage shall be contained within a fully-enclosed building.
 - b. All storage units must be contained in a single building, and accessed internally. Storage units are not permitted on the ground floor. The outdoor storage of boats, RV's or similar vehicles is not permitted.
 3. A self-storage facility in an IX- District is subject to the following:
 - a. The minimum size of the site is at least 2 acres.
 - b. All storage shall be contained within a fully-enclosed building. However, the storage of boats, RV's or other similar vehicles may be permitted in accordance with *Article 7.5. Outdoor Display and Storage.*
 - c. A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all shared property lines, except for an adjacent self-service storage, heavy industrial use, waste-related service or residential use.
 - d. A Type B1 or B2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all property lines abutting a residential use.
 - e. A Type C1 or C2 street protective yard (see *Sec. 7.2.4.B.*) must be established along all property lines abutting a public right-of-way.

Sec. 6.5.6. Vehicle Service

A. Vehicle Service Use Category

Repair and service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle service includes the following uses.

1. Vehicle repair (minor).
2. Vehicle repair (major).
3. Vehicle repair (commercial vehicle).

4. Car wash.

B. Car Wash

1. Defined

Facility with mechanical or hand-operated equipment used for cleaning, washing, polishing, or waxing of motor vehicles.

2. Use Standards

- a. Car wash facilities located within 200 feet of a Residential District (determined by a straight line from the property line to the district boundary line) shall meet the following requirements.
 - i. All washing, waxing, machine drying and related activities and operations shall be conducted entirely within an enclosed building (except for vehicular openings a maximum of 12 feet in width) with the exception of vacuuming, hand washing, hand drying and hand waxing of vehicles, the sale of items from vending machines and refuse storage and disposal.
 - ii. No vehicular openings providing access to the enclosed building shall face the Residential District. For purposes of this section, the building wall providing access shall be at an angle greater than 60 degrees from the Residential District line.
 - iii. All vacuuming and compression machines located outside of the enclosed building shall be of a design that does not exceed a noise level reading of 45 dB(A), as measured from the property line, between the hour of 6 AM to 7 AM and 55 dB(A) at all other lawful hours of operation.
 - iv. Operation of the establishment shall be prohibited prior to 6 AM or after 11 PM on all days of the week. The hours of operation shall be required to be posted on site at a conspicuous location and all of the establishment's car wash equipment shall be rendered inoperable at all times other than during its hours of operation.
- b. Accessory car wash facilities shall be prohibited unless one or more of the following exist:
 - i. Operation of the facility is after 6:00 AM and before 11:00 PM on all days of the week.

- ii. The car wash is equipped only with fully automatic wash equipment so the driver remains in their car during the entire wash process, and all other outdoor on-site customer activities such as vacuuming is prohibited.

C. Vehicle Repair (Minor)

1. Defined

A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, bed-liner installation and glass repair or replacement.

2. Use Standards

- a. A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all property lines abutting a residential use.
- b. The outdoor overnight storage of vehicles may be permitted in accordance with *Article 7.5. Outdoor Display and Storage*. Operable vehicles may be parked on-site during business hours.
- c. There shall be no dismantling of vehicles for salvage.
- d. The storage of impounded vehicles is not permitted.
- e. No outside speaker system is permitted.
- f. In the NX- District, a maximum of 2 service bay doors no more than 24 feet in width each are permitted on 2 sides of the building.
- g. Service doors shall be closed except for entry and exit of automobiles.

D. Vehicle Repair (Major)

1. Defined

A facility where general vehicle repair and service is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops. Major vehicle repair does not include any use meeting the definition for minor vehicle repair or commercial vehicle repair.

2. Use Standards

- a. A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all property lines abutting a residential use.
- b. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with *Article 7.5. Outdoor Display and Storage*. Operable vehicles may be parked on-site during business hours.
- c. There shall be no dismantling of vehicles for salvage.
- d. The storage of impounded vehicles is not permitted.
- e. No outside speaker system is permitted.

E. Vehicle Repair (Commercial Vehicle)

1. Defined

Repair, service, washing, or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment.

2. Use Standards

- a. A Type A1 or A2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all property lines abutting a residential use.
- b. The outdoor overnight storage of vehicles awaiting repair may be permitted in accordance with *Article 7.5. Outdoor Display and Storage*. Operable vehicles may be parked on-site during business hours.
- c. There shall be no dismantling of vehicles for salvage.
- d. The storage of impounded vehicles is not permitted.
- e. No outside speaker system is permitted.

Sec. 6.5.7. Warehouse & Distribution

A. Warehouse & Distribution Use Category

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse and distribution includes the following uses.

1. Bulk storage, including nonflammable liquids, 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.
2. Bus barn.
3. Commercial packing for fruits and vegetables.
4. Distribution facility, central postal facility.
5. Freight, service facility.
6. Parcel services.
7. 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.
8. Trailer storage, drop off lot.
9. Truck or motor freight terminal, service facility.
10. Trucking operation.
11. Warehouse.

B. Use Standards

1. A Type B1 or B2 transitional protective yard (see *Sec. 7.2.4.A.*) must be established along all shared property lines, except for an adjacent warehouse and distribution use, heavy industrial use or waste-related service.
2. A Type C1 or C2 street protective yard (see *Sec. 7.2.4.B.*) must be established along all property lines abutting a public right-of-way.

Sec. 6.5.8. Waste-Related Service

A. Waste-Related Service Use Category

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. Waste-related service includes the following uses.

1. Animal waste processing.
2. Landfill.
3. Manufacture and production of goods from composting organic material.
4. Outdoor storage of recyclable material.
5. Scrap materials (indoor storage).
6. Solid or liquid waste transfer station, waste incineration.

Sec. 6.5.9. Wholesale Trade

A. Wholesale Trade Use Category

Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer. Wholesale trade includes the following uses.

1. Mail-order house.
2. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
3. Wholesale sales of food, clothing, auto parts, building hardware and similar products.

Article 6.6. Open Uses

Sec. 6.6.1. Agriculture

A. Agriculture Use Category

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase. Agriculture includes the following uses.

1. Animal raising including horses, hogs, cows, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development.
2. Community garden.
3. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
4. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products.
5. Fish hatcheries, fish farm.
6. Forestry, timber tracts, forest nursery, gathering of forest products.
7. Grain, fruit, field crop and vegetable cultivation and storage.
8. Hunting, trapping and game propagation.
9. Livestock, horse, dairy, poultry and egg products.
10. Livestock auction.
11. Milk processing plant.
12. Plant nursery.
13. Restricted agriculture.
14. Urban farm.
15. Wildlife sanctuary.

B. Community Garden

1. Defined

Areas of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group

use, consumption, or donation. They may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by the group.

2. Use Standards

- a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale off-site.
- b. On-site sales are not permitted in the residential districts. On-site sales may be permitted in the mixed use and special districts with the approval of a special use permit, following the procedures set forth in *Sec. 10.2.9*. Sales shall be restricted to horticultural and agricultural products produced on the premises.
- c. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the zoning district.
- d. If security fencing is installed, such fencing shall be of an open design.
- e. If lighting is installed, only motion-detecting fixtures shall be permitted. All-night lighting is prohibited.
- f. Community gardens shall be managed and maintained in compliance with all applicable standards of this UDO and the City Code, including but not limited to those pertaining to: nuisance abatement, stormwater, site accessibility, signage, soil erosion and sedimentation control and any required tree conservation and landscaping.
- g. Raising of animals is not permitted in a Residential District. In all other permitted districts, the raising of animals is subject to the following conditions:
 - i. The community garden must be in active use for the growing and harvesting of crops.
 - ii. Hoofed animals are prohibited.
 - iii. Chickens are permitted at rate of 1 chicken per 1,000 square feet of lot area not to exceed 10 chickens on any single lot. No roosters are allowed.
 - iv. A maximum of 2 bee hives are permitted.

- v. Any coop, hutch, hive, or other structure for housing animals shall be located at least 25 feet from any property line.

C. Plant Nursery

1. Defined

A facility where horticultural and agricultural products produced on the premises are sold.

2. Use Standards

- a. Sales shall be limited to agricultural products produced on the premises, hand-held garden tools, bags of fertilizer, mulch, and similar items normally associated with nursery or gardening operations.
- b. Sales offices shall be limited to 100 square feet of gross floor area per acre of land area, but in no case can the sales office exceed 1,000 square feet of gross floor area.
- c. The use shall not be located within a Primary Reservoir Watershed Protection Area.
- d. No more than 1 on-premise announcement sign not to exceed 12 square feet in area and 3½ feet in height.

D. Restricted Agriculture

1. Defined

The raising and harvesting of tree crops (excluding forestry), vine crops and horticultural specialties not requiring intense cultivation. The keeping or grazing of animals for animal products, animal propagation or value increase is not allowed.

E. Urban Farm

1. Defined

The raising and harvesting of trees (excluding forestry), vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase when located in an urbanized (developed) area. An urban farm may be owned by an individual, group or organization and may include intensive agriculture, typical large-scale farm equipment, and animal husbandry.

Sec. 6.6.2. Resource Extraction

A. Resource Extraction Use Category

Characterized by uses that extract minerals and other solids and liquids from land. Resource extraction includes the following uses.

- 1. Dredging, earth extraction, gas extraction.
- 2. Extraction of phosphate or minerals.
- 3. Extraction of sand or gravel, borrow pit.
- 4. Land clearing for the purpose of resource extraction.
- 5. Metal, sand, stone, gravel, clay, mining and other related processing.
- 6. Stockpiling of sand, gravel, or other aggregate materials.

B. Use Standards

- 1. A type B3 transitional protective yard with a berm (see *Sec. 7.2.4.A.*) must be established along all outer perimeter property lines except where the property abuts an IH District or is used for industrial uses listed in *Article 6.5. Industrial Uses*.
- 2. For lawful resource extraction facilities established prior to September 1, 2013 that adjoin uses other than household living as listed in *Sec. 6.2.1.*, existing woodland vegetation at least 25 feet in width may be used, in whole or in part, to satisfy the transitional protective yard, provided any gap in woodland vegetation 20 feet or more in width shall be planted with evergreen hollies that have a mature height of at least 25 feet tall.
- 3. A type C4 street protective yard with a berm (see *Sec. 7.2.4.B.*) must be established along all property lines abutting a public right-of-way.
- 4. Except for properties in an IH District or used for industrial uses listed in *Article 6.5. Industrial Uses*, there shall be provided between overburden storage areas and adjoining properties not owned or leased by the operator, (a) walls, closed fences, berms or any combination equal or greater in height than the height of the overburden or (b) planted vegetation containing the following characteristics:
 - a. Newly planted landscaping shall be of the following varieties: loblolly pine, genetically improved stock, Japanese cryptomeria 'Yoshino' and 'Nellie Stevens' holly;

- b. Newly planted pine trees shall be planted double filed with a linear-triangle configuration with 20 foot spacing. Yoshino and Nellie Stevens shall be installed in the middle of the tree plantings, with at least 25 percent of each variety being planted; and
- c. The planted pine trees shall be at least 6 feet tall and the planted Yoshino and Nellie Stevens shall be at least 4 feet tall.
5. Existing woodland vegetation, at least 25 feet in width, which meets or exceeds the screening characteristics of the planted material may be used, in whole or in part, to satisfy the vegetative planting requirements.
6. If planted or existing vegetation is used to screen the overburden, the overburden may not exceed a height of 70 feet or other City ordinances, whichever is more stringent.
7. A property shall be considered "adjoining" if it is separated from the area where overburden is deposited by a street right-of-way 100 feet wide or less.
8. Upon the completion of any deposit of overburden material in any area, the deposit shall be covered with grass or other ground cover.
9. The following hours of operations shall be observed:
 - a. Blasting on the property is allowed only between the hours of 9 AM and 5 PM Mondays through Fridays except in the case of emergency. No blasting is allowed on the traditional holidays of New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.
 - b. Crushing equipment shall operate only between the hours of 6 AM and 9 PM Mondays through Saturdays and only between 1 PM and 9 PM on Sundays.
 - c. Overburden will be deposited, graded or moved about the property only between the hours of 7 AM and 6 PM Mondays through Saturdays.
10. If the operator uses audible back-up warning devices on machinery or equipment, the volume and frequency of the back-up warning devices shall be the minimum required to comply with any applicable law or regulation.
11. All load trucks entering the property shall have a working functioning load cover. Any truck that does not have a working functioning load cover shall not be loaded. Loads on load trucks exiting the property shall be covered.
12. At each exit driveway utilized by loaded trucks, a sign shall be erected reading that all loads exiting the property are required by City ordinance to be covered, and that failure to cover is a violation of the City Code. The sign shall be facing the property and all lettering shall be a minimum of 6 inches tall.
13. The primary crusher shall not be located closer than 300 feet to any outer property boundary and no closer than 600 feet to any Residential District. In lieu of meeting these distances, the primary crusher may be located in any area of the excavation pit that is 50 or more feet below the then current grade surface level, so that the wall of the excavation pit will function as a noise baffle.

Article 6.7. Accessory Uses & Structures

Sec. 6.7.1. In General

- A. Accessory uses and structures are permitted in conjunction with allowed principal uses. Allowed accessory uses and structures include those listed in this Article and additional accessory uses and structures that, as interpreted by the Zoning Administrator, meet the following:
 1. Are clearly incidental to and customarily found in connection with an allowed principal building or use;
 2. Are subordinate to and serving an allowed principal building or use;
 3. Are subordinate in area, extent and purpose to the principal building or use served;
 4. Contribute to the comfort, convenience or needs of occupants, business or industry in the principal building or use served; and
 5. Are located on the same lot as the principal building or use served.
- B. In addition, no accessory use or structure may be established on a lot prior to the establishment of a permitted principal use.

Sec. 6.7.2. Accessory Structures

- A. Setback and height requirements for all accessory structures are established for each building type and are set forth in the district chapter (*Chapter 2. Residential Districts, Chapter 3. Mixed Use Districts, and Chapter 4. Special Districts*) unless otherwise regulated specifically herein.
- B. No accessory structure may be located closer than 6 feet to any other building or structure on the same lot. Two or more structures joined by a breezeway shall be considered attached and part of the same principal structure except when the breezeway meets the following:
 1. Is no more than 6 feet in width, including roof overhangs;
 2. Is no more than 16 feet in height or the height of the principal structure, whichever is less;
 3. Meets the accessory structure setbacks;
 4. Is open on the sides except for structural support columns;

5. Is located no closer to the primary or side street than the wall plane of the principal structure closest to the street; and
 6. Has no walkway on the roof.
- C. In Residential Districts, accessory structures associated with Detached or Attached Houses shall comply with the following:
 1. Accessory structures with gross floor area of 150 square feet or less and height of 10 feet or less shall have a minimum setback of 5 feet from side and rear property lines;
 2. The Accessory structure shall not be located any closer to the primary or side street than the wall plane of the principal structure closest to the street;
 3. Accessory structures shall have a minimum setback of 4 feet from an alley;
 4. The vehicular opening of a garage on an alley shall have a setback of either 4 feet or 20 feet or more from the alley;
 5. Notwithstanding anything herein, accessory structures shall be lower in height than the principal building;
 6. No deck or balcony shall be permitted above the finished floor elevation of the ground floor;
 7. Vertical encroachments are not permitted; and
 8. Encroachments into setbacks are not permitted.
 - D. In Residential Districts, accessory structures associated with Detached or Attached Houses shall conform to the standards shown in tables 1 and 2 below. Breezeway connections permitted under Sec. 6.7.2.B. shall not count towards the floor area or footprint calculations of this section.

D.1 Floor Area and Footprint Standards for Accessory Structures in Residential Districts			
	The smallest area within a row shall control. Area maximums apply to all accessory structures on a lot combined.		
Lot Size	Combined Floor Area (max.)	Combined footprint (max.)	Combined footprint (max.)
Less than 10,000 sf	600 sf	50% of rear yard area	75% of principal building footprint
10,000 sf to 40,000 sf	900 sf	50% of rear yard area	75% of principal building footprint
Greater than 40,000 sf	1,200 sf	50% of rear yard area	75 % of principal building footprint

D.2 Height and Setback Standards for Accessory Structures in Residential Districts			
	One-story	One and a half story	Two-story
Max height (ft)	16	20.5	25
Max height (stories)	1	1	2
Attics	Not permitted	Permitted	Not permitted
Side/Rear Setback (ft)	10	15	20
Max. wall height (ft)	12	12	N/A

E. The provisions of this Section may not be varied by the Board of Adjustment pursuant to the terms of Section 10.2.10 or otherwise.

Sec. 6.7.3. Additional Standards for Specific Accessory Uses

A. Caretaker’s Residence

A single dwelling unit as a residence for a caretaker or watchman accessory to a permitted use is permitted in all districts other than a Residential District.

B. Dish Antenna

An antenna whose purpose is to receive signals from orbiting satellites. The regulations of this section apply only to dish antennas larger than 1 meter in diameter.

1. No dish antenna can be located closer than 30 feet to a public right-of-way.
2. In a Residential District, no dish antenna can have a dish of a diameter greater than 12 feet, unless located more than 100 feet from a property line.
3. In a Residential District, any antenna not mounted on a building that is over 4 feet in diameter shall be screened from the right-of-way and the property boundary of any abutting lot. The screen shall be made of plant materials, berms, closed fences, or walls or any combination of that reduce the view from the abutting lot or right-of-way to a height of 6 feet above ground elevation year round. Fences or walls utilized for screening must be architecturally compatible with other buildings and structures on the site. Planting shall be provided so that no more than 2/3 of the height of the fence or wall is visible from the abutting lot or right-of-way within 5 years of the erection of the fence or wall.
4. Roof-mounted dish antennas shall be screened from any public street that is open to vehicular traffic. All roof-mounted dish antennas exceeding 4 feet in diameter shall be constructed of mesh type material.

C. Garage for 5 or More Vehicles Accessory to a Dwelling

A special use permit may be issued in accordance with Sec. 10.2.9. for a garage for 5 or more motorized vehicles in a Residential District.

D. Home Occupation

An occupation that provides a service or product that is conducted wholly within a residential dwelling in a Residential District.

1. No nonresident employees are allowed. Clients, customers, patients and visitors are not allowed to visit the premises.

2. No display of goods, products, or services shall be visible from outside the dwelling.
3. The home occupation shall not exceed 25% of the livable portion of the dwelling.
4. No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the principal dwelling unit or a fully-enclosed accessory structure only.
5. There must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of a home occupation.
6. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
7. Only 1 vehicle used in connection with the home occupation shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs., as listed on the vehicle registration form, and no advertising or reference to the home occupation may be displayed on the vehicle in any manner.
8. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

E. Live-Work

An occupation that provides a service or product that is conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to visit.

1. In a Residential District, a special use permit issued in accordance with Sec. 10.2.9. is required for a live-work unit.
2. A minimum of 1 individual must occupy the live-work unit as their primary place of residence.
3. The live-work unit may employ no more than 2 individuals not living on the premises at any one time.
4. Work space within the unit may be used as an office, studio, gallery, beauty/hair salon, or for production involving the use of hand tools and small-scale, light equipment.
5. Resale of items such as, but not limited to, antiques, jewelry and clothing may be permitted in addition to handmade items produced in the live-work unit.

6. No specialty service such as, but not limited to, dance instruction, crafts, or music lessons shall be provided for a group larger than 5 persons.
7. No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the live-work unit or a fully-enclosed accessory structure only.
8. Except for permitted signage, there must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the work inside.
9. Signage is limited to 1 unlit wall or projecting sign no larger than 3 square feet in area, attached to the structure housing the live-work unit.
10. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
11. Only 1 vehicle used in connection with the live-work use shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs, as listed on the vehicle registration form, and no advertising or reference to the use may be displayed on the vehicle in any manner.
12. No more than 5 customers are permitted on the premises at any one time.
13. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.
14. One additional on-site parking space is required per live-work unit.

F. Reserved

G. Recreational Use Related to a Residential Development

1. Recreational use is limited to the following facilities: clubhouse, docks, exercise rooms, game and craft rooms, gymnasiums, party and reception rooms, bicycle paths, pedestrian and equestrian trails, picnic areas, play courts, such as basketball, racquetball, and tennis courts, golf courses, driving ranges, play fields, playgrounds, sauna baths, swimming pools and tanning facilities.
2. These uses are allowed only as part of a residential development or subdivision, a compact development, a conservation development, a manufactured home development, or a congregate care facility. Such uses may be located outside of the boundaries of the development, provided that:

- a. The lot is owned by the development (through its homeowners association or other similar mechanism); and
 - b. The lot adjoins the subdivision for at least 50% of its perimeter; or
 - c. The lot is located across a street or other right-of-way for at least 50% of its perimeter.
3. Nonresident memberships or fees paid by the general public shall not be permitted. This prohibition shall not be construed to disallow membership fees for residents of the development and their guests made on an installment basis of not less than monthly, rather than on any pay-for-use, hourly, daily or weekly basis. Membership fees are allowed for any recreational use related if it also complies with all regulations of a recreational use restricted to membership, either commercial or not for profit.
 4. The recreation facilities shall be owned by either a not for profit organization, a homeowners association, or multi-unit development owner.
 5. Any pool with any linear dimension greater 65 feet or with any area in excess of 4,000 square feet must be approved as special use permit in accordance with *Sec. 10.2.9*.
 6. No signage, storage, merchandise, or display including display windows shall be visible from outside of the recreational use.
 7. Parking for the recreational uses shall be provided in accordance with *Sec. 10.2.9*. However, the number of required parking spaces may be reduced by the ratio of the total parking required for the residential uses that are located within 400 feet of the recreation use to the total required parking for all residential uses in the development.

H. Religious Shelter Unit

Temporary housing associated with a place of worship that is for counseling, education and referral services for temporary residents. A zoning permit is required for any religious shelter unit.

1. The facility is an accessory use to a place of worship and occupies a floor area of no more than 10% of the gross floor area in any 1 complex.
2. It houses no more than 12 residents at any one time provided that a minimum floor space of 100 square feet of space is provided for each individual sheltered.

3. No individual or family resides at the facility for a period longer than 18 months, and no person or family shall be readmitted until at least 14 days have elapsed from their last residency.
4. It is located in a place of worship which is established on the site for a period of 1 year or longer.
5. It provides an employee or volunteer to maintain continuous on-site supervision.
6. No religious shelter unit may be located within $\frac{3}{4}$ -mile radius of another religious shelter unit (determined by a straight line from property line to property line).
7. It is not located within a Primary Reservoir Watershed Protection Area or an -AOD.

I. Residential Accessory Service

1. A nonresidential accessory use located within an apartment or townhouse development or congregate care facility in an R-1, R-2, R-4, R-6, R-10 or RX-district. Allowed accessory uses are limited to eating establishment, beauty or barber shop, laundry or dry cleaning pickup, drug store, flower shop, gift shop or newsstand. Does not include an adult establishment.
2. The gross floor area of all accessory uses can be no more than 25% of the dwelling unit.
3. In no case shall the accessory use occupy more than 50% of the building gross floor area or 2,000 square feet, whichever is less (except that laundry facilities shall be excluded from this maximum floor area).
4. The primary entrance to the accessory use must be internal to the main building.
5. The display of products and activity of the accessory use must not be visible from outside the building.
6. No drive-thru or drive-in facilities are allowed.
7. The signage and location must not be designed to attract clientele from outside the building or lot within which the use is sited.
8. Residential accessory service uses are not allowed in a Primary Watershed Protection Area.

Article 6.8. Temporary Uses

Sec. 6.8.1. Applicability

A temporary use permit is intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis. The following regulations govern temporary uses.

Sec. 6.8.2. Temporary Use Permit Required

The following temporary uses are allowed subject to approval of a temporary use permit issued in accordance with *Sec. 11.4.1.*

A. Temporary Event

1. A temporary event lasting 1 day shall be permitted without complying with the conditions below, provided that no more than 4 temporary events in any 1 calendar year shall be permitted on that premise.
2. All temporary events lasting more than 1 day on any premise in any one calendar year shall meet all of the following:
 - a. No premise shall be the site of a temporary event exceeding a collective total of 20 days, or 3 individual weekends, or both within any one calendar year. In this context, a weekend shall constitute 3 consecutive days.
 - b. Signs associated with a permitted temporary event shall be a maximum size of 64 square feet in area allocated to no more than 5 signs.
 - c. All outdoor activities shall be discontinued by 11 PM when located closer than 500 feet to a residential use or a congregate care facility.
 - d. No unauthorized encroachments on public rights-of-way are allowed.
 - e. The temporary event must comply with all applicable floodplain policies.

B. Fund Raising Activity for a Civic Use in a Residential District

1. The fund raising activity is on a periodic basis.
2. Activities are discontinued by 11 PM.

C. Outdoor Mobile Vending Cart

An outdoor mobile vending cart is allowed in any mixed use district subject to the following requirements:

1. Outdoor mobile vending carts shall be located on the same lot as a principal building. The minimum lot size is 2½ acres.
2. The maximum number of outdoor mobile vending carts per lot shall be in accordance with the following:
 - a. One outdoor mobile vending cart on lots less than 5 acres.
 - b. Two outdoor mobile vending carts on lots of 5 acres or greater but less than 10 acres.
 - c. Three outdoor mobile vending carts on lots of 10 acres or greater but less than 15 acres.
 - d. Four outdoor mobile vending carts on lots of 15 acres or greater.
 - e. A maximum of 1 outdoor mobile vending cart when tenant occupancy equates to less than 50% of the gross floor area of the principal buildings.
 - f. The amount of space occupied by outdoor mobile vending carts shall not exceed 1% of the occupied floor area gross of the principal buildings.
3. The dimensions of any outdoor mobile vending cart may not exceed the following:
 - a. 50 square feet in area.
 - b. A maximum length or width of 10 feet and a maximum height of 8 feet.
 - c. The maximum height of 8 feet shall include any protection provided for the vendor or customer from outdoor conditions in the form of an umbrella, or other protective covering which must be attached to the cart.
4. All signage must be attached to the cart and shall be limited to a maximum of 32 square feet.
5. All required Wake County and City of Raleigh permits and licenses shall be clearly displayed on the vending cart.
6. The vending cart must be located within 25 feet of a principal building facade containing a primary pedestrian entrance, located no closer than 10 feet to any entrance or exit and may not be situated such that the free flow of pedestrian or vehicular traffic is restricted.
7. Hours of operation for any outdoor mobile vending cart shall be limited to the hours of operation of the associated principal use, but in no event be in operation between the hours of 11 PM and 8 AM.

8. Sales of goods and merchandise shall be limited to food and beverage items, fresh cut flowers and original artworks and handicrafts.

D. Produce Stand

1. Defined

A produce stand permits the itinerant sale of agricultural produce and home-made food goods on a property without a permanent structure or improvements.

2. Use Standards

- a. Sales shall be limited to agricultural produce not exceeding a maximum of 2,000 square feet per lot (not including areas devoted to driveways and off-street parking). In addition to the sales of agricultural produce, 25% of the produce stand area may be devoted to the sales of home-made food goods such as baked goods, jams and relishes. For produce stands not removed from the lot on a daily basis, the use shall be limited to a maximum of 8 months per calendar year. All tents, stands, signs and structures associated with the produce stand shall be removed from the property within 5 calendar days following the termination of the approved time period.
- b. Produce stands locating within a Residential District shall be required to locate on the property of a civic building or use (such as a place of worship or school), or within the common area of an apartment building or series of buildings containing a minimum of 100 dwelling units, or on property fronting a Major Street as designated on the Comprehensive Plan. In the event that the property fronting a Major Street is developed with a detached house used for single-unit living, no parking associated with the produce stand may be located within the front yard area.
- c. Tents, stands, signs or other related structures shall provide a minimum 10-foot setback from all property lines and public rights-of-way and shall not be located within sight distance triangles.
- d. One off-street parking space shall be provided for every 200 square feet of area devoted to the produce stand activities, but no less than 3 parking spaces. Areas devoted to off-street parking shall be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of

the vehicle. Produce stands shall be exempt from the parking surfaces requirements and the required landscaping regulations.

- e. Signage for all produce stand activities on the premise shall be limited to 1 unlit announcement sign not to exceed 12 square feet in area and be no higher than 3½ feet above the ground elevation.
- f. All activities shall be discontinued by 8:00 PM when located in a Residential District.
- g. No code-required landscape planting areas shall be utilized in association with the produce stand activities and no unauthorized encroachments on public rights-of-way shall be permitted.
- h. A plot plan that shows the location of all tents, produce stands, driveways, off-street parking, traffic circulation, signs, or other related structures shall be submitted to the City for their approval, and that a zoning permit be issued prior to any event taking place.

E. Residential Development Sales Office or Model Home

1. The use of the office shall be for the initial sale or lease of properties or buildings within the residential development.
2. There shall be no signage for a residential development sales office or model home on the premises in a Residential District except for 1 unlit ground announcement sign not to exceed 6 square feet in area, and 3½ feet in height that is located on the sales office or model home lot.
3. For a developing residential subdivision, any phase containing a residential development sales office or model home shall contain a minimum of 5 acres and be intended for a minimum of 10 residential properties.
4. The building may be used for sales purposes for a period of 3 years, but the period can be extended by the Development Services Director on a semi-annual basis, provided the owner can show reasonable cause for such extensions and the unit remains occupied and used. In no event will the sales office or model home be continued when all of the properties of the development phase or building are sold or leased, excluding the sales office lot or model home lot within a subdivision.
5. No sales office or model home shall be used for any other retail purpose.

6. For a developing residential subdivision, the building must be located on an approved lot intended to be occupied by a dwelling unit, except for facilities located in recreational buildings. For all residential developments, the building must be located to comply with applicable district dimensional standards.
7. The building used for the sales office is either constructed and intended for ultimate residential use as part of the residential development or a temporary modular office unit. If a temporary modular office unit is constructed, the following additional conditions shall be met:
 - a. The modular office unit must be placed on a proper foundation, as recommended by the manufacturer.
 - b. Skirting and natural planting shrubs shall be installed around all sides of the modular office unit in accordance with the following:
 - i. Skirting shall consist of any weatherproof material providing a visual barrier between the underside of the modular office unit and the stand; and
 - ii. All natural shrubs shall be evergreen, a minimum of 36 inches tall, and planted 5 foot on center, but no one side shall have less than 2 plants.
 - c. At the end of the maximum time period allowed for this use, the property owner shall remove the temporary modular office unit, the foundation and all other physical structures such that natural plant materials shall solely occupy the lot until such time that a permanent use allowed within the district is established.

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