ARTICLE 3.
USE STANDARDS

ARTICLE 3. DIVISION 1.

USE STANDARDS

Section 18-114: Uses distinguished

A. Use types

1. Principal uses are the primary, permanent use types proposed on a lot (e.g., a detached single-dwelling home).
2. Accessory uses are subordinate to the principal use located on the same lot (e.g., a detached garage serving a single-dwelling home).
3. Temporary uses are allowed for a short duration of time (e.g., yard sales, sidewalk sales).

B. Developments with multiple principal uses

1. Developments with multiple principal uses, such as shopping centers, shall incorporate only those use types permitted in the applicable zoning district.
2. Should an individual unit or building within a development with multiple principal uses be subject to use-specific standards, that unit, building, and use shall not subject the entire development to the prescribed standards, unless otherwise specified herein.

C. Use-specific standards

1. Some uses are subject to use-specific standards, as prescribed in article 3, divisions 2, 3, and 4.
2. All uses are subject to any district standards listed in the applicable zoning district in Article 2. Zoning Districts.

Sections 18-115 - 18-120: Reserved.

ARTICLE 3. DIVISION 2.

USE-SPECIFIC STANDARDS

Section 18-121: Applicability

The standards established in this division are applicable to an individual principal use identified in the following manner:

A. Permitted with prescribed conditions

Uses that are permitted with prescribed conditions, identified by a "C" in the appropriate use table in Article 2, shall comply with these standards. If a use is listed in Article 2 as permitted with a "P" in a use table, it is not subject to the prescribed conditions of this chapter.

B. Special uses

Special uses, identified by an "S" in the appropriate use table, shall comply with these standards. If a use has both general and special use requirements, the use shall comply with both.

Section 18-122: Airport

A. An opaque vegetative buffer, at least 100 feet in width, shall be provided along any lot lines adjacent to residential zoning.

B. Runways and other takeoff/landing areas shall be setback at least 200 feet from any residentially-zoned lot.

Section 18-123: Alternative financial services

A. Separation requirement

1. Such uses shall be at least 2,000 feet from any other such use.
2. The minimum distance from any lot zoned for residential use shall be 500 feet.

B. Outdoor display

Outdoor display of inventory or merchandise shall be prohibited.

Section 18-124: Animal hospital, veterinary clinic with outdoor pens or runs

A. Exercise runs

1. All outdoor runs or facilities shall be fully enclosed by fencing at least six feet in height.
2. Exercise runs or facilities shall be a minimum of four feet by 10 feet.

B. Animal waste

1. Any outdoor areas used for animal containment or exercise shall be maintained by removing animal waste daily for proper disposal as solid waste.
2. Any runoff, wash-down water, or waste from any animal pen, kennel, containment, or exercise area shall be collected and disposed of in the sanitary sewer after straining of solids and hair.

3. Strained solids and hair shall be properly disposed of as solid waste.

4. Animal waste shall not be allowed to enter stormwater drainage or surface waters.

C. Buffers and setbacks

1. Within SA watershed and watershed resource protection land classification areas, outdoor animal facilities shall be separated by a vegetative protective buffer of not less than 100 feet from any stream, wetland, or other surface water features including wet detention ponds.

2. In all other areas, outdoor animal facilities shall be separated by a vegetative protective buffer of not less than 50 feet from any stream, wetland, or natural surface water feature.

3. In lieu of meeting these setback requirements, this provision can be met by implementing a stormwater control plan designed to maximize fecal die-off, if approved by the city manager.

4. Any such animal hospital shall be at least 100 feet from any residential zoning district.

D. Indoor facilities

All indoor facilities shall be temperature controlled.

Section 18-125: Artisan food and beverage

A. Uses

1. Artisan food and beverage production uses shall not exceed 10,000 square feet, or 25,000 square feet if the use is an adaptive reuse of a building existing at the time of the adoption of this ordinance.

2. One or more accessory uses, such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility, or other use incidental to the artisan food and beverage producer, as permitted in the applicable zoning district, shall be included, and such accessory use shall be open and accessible to the public.

3. Newly constructed loading and unloading facilities shall be accessed via alleys. Loading facilities shall be at the back of a building and not between a building and the right-of-way.

B. Parking

Maximum parking shall be calculated based on square footage proposed for each use.

C. Outdoor uses

1. In the UMX, HD, HDMU, and CB districts:

   a. Storage of materials, including silos, products for distribution, and other items requiring long-term storage shall be restricted to areas behind buildings, within service alleys, in enclosed buildings, or otherwise screened from the public right-of-way or pedestrian way.

   b. Storage of materials, including silos, products for distribution, and other items requiring long-term storage shall be restricted to areas behind building, within service alleys, in enclosed buildings, or otherwise screened from the public right-of-way or pedestrian way.

2. In all other districts, outdoor storage shall be subject to the accessory use standards in Section 18-211: Outdoor storage.

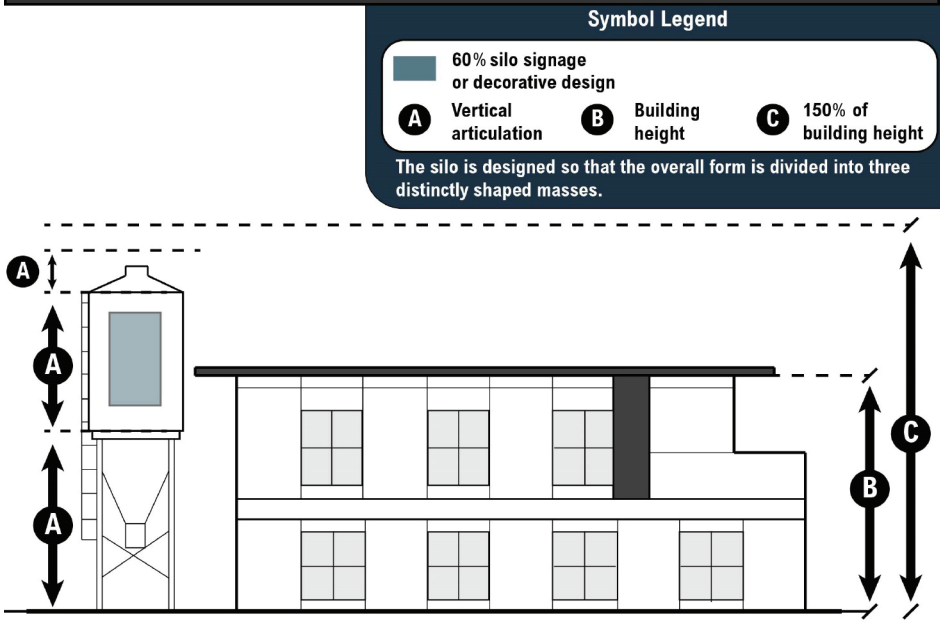
3. Outdoor seating, if permitted in the applicable district, shall be subject to the accessory use standards for such uses.

D. Storage silos

The city manager may authorize an exception to the prohibition in this section of outside storage silos provided they are consistent with the illustrative diagram and design guidelines in Figure 18.125 Storage silos.

1. The silo shall be vertically articulated such that the overall form is divided into distinctly shaped masses in at least three zones along its height.
2. Signage or decorative design may be included on the face of the silo at a maximum coverage of 60 percent.
3. The silo and associated structures shall not exceed 150 percent of the building height.
4. The silo shall be consistent with the materials and context of the principal building.

Figure 18-125: Storage silos



Section 18-126: Assembly

A. Civic club or lodge, private

Direct access shall be provided from an arterial or collector street.

B. Community center

1. Direct access shall be provided from an arterial or collector street.
2. The following dimensional standards shall apply to an approved use in any residential district:

Table 18-126: Community center dimensional standards in residential districts

Lot requirements	
Minimum lot area (sq. ft.)	15,000
Minimum lot width (feet)	80
Maximum lot coverage (percentage)	40
Minimum setbacks (feet)	
Front	20
Side street	20
Side interior	10
Rear	20
Building size	
Maximum height (feet)	45

C. Entertainment and trade

1. Primary vehicular access to the use shall be provided by way of a collector or higher designation street, not a local street.
2. The minimum lot area shall be 30,000 square feet.
3. When adjacent to residential zoning, a 20-foot-wide vegetative transitional buffer shall be required.
4. Any outdoor facilities shall be subject to the accessory use standards.

D. Religious

Nothing herein shall be construed to prohibit religious worship anywhere in the city, nor to prescribe any particular religion or form of religious worship, so long as the manifestations of said worship are not incompatible with or injurious to surrounding uses or properties.

1. Residential compatibility

   Within 200 feet of single-dwelling residential zoning, buildings shall be limited to a sanctuary or similar main gathering space that may also include individual rooms for administration and classrooms.

2. Vehicle access

   Primary vehicular access to the use shall be provided by way of a collector or higher designation street, not a local street. This provision shall not apply to institutions with 200 or fewer seats/seating equivalents in the main gathering space.

3. Lot coverage exception

   When a religious institution is located within the 1945 Corporate Limits, expansion of the building may exceed the allowable building footprint coverage indicated in the dimensional tables.

4. Accessory use

   The following uses are permitted as accessory to the religious assembly.

   a. Accessory structures for maintenance and storage, provided they meet the accessory use standards.

   b. Daycare and associated outdoor facilities, provided they meet the requirements for daycare as a principal use.

5. Secondary principal use

   a. A secondary principal use may be allowed with a religious assembly use where the secondary use is permitted by right in the zoning district and all the uses on the lot are compliant with the standards of this chapter.

   b. In a district where the following uses are not allowed by right as a stand-alone use, they may only be allowed as part of a religious assembly use subject to the provision of a 20-foot wide transitional buffer along any shared lot lines:

      i. Outdoor recreational facilities;

      ii. Schools; and

      iii. Indoor recreation facilities such as basketball courts or similar facilities.

Section 18-127: Assisted living residence

A. Compliance

All such uses shall comply with the applicable North Carolina General Statutes.

B. Lot area

The minimum lot area shall be 15,000 square feet.

C. Density

1. The maximum permitted density shall be that of the zoning district in which the use is located.
2. When cooking and bathroom facilities are located within individual units (apartment format), each unit of accommodation shall be deemed an independent dwelling unit.
3. When accommodations are served by a common cooking or restroom facility (bedroom-only accommodations), density shall be calculated based on the number of residents, with each three residents being deemed equal to a single housing unit.

D. Application requirements

The application for zoning permit shall include the following:

1. Floor plan and site plan showing number of residential units and the primary building entrance, which shall be oriented towards the primary right-of-way;
2. Parking facilities, which shall not be located within 50 feet of a property line shared with residentially-zoned lots; and
3. Recreation area, which shall be provided at the same rate as that of the multiple-dwelling districts.
4. Management plan that includes, at minimum:
   a. A plan for noise and solid waste management; and
   b. Maximum number of residents and resident supervisory personnel

Section 18-128: Auction house

A. The outdoor display of items available for auction shall be limited to within three hours of an established time of an auction event.

B. Outdoor storage of merchandise shall be prohibited.

Section 18-129: Brewery or distillery

A. On-site manufacturing of malted barley is prohibited.

B. Unenclosed outdoor storage shall be prohibited.

C. No offensive odors shall be emitted beyond the walls of the building occupied by such use.

D. The use shall be at least 150 feet from a residential zoning district.

E. Outdoor seating shall be subject to the accessory use standards of Section 18-209: Outdoor seating.

Section 18-130: Bus and taxi services

A. All vehicles shall be parked and stored behind a building.

B. Any canopies shall meet building design standards of the district, including maximum setbacks.

Section 18-131: Commercial districts mixed use

A. Purpose

The commercial district mixed-use (CDMU) provisions are intended to help provide housing for persons of all income levels, mix housing and compatible nonresidential uses, help reduce traffic congestion, and incentivize creative site design. Such developments support the city's economic success, unique built environment, job creation, and diversity by bringing together medium- to high-density residential and nonresidential uses within a walkable, bicycle friendly, and transit-accessible development framework. A mixed-use center should provide diverse uses, including housing at a variety of price points, offices, retail, service, entertainment, civic, and open space, for residents, employees, and visitors.

B. Optional use

This is an optional development pattern and available when a property owner chooses this use type and development option.

C. Uses

1. Multiple dwellings and townhouse development shall be permitted. Single-dwelling units shall not be permitted.
2. Commercial uses
    a. Commercial uses shall make up at least 20 percent of the total building square footage of the development.
    b. If 25 percent or less of the perimeter of the site fronts on an arterial street, the commercial square footage may be reduced to 10 percent of the total building square footage.
    c. Sites within ¼-mile of a full-service grocery store entrance may reduce the commercial square footage requirements to five percent of the total building square footage if a paved pedestrian or multiuse path is provided on and from the site to the grocery store.
    d. In the O&I district, in addition to the uses permitted within the district, retail may be permitted, not to exceed 3,250 square feet per storefront, nor to exceed a gross total square footage of 6,500 square feet within the development.
    e. Development amenities that are commercial in nature and open to the public (e.g., spas and health clubs) may count towards the minimum commercial square footage.
    f. In no case shall leasing offices or amenities for the exclusive use of residents and not open to the general public be counted towards the commercial use requirements.
3. Residential uses shall not cause any increased setbacks or transitional buffers on adjacent lots.
4. Any accessory uses, including outdoor seating, if permitted in the district, shall meet the applicable accessory use standards.

D. Building and site design

1. A conceptual elevation indicating proposed architectural style shall be provided.
2. All CDMU projects shall be subject to the site design standards of the multiple-dwelling districts found in Section 18-29: District specific standards.

E. Density

1. The maximum residential density shall be 17 units per acre.
2. The cap on density may be eliminated if 10 percent of the total number of residential units is designated for workforce housing, as defined in this chapter, for a period of at least 15 years.

F. Open space set aside

1. All developments shall meet the open space set-aside requirements of the multiple dwelling districts and the open space set-aside standards prescribed in Article 8.
2. If a development includes at least 51 percent of the total building square footage is in commercial use, the open space set aside may be eliminated.

G. Parking

1. Shared parking between residential and commercial uses shall be permitted.
2. Within the 1945 Corporate Limits, there shall be no parking requirements.
3. Outside of the 1945 Corporate Limits.
   a. Parking shall be dedicated for residential uses and provided according to Table 18-131: Dedicated residential parking for CDMU developments.
   b. Parking for commercial uses shall be provided in accordance with article 5, division 2 of this chapter.

Table 18-131: Dedicated residential parking for CDMU developments

Percentage of total building square footage dedicated to residential use	Parking ratio
1 - 49%	1 space per one-bedroom unit
	1½ spaces per two-bedroom unit
	2 spaces per three-bedroom unit
50 - 75%	1¼ spaces per one-bedroom unit
	1¾ spaces per two-bedroom unit
	2¼ spaces per three-bedroom unit
76% or more	1½ spaces per one-bedroom unit
	2 spaces per two-bedroom unit
	2½ spaces per three-bedroom unit

Section 18-132: Commercial parking

A. Surface parking lots

Street frontage shall be limited to a maximum of 75 feet in width.

B. Parking structures or decks

1. Design

   a. Ventilation from parking decks shall be directed away from residential uses.

   b. The ground floor, when abutting a public right of way, including a sidewalk, the riverwalk, or other pedestrian way, shall be fenestrated for at least 51 percent of the ground floor of the facade. For this purpose, ground floor shall be considered the area as measured from average adjacent grade of the right-of-way to a height of 13 feet.

   c. For the height of the structure, facades shall include fenestration that screens vehicles from view. Such fenestration may include louvers, openings screened with vegetation, or decorative screening (see figure 18-132: Parking structure or deck design).

   d. Such structures shall include at least two architectural features including, but not limited to:

      i. Facade offsets with each offset between 20 and 30 percent of the total length of the facade;

      ii. Building projections such as pilasters, columns, and awnings;

      iii. Change in building materials;

      iv. Change in rooflines; and

      v. Change in fenestration.

Figure 18-132: Parking structure or deck design



2. Parking structures adjacent to any type of residential use shall:

   a. Be enclosed to prevent light spillover from headlights, noise, and pollutants; and

   b. Incorporate architectural design elements, including surface treatments, offset planes, structural articulation, and landscaping to provide visual interest and compatibility with adjacent residential uses.

Section 18-133: Commercial recreation, outdoor

A. Generally

1. A vegetative transitional buffer at least 50 feet in width shall be required along any lot lines shared with residentially-zoned lots.
2. The following shall be prohibited within 500 feet of residential zoning:
    a. Amplified sound; and
    b. Outdoor speakers.

B. Zoos

1. Site standards
    a. The minimum lot size shall be 10 acres.
    b. An opaque vegetative buffer, at least 50 feet in width, shall be provided adjacent to any single-dwelling uses.
2. Animal husbandry
    a. All animals shall be maintained within pens, fenced areas, or other enclosures.
    b. Any outdoor enclosures for non-hoofed animals shall maintain at least 1,500 square feet per animal kept on-site.
    c. Any outdoor enclosures for hoofed animals shall maintain at least 9,000 square feet per animal kept on-site.
    d. All barns, pens, and outdoor enclosures shall be at least 100 feet from any lot lines.
3. Animal waste
    a. Any outdoor areas used for animal containment or exercise shall be maintained by removing animal waste daily for proper disposal as solid waste.
    b. Any runoff, wash-down water, or waste from any animal pen, enclosure, containment, or exercise area shall be collected and disposed of in the sanitary sewer after straining of solids and hair.
    c. Strained solids and hair shall be properly disposed of as solid waste.
    d. Animal waste shall not be allowed to enter the stormwater drainage or surface waters.
4. Protective buffer
    a. Within SA watershed and watershed resource protection land classification areas, outdoor animal facilities shall be separated by a vegetative buffer of not less than 100 feet from any stream, wetland, or other surface water features including wet detention ponds.
    b. In all other areas, outdoor animal facilities shall be separated by a vegetative buffer of not less than 50 feet from any stream, wetland, or natural surface water feature.

Section 18-134: Community garden

A. Use standards

1. The site shall be designed and maintained so that water and fertilizer will not drain to adjacent property.
2. A minimum three-foot wide, clearly marked entrance path shall be provided from the public right-of-way to the garden.
3. On-premises sales, including sale of community garden products, shall be is prohibited.
4. Lawn and garden equipment of the type customarily used by consumers for household lawn and garden care is the only type of motorized equipment allowed. The use of motorized equipment is restricted to hours beginning at 7:00 AM and ending at 9:00 PM.
5. An on-site trash storage container must be provided. Compost bins or piles shall be located at the rear lot line. Trash shall be removed from the site at least once a week.
6. The keeping of animals shall be prohibited.
7. The property shall be maintained free of tall weeds and debris. Dead garden plants shall be removed on a weekly basis.

B. Signs and structures

1. Community gardens shall be restricted to one sign, which shall be non-illuminated, not exceeding eight square feet, not exceeding eight feet in height, and set back a minimum of five feet from the front and side property lines.
2. A shed is permitted with necessary building permit review and approval. Sheds shall meet the setback requirements for accessory structures in the applicable zoning district.

Section 18-135: Continuum of care community

To provide independent living, assisted living, and nursing home care all within a single campus or community, with multiple dwelling types and care levels based on an individual needs and how they change, including recreation, some health care, and other basic needs, the following regulations are provided.

A. Residential use standards

1. Multiple dwelling, single dwelling, townhouse, and bedroom-only living units shall be permitted. Buildings may be on individual lots or all on one lot.
2. The number of clinic beds shall not exceed 50 percent of the total number of permitted dwelling units.

B. Nonresidential uses

1. Limited nonresidential, including retail, personal services, and restaurant uses shall be permitted.
2. Nonresidential uses shall be incorporated into the ground floor of an otherwise residential building and shall not be stand-alone buildings.
3. Any nonresidential uses shall not be located immediately adjacent to any lot line shared with single-dwelling zoning.
4. Open space shall be provided at the same ratio as that required for the multiple dwelling districts.
5. Except for skilled nursing for residents, acute care facilities, including emergency rooms and hospitals for care of the general public, shall not be permitted.

C. Site design

1. The minimum area of the parent lot shall be three acres.
2. Recreational areas and parking facilities shall be set back a minimum of 20 feet from abutting single-dwelling zoning.
3. Parking lots and decks shall be set back at least 50 feet of single-dwelling zoning.
4. A site plan showing the number of units shall be submitted with zoning permit applications to demonstrate compliance with all standards.

D. Density

Maximum density shall be calculated based on the number of independent living units only, as follows:

1. In the R-5 and R-3 districts: 10 units per acre; and
2. In the MD-10 and MD-17 districts: 20 units per.

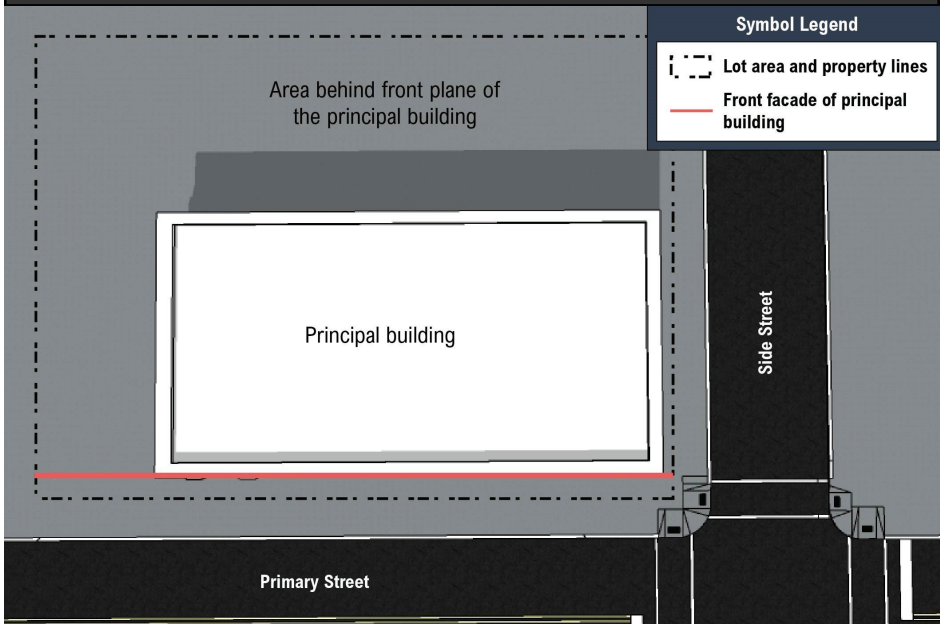
E. Dimensional requirements

1. For buildings on the same lot, setbacks shall be measured from the parent lot lines only. Buildings on the same lot shall be at least 10 feet from each other.
2. Within the R-5 and R-3 districts, building heights may be increased to 45 feet provided that any building exceeding 35 feet in height is setback at least 45 feet from the lot lines of the parent lot.

Section 18-136: Contractor storage yard

A. All inventory and equipment shall be screened from view on all sides by an opaque fence of wood, brick, or decorative block construction. Fences visible from a public right-of-way shall be screened with vegetation at least three feet in height at time of planting.

Figure 18-136: Outdoor storage for contractor storage yard



B. Outdoor equipment and storage shall not be located forward of the front plane of the principal building (see Figure 18-136: Outdoor storage for contractor storage yard).

Section 18-137: Correctional facility

A. The facility shall be located at least 650 feet from any residential zoning district.

B. The facility shall be located at least 1,320 feet from a school, daycare (adult or child), or place of worship.

C. The facility shall not be in the 100-year floodplain.

Section 18-138: Daycare, adult or child

A. Licensing

Such uses shall comply with all applicable provisions of the North Carolina General Statutes, and any other applicable federal, state, and local laws, including, but not limited to, any licensing requirement.

B. Site design

1. An off-street drop off/pick up area meeting the standards of Article 18-344: Parking facilities design of this chapter shall be provided.
2. The minimum lot size shall be 3,000 square feet.

C. Outdoor areas

1. Child daycare centers licensed for six to 29 children shall have 75 square feet of outdoor play area per child for which the facility is licensed.
2. Child daycare centers licensed for 30 or more children shall have 75 square feet of outdoor play area for at least one-half of the total number of children for which the center is licensed. The play area shall accommodate at least 30 children at any given time.
3. The number of children in the play area shall not exceed the number the space will accommodate at 75 square feet per child.
4. The entire outdoor area provided for children or adults shall be enclosed by a fence, at least four feet tall, and constructed to maximize the safety of the users of the outdoor area.

D. Indoor areas

Adult daycare centers shall have at least 40 square feet of indoor space for each participant in the portion of the building used for adult daycare, excluding hallways, offices, and restrooms.

Section 18-139: Domestic violence shelter

A. The property shall be located within one mile of a licensed hospital.

B. There shall be no more than two persons per bedroom.

C. The minimum usable floor area shall be no less than 200 square feet per overnight occupant.

D. A management plan, including a floor plan, shall be submitted with the zoning permit application. The plan shall address noise management, parking, solid waste management, and the number of resident on-site supervisory personnel, if any.

E. Such uses shall be permitted only in buildings existing as of October 6, 2020. Additions to such buildings for the purposes of expanding the use shall not be permitted.

Section 18-140: Dormitory, fraternity, or sorority house

A. Site design

1. The minimum lot area shall be 15,000 square feet.
2. The primary entrance shall face a public right-of-way. Where abutting multiple streets, the primary entrance shall face the street of higher classification.
3. Recreational areas and parking facilities shall be set back a minimum of 20 feet from abutting single-dwelling zoned and used lots.

B. Floor plan

1. There shall be a floor plan showing the number of accommodations and the residential quarters for the resident supervisory personnel.

2. There shall be no more than two residents occupying a room, and the usable floor space shall be no less than 250 square feet per resident.

3. Cooking facilities shall not be located within individual units of accommodation.

C. Management plan

A management plan that includes the following shall be submitted.

1. Plan for supervision, which shall be provided in accordance with any licensing requirement.

2. If a license is not required or does not require supervision, then the dormitory, fraternity, or sorority house shall provide written operating procedures or manual, established goals and objectives for residents, and a structured system of management.

3. A plan for noise and solid waste management approved as part of the management and site plan.

4. Projected maximum number of residents and resident supervisory personnel.

D. Internal service facilities

1. Such uses shall be subject to the accessory use standards.

2. Such uses shall not exceed 25 percent of the gross floor area of the building.

E. Other requirements

1. Any dormitory, fraternity, or sorority house shall be separated at least one-half mile from any existing permitted private dormitory, fraternity house, family care home, group home supportive, or group home in single-dwelling zoning district. This separation requirement shall not apply from such uses in other zoning districts

2. Such uses shall be located within one quarter of a mile of a public transit stop. Such uses located within 1,000 feet of the institution served shall be exempt from this requirement.

Section 18-141: Dwelling units

A. Detached

1. Detached single-dwelling and duplex units in the MD districts shall be on individual lots.

2. The following dimensional standards shall apply:

Table 18-141: Detached single-dwelling units dimensional

	MD-10	MD-17
Lot requirements		
Minimum lot area (square feet)	5,000	3,000
Maximum density (units/acre)	8	14
Minimum lot width (feet)	50	33
Minimum setbacks (feet)		
Front	15	
Side interior	5	
Rear	15	
Building size		
Maximum height (feet)	35	
Maximum building footprint (percentage of lot area)	50	

B. Multiple dwelling

1. A transitional buffer, the width of which shall be established by the historic preservation commission, shall be installed adjacent to any single-dwelling residential uses.
2. Off-street parking shall not be located between the building and the right-of-way (see Figure 18-141: Off-street parking location).

C. Triplex, quadraplex

1. All buildings shall front on a public right-of-way.
2. If a parking lot is provided, it shall not be located between the front of the building and the right-of-way (see Figure 18-141: Off-street parking location).

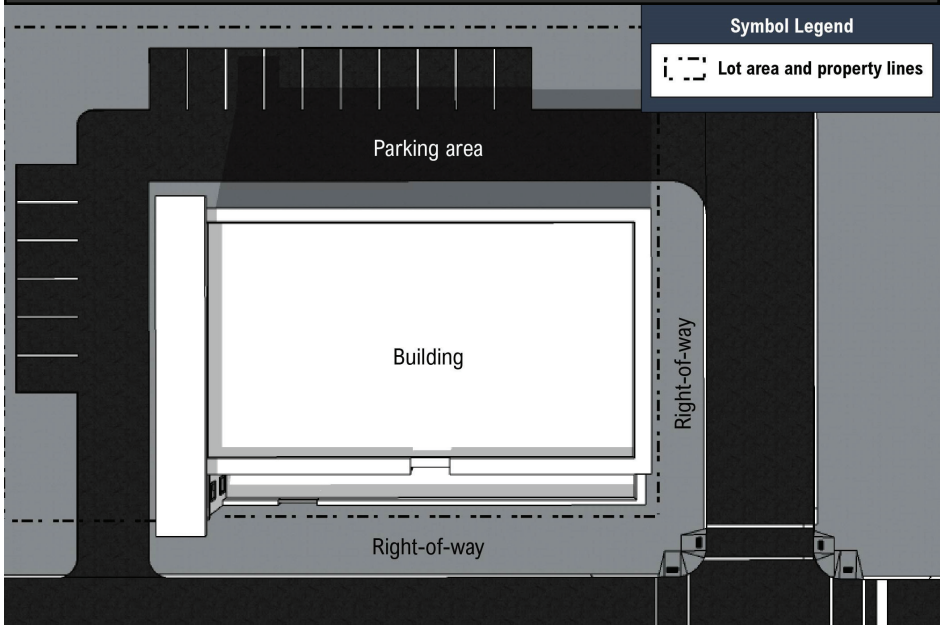
D. Townhouse

1. A minimum of 10 feet separation shall be maintained between all buildings in the development.
2. Buildings shall be setback from all private drives and parking lots a minimum of 10 feet.
3. All utility lines shall be placed underground.
4. All buildings shall front a public street.
5. If a parking lot is provided, it shall not be located between the front of the building and the right-of-way (see Figure 18-141: Off-street parking location).

Section 18-142: Electronic gaming establishment

A. All establishments shall be separated no less than 500 feet from any place of worship, school, daycare, public park, residential use or zoning district, and any other electronic gaming establishment.

Figure 18-141: Off-street parking location



B. Establishments shall not be permitted in any gateways into the city as identified in Section 18-393: Regulation of outdoor advertising signs, nor in the area between the Cape Fear Memorial and Isabel Holmes bridges, west of 5th Avenue.

Section 18-143: Equipment repair

A. All activity shall be conducted indoors, including any storage.

B. All fleet vehicles shall be parked or stored behind the principal building and shall not be visible from rights-of-way.

Section 18-144: Family care home

This use requires compliance with the following prescribed conditions and applicable North Carolina General Statutes.

A. Design and location standards

1. A family care home shall be separated no less than one-half-mile from an existing permitted family care home within any single dwelling residential, MH, HDR, HD, and HDMU district whether contiguous or not.

2. The separation distance shall be reduced by the width of: the right-of-way of a major thoroughfare exceeding 100 feet in width, major watercourses at least 100 feet in width, and nonresidential uses for which the lot is more than 100 feet in width.

B. Variances

The board of adjustment may grant a variance from the separation requirement if shown to be a reasonable accommodation under the Fair Housing Act.

Section 18-145: Farmers' market

A. Location

Stalls, sales tables, and any other outdoor facilities related to the market shall be located at least 25 feet from any abutting street.

B. Operating rules

With the zoning permit application a set of operating rules addressing the governance structure of the market, hours of operation, maintenance, waste management, and security requirements and responsibilities shall be submitted.

Section 18-146: General business service

A. All fleet vehicles shall be parked or stored behind the principal building.

B. Any loading docks shall be restricted to the rear of the building and shall screened from view of the right-of-way with vegetation.

Section 18-147: General Retail

A. Large (gross floor area 40,001 square feet or larger)

1. The minimum lot area shall be two acres.

2. The site shall have vehicular access to a major thoroughfare.

3. In addition to the accessory use standards for outdoor sales, the following shall apply. In the event of a conflict, the more stringent regulations shall be applicable.

   a. Any outdoor storage shall be prohibited.

   b. Any permanent outdoor display areas shall be behind the plane of the front facade of the building and shall be fully enclosed behind an opaque fence or wall.

   c. Any seasonal or short-term outdoor sales shall be within five feet of a primary entrance and shall not exceed an overall area of 50 square feet.

4. Building placement

   a. All buildings shall front a right-of-way and shall be setback no more than 100 feet from any abutting right-of-way.

b. Canopies for drive-throughs or fuel pumps shall be internal to the site and shall be screened from thoroughfare of collector streets. Such uses shall be subject to the accessory use standards.

5. Building design (see Figure 18-147.1: Large retail building design)

a. All sides of a building facing a right-of-way shall have at least one entrance facing the right-of-way.

b. All buildings shall have at least 51 percent glazing on the area of the ground floor, as measured from the average adjacent grade to a height of 13 feet.

c. Loading docks and bays, trash enclosures, and other like facilities shall be located so that they are screened from public view and shall not be with 100 feet of residential zoning.

d. Any building or combination of buildings with a continuous facade length of 400 feet or longer shall provide a relief in design. Such relief shall include at least two of the following:

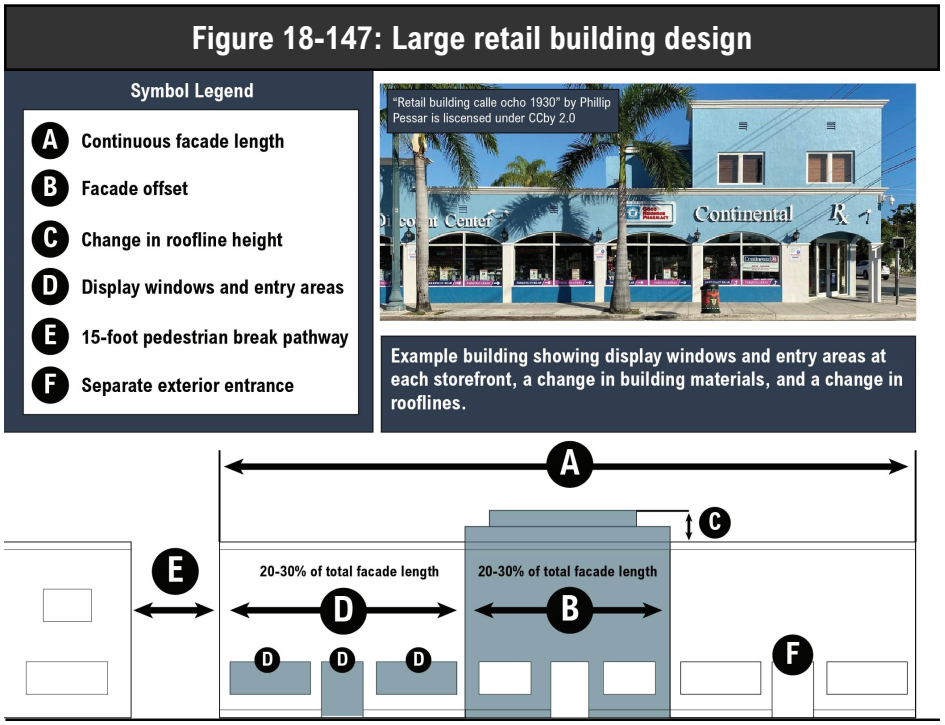
i. Facade offsets (variation in setbacks), with each offset between 20 percent and 30 percent of the total length of the facade;

ii. Change in both building materials and rooflines, changing at the same point of the roofline and the facade; and

iii. Display windows or entry areas, with each distinct set of windows or entry areas having a width ranging from 20% to 30% of the total length of the facade.

e. For every 600 feet of building frontage, a pedestrian break, at least 15 feet in width, shall be provided in the form of a pedestrian way, which may provide pedestrian access to parking, stores, adjacent development, or other uses.

Figure 18-147: Large retail building design



6. Parking

a. No more than one double loaded bay of parking shall be located between a building and the primary street. At least 30 percent of provided parking shall be to the side and rear of the building(s) (see Figure 18-147.2: Large retail parking design).

b. Drive aisles located within 20 feet of a building entrance shall not be a continuance of a public right-of-way access.

c. No individual pod or grouping of parking spaces shall exceed 200 parking spaces.

d. Each pod of parking shall be separated either by streets or drive aisles, with five-foot wide sidewalks on both sides, or pedestrian ways at least six feet in width.

e. Each parking pod shall meet the landscaping requirements of article 5, division 1 of this chapter.

f. Any parking lot exceeding a total of 500 parking spaces shall include a main drive aisle through the parking lot with a minimum seven-foot-wide landscaped area and five-foot wide sidewalks along the length of each side of the drive aisle. These landscaped areas shall contain trees, shrubs, and ground cover.

7. Pedestrian connectivity (see Figure 18-147.2: Large retail parking design)

   a. A continuous sidewalk at least five feet wide shall be provided to and aligned with all buildings, including any outlots, from all parking areas and to the public sidewalk network, including any greenways or multiuse paths.

   b. Any pedestrian way that crosses drive aisles shall be raised.

   c. Direct pedestrian access shall be provided to connect parking lots located on opposite sides of a building.

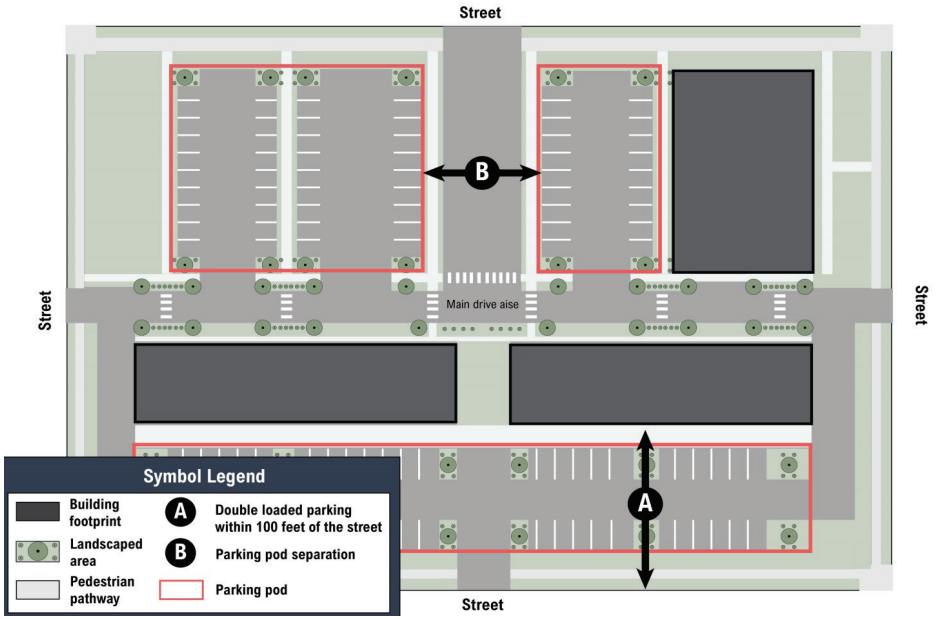
8. Landscaping

   a. A minimum of 100 square feet of landscaped area shall be required at a minimum of 50-foot intervals, with the exception of entry areas, along all building facades facing a right-of-way. Each landscape area shall contain, at minimum, shrubs and at least one tree of at least two inches in caliper.

   b. A minimum of 100 square feet of landscaped area shall be installed around the base of any freestanding sign.

   c. Each such development shall provide a community area consisting of, at minimum, 50 square feet of landscaping and seating.

Figure 18-147.2: Large retail parking design



B. Retail in the Residential office (RO) district

1. Drive-through facilities, outdoor speakers, and amplified sound shall be prohibited.

2. Outdoor speakers and amplified sound shall be prohibited.

3. Retail uses shall not exceed 3,200 square feet.

Section 18-148: Government facility excluding rights-of-way

All such facilities in residential districts shall comply with the dimensional, landscaping, and transitional buffering standards of the O&I district.

Section 18-149: Group home residential

A. Overnight group homes

Overnight group homes for persons other than special needs persons are limited to a two-person occupancy per bedroom.

B. Supervision

1. Supervision shall be provided in accordance with any licensing requirement.
2. If a license is not required, then the facility shall have written operating procedures or a manual for persons other than special needs persons.
3. For persons other than special needs persons, supervision shall be provided by resident, daily on-site, or on-call staff.
4. A plan for staff supervision shall be provided in the application for special use permit.

C. Violations

Any more than three final determinations of violations of the city of Wilmington Code of Ordinances or criminal convictions related to the premises within one month, or six within one year, shall constitute inadequate supervision and a violation of the permit and the use shall be deemed terminated by the operator. Offenders shall include property owners as well as lessees, tenants, guests, and occupants.

D. Separation requirements

1. A group home residential shall be separated at least one-half-mile from any existing permitted group home residential, group home supportive small, medium, large, or family care home within any residential districts whether contiguous.
2. The board of adjustment may grant a variance from the separation requirement if shown to be a reasonable accommodation under the Fair Housing Act.

Section 18-150: Group home supportive

A. Qualifications

The group home supportive must conform to one or more of the following.

1. Licensed by the federal or state government.
2. Funded, at least in part, by governmental grant or loans.
3. Provide room and board, personal care, and habilitation services in a family environment.

B. General standards

1. All new construction and proposed facade changes shall maintain a residential character compatible with the surrounding neighborhood in terms of height, scale, roof pitch, setback, building materials, building orientation, and fenestration. All new construction shall have a residential appearance that is consistent with that of the existing block face.
2. Overnight group homes for persons other than special needs persons shall be limited to two-person occupancy per bedroom.
3. Adequate supervision shall be provided in accordance with any licensing requirements.

C. Separation requirements

1. A group home supportive shall be separated at least one-half-mile from any existing permitted group home residential, group home supportive small, or family care home within any residential districts whether contiguous, except that there shall be no separation requirement for any family care home or group home supportive in multiple-dwelling districts.

2. The board of adjustment may grant a variance from the separation requirement if shown to be a reasonable accommodation under the Fair Housing Act.

D. Number of residents

The number of residents in a group home shall be limited as follows:

1. Small: up to three special needs persons;

2. Medium: up to eight special needs persons; and

3. Large: up to 12 special needs persons.

E. Violations

Any more than three final determinations of violations of the city of Wilmington Code of Ordinances or criminal convictions related to the premises within one month, or six within one year, shall constitute inadequate supervision and a violation of the permit and the use shall be deemed terminated by the operator. Offenders shall include property owners, tenants, guests, or any individual otherwise related directly to the property.

Section 18-151: Heliport/helipad

A. Proof of air space clearance from the Federal Aviation Administration (FAA) is required prior to the issuance of a certificate of occupancy or zoning permit.

B. Any such uses located on the ground level shall not be located within 500 feet of a residential zoning district and shall include a transitional buffer at least 50 feet in width along any adjacent residential property lines.

Section 18-152: Home maintenance service

A. All fleet vehicles shall be parked or stored behind the principal building.

B. Outdoor storage of equipment and materials shall be prohibited.

Section 18-153: Hospital

A. Site design

1. The facility shall be located on a lot that is a minimum of five acres in area.

2. Parking areas with more than 20 parking stalls shall have direct access onto an arterial or higher classification street.

3. The minimum lot width shall be 300 feet.

4. All buildings shall be set back at least 100 feet from any lot line.

B. Emergency vehicle entrance(s):

1. Shall be located on an arterial or higher classification street; and

2. Shall not be within 200 feet of a residential zoning district.

3. Any accessory helipad located on ground level within 500 feet of a residential district shall include a transitional buffer, at least 50 feet in width, along the adjacent residential property lines.

Section 18-154: Kennel, commercial

A. Exercise runs

1. All outdoor runs or facilities shall be fully enclosed by fencing at least six feet in height.
2. The facility shall maintain a minimum total of 25 square feet of kennel area per animal. This area may be comprised of cage area, runs, or exercise facilities.
3. Exercise runs or facilities shall be a minimum of four feet by 10 feet.

B. Animal waste

1. Any outdoor areas used for animal containment or exercise shall be maintained by removing animal waste daily for proper disposal as solid waste.
2. Any runoff, wash-down water, or waste from any animal pen, kennel, containment, or exercise area shall be collected and disposed of in the sanitary sewer after straining of solids and hair.
3. Strained solids and hair shall be properly disposed of as solid waste.
4. Animal waste shall not be allowed to enter the stormwater drainage or surface waters.

C. Protective buffer

1. Within SA watershed and watershed resource protection land classification areas, outdoor animal facilities shall be separated by a vegetative buffer of not less than 100 feet from any stream, wetland, or other surface water features including wet detention ponds.
2. In all other areas, outdoor animal facilities shall be separated by a vegetative buffer of not less than 50 feet from any stream, wetland, or natural surface water feature.
3. In lieu of meeting these setback requirements, this provision can be met by implementing a stormwater control plan designed to maximize fecal die-off, if approved by the city manager.
4. Any such facility shall be at least 100 feet from any residential zoning district.

D. Indoor facilities

All indoor facilities shall be temperature controlled.

Section 18-155: Library

A. Access

Direct vehicular access shall be from an arterial or collector street.

B. Dimensional standards

Dimensional standards shall those prescribed in Table 18-155: Dimensional standards for libraries.

Table 18-155: Dimensional standards for libraries

Lot requirements	
Minimum lot area	1 acre
Minimum lot width	80
Maximum lot coverage (percentage of total lot area)	40

Section 18-156: Light manufacturing, general

A. Such uses shall be restricted to buildings at least 50 years old that are adaptively reused.

B. All uses shall be entirely indoors. No outdoor uses shall be permitted. Loading docks shall be restricted to alley-facing elevations only.

Section 18-157: Lodging

A. Bed and breakfast lodging

1. Location

   Lodging is restricted to the principal dwelling unit only; guest rooms shall not be in any accessory building.

2. Separation requirements

   Bed and breakfast uses shall not be located within 400 feet of other bed and breakfast uses or whole-house lodging uses.

3. Zoning permits

   a. Bed and breakfast lodging uses shall only be allowed in lawfully permitted dwelling units serving as the principal residence of a host. Only a property owner may apply for a zoning permit for a bed and breakfast lodging; however, the principal resident may act as a host. Bed and breakfast lodging uses do not include homestay lodging uses.

   b. A zoning permit number shall be assigned to each establishment, which shall be clearly noted along with any advertisement for lodging.

   c. Active zoning permits shall not expire, provided that a property owner shall renew a permit on an annual basis. If a property owner fails to renew a zoning permit, the zoning permit shall be considered terminated by the property owner.

   d. No permit for a bed and breakfast shall be issued if the issuance of a permit would result in the creation of more than one residentially-zoned bed and breakfast or whole house lodging within 400 feet. In the case of a duplex, triplex, or quadraplex unit, this shall be measured from the parent lot lines.

   e. Any use for which there are three final determinations of violations of the city of Wilmington Code of Ordinances and/or criminal convictions related to the lot (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling 365-day period, shall constitute a violation of the terms of the zoning permit and shall terminate the permit. For any zoning permit that is terminated due to code/criminal violations, a property owner shall be ineligible for a zoning permit for a period of three years.

   f. Only one permit may be issued per property, homestay lodging, whole-house lodging, or bed and breakfast lodging, at any given time.

   g. A permit shall terminate upon any of the following: discontinuance of use for 180 days or more, failure to apply for a zoning permit annually, transfer of property.

   h. Any bed and breakfast lodging establishments existing at the time of the adoption of this ordinance and conforming with the regulations effective prior to adoption of this section for which a zoning permit cannot be issued due the separation requirements shall be considered legal, nonconforming uses. Any such establishment shall register pursuant to the standards of this section.

4. Uses

   a. Cooking facilities shall be prohibited in individual guest rooms.

   b. The maximum number of guest rooms allowed is three.

   c. The only functions permitted are the renting of guest rooms and the serving of meals to guests; food and drink are not served to the general public for pay, and the price of breakfast is included with the room rate.

5. Compliance and insurance

   a. Any property owner applying for a bed and breakfast lodging permit shall be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to, North Carolina State Building Code, fire code, and environmental health regulations for the level of occupancy of the lodging.

   b. Property owners applying for a bed and breakfast permit are responsible for keeping in full force and effect at all times commercial general liability insurance with a total limit of not less than $500,000 each occurrence for bodily injury and property damage.

B. Campground

1. Dimensional standards

   a. The minimum lot area shall be one acre.

   b. The minimum lot width shall be 100 feet.

2. Length of stay

   Spaces in the campground shall be used exclusively for temporary, portable lodging for periods of 29 days or less. Permanent occupancy for dwelling purposes shall be prohibited.

3. Zoning permits

   An application for a zoning permit shall include plans for solid waste and sewage disposal.

4. Compliance and insurance

   a. Any property owner applying for a zoning permit for a campground shall be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to, North Carolina State Building Code, fire code, and environmental health regulations for the level of occupancy of the lodging.

   b. Property owners applying for a campground zoning permit are responsible for keeping in full force and effect at all times commercial general liability insurance with a total limit of not less than $500,000 each occurrence for bodily injury and property damage.

C. Homestay lodging

1. In the O&I, CB, RB, CBD, and UMX districts Homestay lodging shall be prohibited on the ground-floor of any street-facing facades, except within any properly permitted single-dwelling, duplex, triplex, quadraplex, and multifamily buildings existing as of March 1, 2019.

2. In the residential and historic districts

   a. Homestay lodging uses shall only be allowed in lawfully permitted dwelling units serving as the principal residence of the host.

   b. Only a property owner may register a homestay lodging; however, the principal resident may act as host.

   c. Active registrations shall not expire, provided that a property owner shall renew registration on an annual basis. If a property owner fails to renew a registration, the registration shall be considered terminated by the property owner.

d. Registration does not vest the premises or property owner with any rights. Registration terminates upon transfer of the property to another owner.

e. Any bedroom rentals for periods of 29 days or fewer not properly registered as a bed and breakfast shall register as a homestay.

f. The maximum number of guest rooms allowed shall be one less than the total number of bedrooms in the dwelling unit, not to exceed three guest rooms.

g. Homestay lodging registrants and hosts shall maintain records demonstrating that the home is a host's primary residence, the dates of rental for the previous 365 days, and the number of renters. Such records shall be made available, upon request, to the city manager.

3. In the R-15, R-10, R-7, R-5, R-3, HD, HD-R, and HDMU districts:

   a. The host shall issue a parking placard to each guest parking on site.

   b. Guest parking shall be restricted to behind the plane of the front facade of the dwelling unit, except on existing improved parking surface existing as of March 1, 2019.

   c. No more than three motor vehicles owned or operated by patrons shall be parked on-site at any time.

4. In all districts

   a. Registration

      i. Property owners shall register each establishment annually with the city of Wilmington.

      ii. A registration number shall be assigned to each registered establishment, which shall be clearly noted along with any advertisement for lodging.

   b. Any use for which there are three final determinations of violations of city of Wilmington Code of Ordinances and/or criminal convictions related to the lot (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling 365-day period, shall constitute a violation of the terms of registration and shall terminate registration. For any registration that is terminated due to code/criminal violations, a property owner shall be ineligible for registration for a period of three years.

   c. A property owner, as well as any host/operator shall:

      i. Be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to tax code, North Carolina State Building Code, fire code, and environmental health regulations for the level of occupancy of the lodging; and

      ii. Not allow any party, event, classes, weddings, receptions, or other large gatherings on the premises.

   d. Property owners shall be responsible for keeping in full force and effect during all times the unit is used for homestay lodging commercial general liability insurance with a total limit of not less than $500,000 each occurrence for bodily injury and property damage.

   e. Written notice shall be conspicuously posted inside each homestay lodging unit setting forth the following information:

      i. The name and telephone number of the host/operator;

      ii. The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection;

      iii. The non-emergency phone number of the city of Wilmington Police Department;

iv. The annual registration documentation; and

v. That parties, events, classes, weddings, receptions, and other large gatherings are not permitted.

f. The host/operator shall ensure that all refuse is stored in appropriate containers and set out for collection on the property collection day(s) and the carts removed from the street or alley on the scheduled collection day, in accordance with Section 10-14 of the city of Wilmington Code of Ordinances.

g. The use provisions of this section are not subject to variance by the board of adjustment.

D. Whole-house lodging

1. In the O&I, CB, RB, CBD, and UMX districts

a. Lodging uses shall be prohibited on the ground floor of street-facing facades, excluding alleys, except within any properly permitted single-dwelling, duplex, triplex, quadraplex, and multiple-dwelling building existing as of March 1, 2019.

b. Property owners shall register each establishment annually with the city of Wilmington.

c. A registration number shall be assigned to each registered establishment, which shall be clearly noted along with any advertisement for lodging.

2. In the residential and historic districts

a. Cap and separation

Each whole-house lodging establishment shall meet the minimum separation distance of 400 feet from any other residentially-zoned whole-house lodging establishment or any bed and breakfast lodging also within a residential zoning district. In the case of a duplex, triplex, quadraplex, or multiple-dwelling development, this distance shall be measured from the parent lot lines. The total number of permitted uses shall be limited by a cap.

i. With the 1945 Corporate Limits, there shall be a cap of no more than two percent of the total number of residentially-zoned lots within the 1945 Corporate Limits being eligible for use a whole-house lodging establishments.

ii. Outside of the 1945 Corporate Limits, there shall be a cap of no more than two percent of the total number of residentially-zoned lots outside of the 1945 Corporate Limits being eligible for use whole-house lodging establishments.

b. Parking

i. A minimum of one off-street parking space of an all-weather surface, per bedroom shall be required.

ii. If off-street parking is not available on-site, shared parking or rented spaces in a private or public parking deck or lot may be used to satisfy the parking requirement. Proof of shared parking plan or rental of spaces shall be included with the annual application for zoning permit. An attested copy of the agreement between the owners of record must be approved by the city attorney and submitted to the city for recordation. Recordation of the agreement must take place before the issuance of a zoning permit for any whole-house lodging use. A zoning permit shall be revoked if required off-street parking cannot be provided.

iii. In the HD, HD-MU, and HD-R districts only curb cuts existing as of March 1, 2019 may be used to provide off-street parking.

c. Registration

i. A property owner shall register each establishment annually with the city of Wilmington.

ii. The owner shall provide proof of possession of the registered premises.

iii. A registration number shall be assigned to each registered establishment, which shall be clearly noted along with any advertisement for lodging.

iv. Registration is limited to natural persons only and no person shall be eligible for more than one registration for a whole-house lodging in any residential district.

v. Active registrations shall not expire; however, all property owners shall renew registration on an annual basis. Registrations not renewed on an annual basis shall deem the use terminated by the property owner.

vi. Only one registration may be issued per property, either whole-house lodging or bed and breakfast lodging, at any given time.

d. Such uses shall require a local operator, available 24 hours per day, within 25 miles of the subject property.

3. In all districts

a. Any property owner registering whole-house lodging, as well as any host, shall:

i. Be responsible for ensuring compliance with all federal, state, and local laws, including, but not limited to tax code, North Carolina State Building Code, fire code, and environmental health regulations for the level of occupancy of the lodging; and

ii. Not allow any party, event, classes, weddings, receptions, or other large gatherings on the premises.

b. Property owners are responsible for keeping in full force and effect during all times the unit is used as a lodging commercial general liability insurance with a total limit of not less than $500,000 each occurrence for bodily injury and property damage.

c. Preparation and service of food by host/operators shall be prohibited. No cooking shall be permitted in individual bedrooms.

d. The host/operator shall ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day(s) and the carts removed from the street or alley on the scheduled collection day, in accordance with Section 10-14 of the city of Wilmington Code of Ordinances.

e. Written notice shall be conspicuously posted inside each lodging unit setting forth the following information:

i. The name and telephone number of the operator.

ii. The address of the lodging, the maximum number of overnight occupants, and the day(s) established for garbage collection.

iii. The non-emergency phone number of the city of Wilmington Police Department.

iv. The annual registration documentation.

v. That parties, events, classes, weddings, receptions, and other large gatherings are not permitted.

f. If there are three final determinations of violations of the city of Wilmington Code of Ordinances and/or criminal convictions related to the lot (on, adjacent to, or within the property) by a property owner, tenant, guest, host, lessee, or individual otherwise related directly to the property within any rolling 365-day period, shall constitute a violation of the terms of registration and shall terminate the zoning permit.

Section 18-158: Marina

A. Uses shall be limited to mooring, landing, storage, refueling, washing, and repair of boats.

B. Major repair and overhaul work on boats smaller than 20 feet in length shall only be performed inside an enclosed structure.

C. The number of boats maintained on the site shall not exceed the number of mooring slips permitted.

D. The following are prohibited:

1. Outdoor storage;
2. Underwater hull cleaning; and
3. Impervious surfaces.

Section 18-159: Motion picture production and distribution

A. Outdoor storage of materials shall be limited to behind a building only and shall be screened from view of any right of way by an opaque fence or wall.

B. With the UMX district:

1. Such uses shall be restricted to buildings at least 50 years old that are adaptively reused;
2. Loading docks shall be restricted to alley-facing elevations only; and
3. Outdoor storage shall not be permitted.

Section 18-160: Moving company

A. All vehicles and equipment shall be parked or stored behind the principal building and shall be screened from view of any right-of-way by an opaque fence or wall at least six feet in height.

B. At the base of the fence or wall, vegetation shall be installed. Such vegetation shall reach a minimum height of six feet within three years of planting.

Section 18-161: Nightclub

A. The gross floor area of the use shall not exceed 2,000 square feet.

B. Outdoor amplified sound shall be prohibited within 1,000 feet of a residential district.

C. Outdoor seating shall be subject to the accessory use standards.

Section 18-162: Nursery and greenhouse

A. Use shall be limited to indoor operation, processing, and storage only.

B. The maximum cumulative structure footprint size shall be 10,000 square feet.

C. No wholesale or bulk storage shall be permitted on the lot.

Section 18-163: Outdoor storage

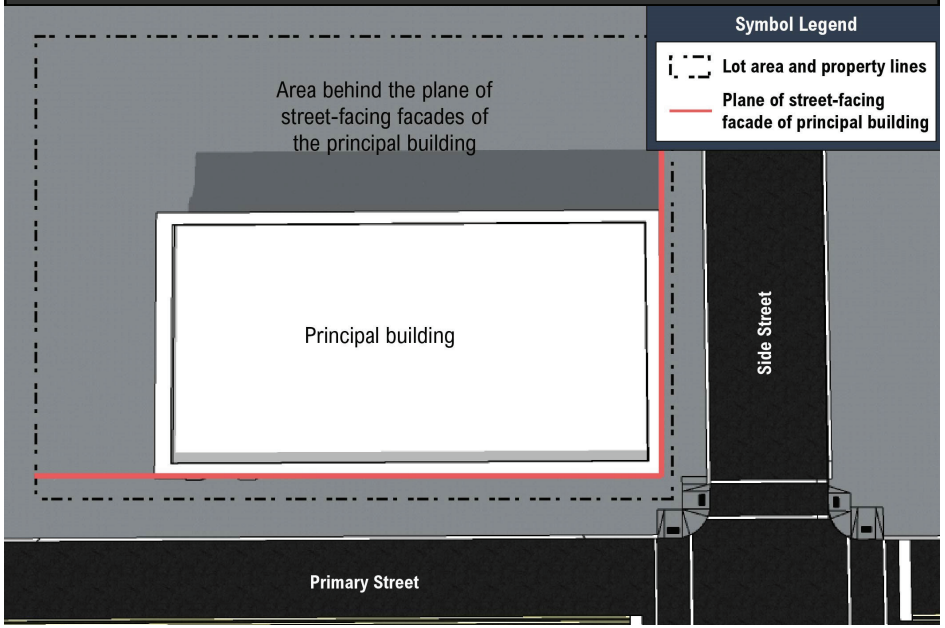
A. Materials

1. Storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements.
2. Outdoor storage shall not be located between a building and a right-of-way.
3. Materials stored shall not obstruct or eliminate any parking or loading space, access drive, or fire lane, nor shall they occupy any right-of-way.

B. Screening

1. All outdoor storage shall be screened by a permanently maintained opaque fence or wall at least six feet in height along:
   a. Any side facing a front or exterior side property line;
   b. Any side facing a rear or interior side property line adjacent to a district that does not allow outdoor storage as a permitted use; and
   c. Any other side generally open to public view.
2. Fencing for this purpose shall be designed of wood or masonry. Chain link with slat inserts may be used if all openings are blocked by slats having a width no less than one-quarter-inch smaller than the width of the opening.
3. Outdoor storage materials shall be behind the plane of any street-facing facade of the principal building, if applicable (see Figure 18-163: Location of outdoor storage with a principal building).
4. The required fence or wall shall serve as an extension of the building and shall not be forward of any building facade. The fence shall be a minimum of six feet back from any right-of-way.

Figure 18-163: Location of outdoor storage with a principal building



5. Storage of stacked materials shall not exceed the height of the screening fence or eight feet, whichever is less. Individual items of greater height may be stored, but may not exceed one-half the height of the principal building, if applicable.

C. Surface areas

Storage areas shall be surfaced as follows:

1. Storage of goods and materials shall be conducted only an approved all-weather surface.
2. The storage of vehicles, trailers, and equipment that is normally intended to be mobile, whether self-propelled or towed, shall be conducted only on an approved asphalt or concrete surface which is provided in accordance with the requirements for parking areas.

Section 18-164: Railroad facility, freight or passenger

A. Freight facilities

1. Buildings and structures shall be setback at least 25 feet from any street right-of-way.
2. Any outdoor storage of materials shall be prohibited within 25 feet of a street right-of-way.

B. Passenger facilities

1. No parking shall be located between a street right-of-way and any building or structure.
2. Stations shall include multimodal transit facilities, including pedestrian ways connecting the station to the primary sidewalk network, bicycle parking at the rate that matches the provided motor vehicle parking, bus/shuttle facilities, and taxi/auto pick-up/dropoff areas.
3. Bicycle and pedestrian access paths to any transitway station platforms shall be visible from access drive and parking areas and shall avoid crossing or passing through vehicular driveways.
4. If no building is located on-site, a shelter shall be provided at the transitway boarding platform.

Section 18-165: Recreation facility, private

A. Maintenance structures shall be at least 100 feet from any residential use.

B. In the R districts, stadiums and athletic fields shall be prohibited.

C. All buildings shall be setback at least 20 feet from any lot lines.

Section 18-166: Restaurant

The gross floor area shall not exceed 2,000 square feet.

Section 18-167: School

A. College, university

Primary vehicular access to the school shall be provided by way of a collector or higher designation street, not a local street.

B. Primary, secondary

1. Primary vehicular access to the school shall be provided by way of a collector or higher designation street, not a local street. This provision shall not apply to institutions with 200 or fewer students.
2. Within the 1945 Corporate Limits, the maximum building footprint may be waived.
3. Outdoor recreational facilities, including, but not limited to, playgrounds and ball fields shall be buffered from any adjacent residentially-zoned lots with a vegetative buffer at least 15 feet in width.

C. Trade, business, technical, vocational

Facilities within a vocational school that generate noise or fumes, such as auto body or engine repair, industrial/auto body painting, or manufacturing processes, and that are adjacent to a residential district shall be setback at least 100 feet from any lot line abutting the residential district and provide a vegetative buffer of at least 30 feet in width.

Section 18-168: Self-storage facility

A. Indoor

Single- and multi-story self-storage facilities shall comply with the following standards.

1. The self-storage units shall be used for "dead" storage only (no commercial enterprise can be conducted from an individual unit or units).
2. There shall be no outside storage.
3. There shall be no storage of hazardous or flammable materials.

B. Outdoor

1. All vehicles and equipment shall be parked or stored behind the principal building and shall be screened from view of any right-of-way by an opaque fence or wall at least six feet in height.
2. At the base of such fence or wall, vegetation shall be installed. Such vegetation shall reach a minimum height of six feet within three years of planting.

Section 18-169: Sexually-oriented business

A. Location

A sexually-oriented business shall be located at least 1,000 feet from any:

1. Residential district;
2. Historic district;
3. Single-dwelling uses within a mixed-use district;
4. School;
5. Place of religious assembly (including accessory uses not located on the same lot, but contiguous to the principal place of worship);
6. Park or recreation facility (private or neighborhood);
7. Any child daycare; and
8. Any another sexually-oriented business.

B. Zoning permit

1. An annual zoning permit shall be required. Zoning permits not renewed annually shall be deemed terminated by the applicant.
2. Any applicant for a zoning permit shall disclose, as part of the permit application, any criminal record, other than minor traffic offenses of the operator and all employees of such business.
3. No zoning permit shall be approved if any operator or employee of such establishment has any criminal offenses reasonably related to the legal operation of sexually-oriented businesses.

C. Operation

1. Such uses shall not include massage.
2. There shall be no visible obscene, explicit, or sexually-oriented materials, advertisements, or signage on the outside of a building.
3. No employee or patron of such a business shall be younger than 18 years of age.

Section 18-170: Solar farm

A. All ground-mounted solar energy system equipment shall meet the required setbacks of the district in which the system is located. Solar energy system equipment located adjacent to a residential, form-based, or mixed-use district shall be setback at least 50 feet from the property line.

B. The maximum height of all ground-mounted solar energy system equipment shall be 20 feet.

Section 18-171: Spa and health club

Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.

Section 18-172: Truck stop

All buildings, parking, and service areas associated with the use shall be setback at least 50 feet from an abutting residential district.

Section 18-173: Utility and public facility

Uses shall be screened with security fencing or another structure, and a vegetative buffer, at least 20 feet in width.

Section 18-174: Urban farm

A. Such operations shall be limited to plant cultivation, including nonfood crops such as ornamentals. Livestock, including poultry and other birds, is subject to the regulations set forth in Chapter 6 of the city of Wilmington Code of Ordinances.

B. Processing and manufacturing of products shall not be permitted in the R-15, R-10, R7, R-5, R-3, and UMX districts, with the exception of field packing.

C. Parking and access

1. Truck traffic shall be limited pursuant to the official traffic schedules of the city.

2. In nonresidential districts, all non-growing areas shall meet the parking standards for the particular use (e.g., wholesale or retail sales, manufacturing, etc.).

3. In residential districts:

   a. If on-premises sales are included, off-street parking shall be provided at a ratio of one parking space per 5,000 square feet of sales area. Sales area shall include any area for pick your own sales, dedicated sales buildings or structures, and dedicated open-air sales areas.

   b. The parking requirement may be reduced through the special use permit process by up to 50 percent if it can be demonstrated by the applicant that sufficient on-street parking or shared parking exists to accommodate anticipated parking demand. Any shared parking shall require a parking agreement, approved by the city attorney, before the issuance of any zoning permit.

D. Site design

1. Any buildings and structures shall be set back at least 10 feet from any property line.

2. A site plan shall be required, showing proposed parking areas, setbacks, planting areas, any buildings, structures, fences and buffers, and any buildings and structures on adjacent lots.

3. The site shall be designed and maintained so that water, fertilizer, pesticides, and similar materials shall not drain to any adjacent properties.

4. Any loading docks shall be set back at least 25 feet from any adjacent residentially-zoned property.

Section 18-175: Vehicle renting

A. Surface parking lots for storage, customer and employee parking, and vehicle service and maintenance shall be located to the interior of the block and behind buildings and not visible from rights-of-way.

B. Vehicles stored within the limits of the UMX district shall be stored within structured parking decks.

Section 18-176: Vehicle repair and service

A. Permitted major services

1. Painting and undercoating;
2. Upholstery;
3. Engine overhaul or dismantling of subparts;
4. Body or frame repair;
5. Transmission, radiator, starter, alternator, and other subpart rework service;
6. Welding or metal cutting; and
7. Those services permitted as minor services.

B. Permitted minor services

1. Diagnostic centers;
2. North Carolina inspection services;
3. Auto trim and detail shop;
4. Muffler shop;
5. Engine tune-up;
6. Changing of plugs, filters, oil, lubricants, belts, adjustments;
7. Tire repair, change, rotation, or wheel alignment;
8. Windshield and glass replacement;
9. Brake services; and
10. Electrical system services.

C. Activities considered accessory uses to vehicle repair:

1. Towing, incidental to vehicle repair; and
2. Incidental sale of auto parts and supplies.

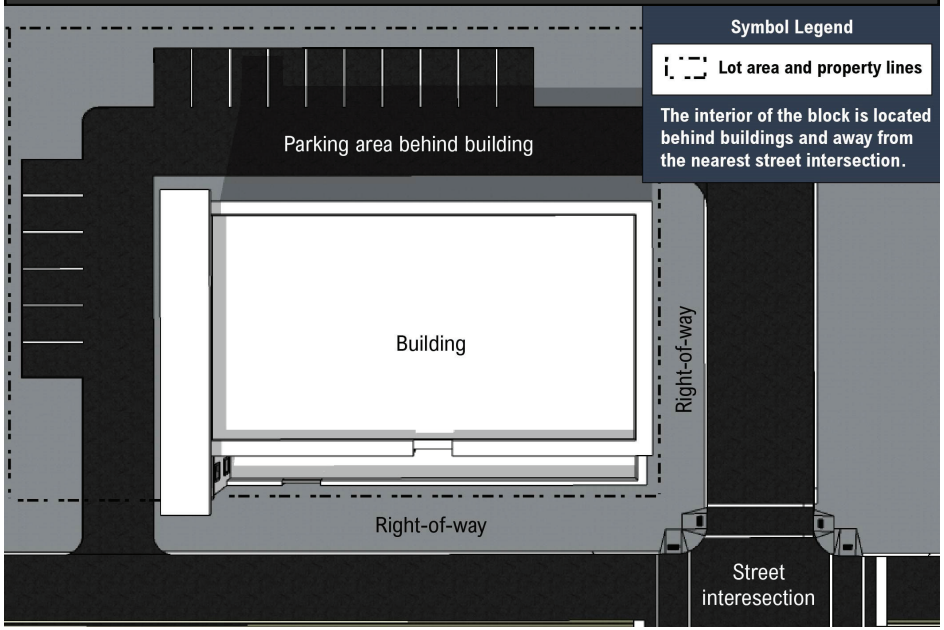
D. Location of services and storage

1. All services shall be conducted indoors.
2. All permanent storage of materials, merchandise, or repair and servicing equipment shall be contained within an enclosed building.

E. Vehicle placement and use

1. The premises shall not be used for the sale or rental of vehicles.
2. Vehicles to be repaired shall not be stored between the building and a street.
3. No operator shall permit the storage of motor vehicles for a period more than 15 days unless the vehicles are stored indoors.

Figure 18-177: Interior of the block parking



Section 18-177: Vehicle sales/leasing

A. In all districts

1. All accessory repair work, services, cleaning, maintenance, and similar work shall be conducted indoors.
2. Outdoor storage of materials and equipment shall be prohibited.
3. Vehicles, including inventory and customer/employee parking, shall be not parked, stored, displayed, or otherwise located in any landscape area, including street yard, buffer yards, and parking lot islands.

B. Within the urban mixed-use district

1. Surface parking lots shall be located to the interior of the block or behind buildings fronting rights-of-way to not interrupt the continuity of the block face where possible (see Figure 18-177: Interior of the block—parking).
2. All surface parking, include storage and display of inventory, shall be subject to the parking lot screening requirements of the UMX District.
3. Outdoor speakers shall not be permitted within 500 feet of any residential zoning district.

Section 18-178: Vehicle towing

A. Sale, rental, and leasing of vehicles shall be prohibited.

B. Outdoor storage of vehicles shall be limited to the rear yard. If the lot is a through lot, outdoor storage of vehicles shall be prohibited.

C. Any area for the outdoor storage of vehicles shall be screened from the right-of-way by an opaque fence or wall, at least six feet in height.

D. All such businesses shall obtain an annual zoning permit. If such a permit is not obtained, the use shall be deemed terminated by the operator.

Section 18-179: Vehicle wash

A. Location and site design

1. No wash facility shall be located on a corner lot.
2. Drying, vacuuming, and detailing areas may not be placed closer than 25 feet to a residential property line.
3. Enclosed trash storage facilities shall be provided on the site.
4. Open bay wash facilities, if used, shall be sited parallel to the adjacent street. Openings to wash bays shall not face rights-of way.

Figure 18-179: Vehicle wash



5. No bay doors shall face the adjacent street. Walls facing streets shall incorporate at least 51 percent glazing (see Figure 18-179: Vehicle wash).

B. Water recycling

Vehicle washes are required to have operational recycled water systems where a minimum of 50 percent of water utilized is recycled.

Section 18-180: Warehouse and distribution center

A. Warehousing and storage of live animals, explosives, and flammable gases and liquids is prohibited.

B. Outdoor storage or stockpiling of merchandise, parts, or goods is prohibited.

Section 18-181: Wholesale business

Warehousing or storage of live animals, explosives, and flammable gases and liquids is prohibited.

Section 18-182: Wind energy conversion system, commercial

A. Intent

The purpose of this section is to provide regulations for the construction and operation of wind energy systems over 20 feet tall.

B. Setbacks and height

1. The setback of a wind energy conversion system shall be no less than 110 percent of the structure height to the nearest property line.
2. The setbacks from adjacent lot lines may be exempted if the adjacent property owner is participating in the wind energy conversion system. Verification of participation shall be recorded with the register of deeds in a form approved by the city attorney.
3. Guy wires shall be at least 15 feet from any property line.

C. Aesthetics

1. The exterior of the wind energy conversion system shall not be reflective.
2. No signs shall be allowed on any part of the wind energy conversion system.
3. No illumination of the turbine or tower shall be allowed.
4. All wires between wind energy conversion systems and substations shall be underground.

5. Sound produced by the turbine under normal operating conditions, as measured at the property line, shall comply with the sound level limits set forth in Chapter 6, Article II of the city of Wilmington Code of Ordinances.

6. Where regulations and requirements of this section conflict with those of the FAA or FCC, the federal requirements shall take precedence.

D. Zoning permit

Any application for a zoning permit shall include the following:

1. The latitude and longitude or GPS location of the wind energy conversion system;

2. A USGS topographical map, or map with similar data, of the project site, including boundaries of the project area, surrounding property, any other wind energy conversion system within ¼ mile, location of wetlands, scenic, and natural areas within one mile of the proposed wind energy conversion system;

3. FAA determination of no hazard to air navigation;

4. Location of all known communications towers within two miles of the proposed project;

5. Evidence that the wind energy conversion system will not interfere with emergency or other microwave transmission; and

6. A noise study, prepared by a qualified professional, that demonstrates that except for intermittent episodes, the wind energy conversion system shall not emit noise in excess of limits the set forth in Chapter 6, Article II of the city of Wilmington Code of Ordinances.

Section 18-183: Wireless telecommunication facility and tower

A. Generally

1. Within the residential districts, HDMU, RO, UMX, and CBD, new communication facilities shall be permitted only as collocation of antennas and equipment or rooftop antenna, except that rooftop towers shall not be allowed on single-dwelling residential uses.

2. Within commercial and industrial districts, new communication facilities and towers shall comply with all standards of this section.

3. Monopole or unipole towers shall be permitted; Stealth facilities shall be prohibited.

B. Height limitations

1. Towers may not exceed the maximum height permitted in the zoning district by more than 20 feet, except for concealed or camouflaged towers, which must comply with the standards of this section.

2. Rooftop antenna height shall not exceed the lesser of 30 percent of the building height or 50 feet above the building.

3. In no case shall a tower exceed 200 feet in height.

4. When mounted to a utility pole, small wireless facilities shall not exceed 10 feet above the utility pole or wireless support structure on which it is collocated.

C. Site plan

No new facility may be constructed or permitted without a set of plans bearing a licensed professional engineer's seal having first been filed with the city manager.

D. Location on a lot

All wireless telecommunication facilities shall meet the setbacks prescribed in Table 18-183: Setbacks for wireless telecommunication facilities.

1. All supporting cables and anchors shall be contained on the lot on which the tower is located.
2. The requirement for monople setbacks may be waived by written consent of the property owner(s) of all properties within the potential fall zone of the monopole.
3. Any required setback may be reduced if a licensed professional engineer certifies that the tower fall zone will not exceed the setback area should the tower fail. The form of the waiver shall be subject to review by the city attorney and a notice of waiver shall be filed with the register of deeds prior to the issuance of a building permit.

Table 18-183: Setbacks for wireless telecommunication facilities

Non-monopole towers	
Minimum setbacks (feet)	
From all lot lines	100% of tower height
From any principal building	
Monopole towers	
Minimum setbacks (feet)	
From all lot lines	60% of monopole height
From any principal building	

E. Separation requirements

No tower may be constructed closer than 1,500 feet to any other tower. This distance shall be measured by following a straight line from the centerline of the base of the proposed tower to the centerline of the base of the existing tower.

F. Buffering requirements

1. When the facility is adjacent to nonresidential zoning: The base of the tower, any guy wires, and any associated equipment, structures, shelters, cabinets, generators, or platforms shall be surrounded by an opaque fence at least six feet in height when all adjacent properties are zoned nonresidential.
2. When the facility is adjacent to residential zoning:
   a. A vegetative buffer, at least 10 feet in width, shall be installed around the base of the facility, including any guy wires, structures, shelters, cabinets, generators, platforms, and other associated equipment.
   b. Trees shall be installed as the buffer at a minimum rate of one tree every 15 linear feet, per article 5, division 1 of this chapter.
   c. An opaque fence, at least six feet in height, shall be installed along the inside of the transitional buffer.
   d. If the lot on which the tower is located has existing vegetation sufficient to provide opacity to the adjacent lots, the buffer may be reduced, as determined by the city manager.

G. Collection and additional users

1. Any tower shall be constructed to allow a minimum of two additional uses.
2. To encourage collocation, additional users and associated equipment that do not add to the height of the tower or area of the compound may be added without additional approval.

3. Small wireless facilities

   Subject to the requirements of NCGS 160D-935, a wireless provider may collocate small wireless facilities along, across, upon, or under any city right-of-way, subject to the following standards:

   a. Each new utility pole and each modified or replacement utility pole or city utility pole installed in the right-of-way shall not exceed 50 feet above ground level.

   b. Each new small wireless facility in the right-of-way shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is collocated.

   c. Small wireless facilities that meet the height requirements of Section 18-183 B: Height limitations shall only be subject to administrative review and approval under if they are collocated:

      i. In a city right-of-way within any zoning district; or

      ii. Outside of city rights-of-way on property other than single-dwelling residential property.

   d. A small wireless facility, even if collocated, may be denied a zoning permit if:

      i. Public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way cannot be met; or

      ii. The historic preservation requirements of this chapter cannot be met.

   e. Denial of a small wireless zoning permit

      If such a zoning permit is denied, the city shall document the basis for a denial, including the specific code provisions on which the denial was based and send the documentation to the applicant on or before the day the city denies the application.

      i. The applicant may cure the deficiencies identified by the city and resubmit the application within 30 days of the denial without paying an additional application fee.

      ii. The city shall approve or deny the revised application within 30 days of the date on which the application was resubmitted. Any subsequent review shall be limited to the deficiencies cited in the prior denial.

   f. An application shall include an attestation that the small wireless facilities must be collocated on the utility pole, city utility pole, or wireless support structure and that the small wireless facilities must be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

   g. Consolidated applications

      i. An applicant seeking to collocate small wireless facilities at multiple locations within the city shall be allowed, at the applicant's discretion, to file a consolidated application for no more than 25 separate facilities and receive a permit for the collocation of all the small wireless facilities meeting the requirements of this section.

      ii. A city may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations if:

         1. Incomplete information has been provided; or

         2. Particular colocations are denied. The city may issue a separate permit for each collocation that is approved.

h. The permit may specify that collocation of the small wireless facility shall commence within six months of approval and shall be activated for use no later than one year from the permit issuance date, unless the city and the wireless provider agree to extend this period or a delay is caused by a lack of commercial power at the site.

H. Lighting

1. No lighting shall be installed on any facility unless required by the Federal Aviation Administration.

2. Prior to the issuance of a building permit, the owner of the facility shall provide documentation from the FAA that the proposed lighting is the minimum required to meet FAA regulations.

3. Lighting shall consist of a red light at night and strobes during daylight hours.

4. The lighting shall be oriented so as not to project onto surrounding residential properties.

I. Electromagnetic field (EMF) emissions

1. For any new facility, the facility owner shall provide documentation indicating that the power density levels do not exceed federally approved levels of electromagnetic radiation or American National Standards Institute (ANSI) standards, whichever provides the stricter requirements.

2. EMF emissions and facility profiles shall not interfere with radio and television reception within ¼-mile of the tower.

J. Signs

No sign shall be permitted on the antennas or support structures unless required by a local, state, or federal agency.

K. Removal of equipment

1. Equipment and facilities not used for a period of six months shall be removed by the owner within 90 days following written notice from the city.

2. To comply with these regulations, the facility owner shall provide evidence to the city from the FCC that the tower is still in use and any evidence the city manager may deem necessary to show the tower has been maintained in accordance with all applicable North Carolina State Building Code regulations.

L. Performance bond

1. To assure the removal of facilities that do not meet the requirements for use or maintenance, a performance bond shall be posted for each tower by the tower owner prior to the issuance of a building permit.

2. The amount of the performance bond shall be submitted by the facility owner and reviewed and determined for sufficiency by the city engineer.

3. Any removal costs shall be charged to the facility owner and if not paid, it shall be charged against the performance bond.

M. Regulations for concealed or camouflaged towers

1. If an existing building or structure shall be modified to accommodate such a tower, a site plan shall be reviewed before a building permit being issued.

2. In reviewing such plans, considerations shall include whether the addition, feature, or new construction is architecturally harmonious in such aspects as material, height, proportion, bulk, scale, and design with the building complex or surroundings of which it is part.

N. Existing communication tower modifications

The city manager shall approve any minor modification of an existing wireless communication facility that does not substantially modify a wireless facility. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

1. Increasing the existing vertical height of the structure by the greater of:
    a. More than 10 percent; or
    b. The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.
2. Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable, adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of
    a. More than 20 feet; or
    b. More than the width of the wireless support structure at the level of the appurtenance.
3. Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

(Ord. No. O-2021-75, §4, 11-3-2021)

Sections 18-184 - 18-197: Reserved.

ARTICLE 3. DIVISION 3.

ACCESSORY USE STANDARDS

Section 18-198: Accessory use standards

A. Time of construction or establishment

No accessory structure or use shall be constructed or established prior to the time of completion of the construction or establishment of the principal building or use to which it is accessory.

B. Interpretation of unidentified accessory uses, buildings, and structures

The city manager shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis. If the request meets the criteria identified below, the city manager is authorized to determine the most similar, and thus most appropriate accessory use category and apply the regulations for the similar accessory use to the application.

1. The definition of accessory use in this chapter, and the general accessory use standards and limitations established in this chapter;
2. The purpose and intent of the district in which the accessory use is located;
3. Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and
4. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

C. Compliance with this chapter

1. All accessory uses and structures shall be subject to the dimensional requirements of the zoning district in which they are located except as specifically provided in this chapter. All accessory uses shall be subject to the requirements of this article. In the case of any conflict between the accessory use/structure standards of this article and any other requirement of this chapter, the more restrictive standards shall control.
2. Accessory uses shall comply with all applicable standards of this chapter. Parking standards shall be applied for both the principal use and any accessory uses on the same lot.
3. Compliance with applicable use-specific standards shall be determined through the appropriate review process.

D. Location

1. An accessory use, building, or structure shall be conducted and located on the same lot as the principal use.
2. No accessory building or structure shall be erected in any required setback nor within five feet of any other building or structure except as specified in this section.
3. Unless otherwise specified, no accessory use shall be located between the principal building and an adjacent right-of-way.

Table 18-198: Accessory uses by zoning district							
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited							
Accessory use	Additional standards	R-15, R-10, R-7, R-5, R-3	MD-10, MD-17	MH	UMX	RO	CBD
Accessory buildings and structures	Section 18-199	C				C	
Accessory dwelling unit	Section 18-200	C	C	C	C	C	
Amateur radio antennas	Section 18-201	C	C	C		C	C
Caretaker dwelling unit	Section 18-202			C	C	C	P
Community boating facility	Section 18-203	C	C	C			
Dish antenna	Section 18-204	C	C	C	C	C	C
Drive-through facility	Section 18-205				S		C
Fuel pumps	Section 18-206						C
Home occupation	Section 18-207	C	C	C	C	C	P
Internal services facilities	Section 18-208				C		P
Outdoor sales and display	Section 18-209				C		
Outdoor seating	Section 18-210				C		P
Outdoor storage	Section 18-211				C		
Petroleum storage							
Shipping containers for storage	Section 18-212						
Solar energy systems	Section 18-213	C	C	C	C	C	P
Swimming pool, private	Section 18-214	C	C	C	C	C	
Vending machines	Section 18-215						
Wind energy conversion systems	Section 18-216	C	C	C	C	C	

Table 18-198: Accessory uses by zoning district											
Key: P = Permitted, C = Permitted with conditions, S = Special use permit required, Blank = Prohibited											
Accessory use	**Additional standards**	**HDR**	**HDMU**	**HD**	**CB**	**CS**	**RB**	**O&I**	**LI**	**IND**	**CEM**
Accessory buildings and structures	Section 18-199	C	C	C							
Accessory dwelling unit	Section 18-200	C	C	C							
Amateur radio antennas	Section 18-201	C	C	C	C	C	C	C	C	C	
Caretaker dwelling unit	Section 18-202		C	C	C	C	C	C	C	C	C
Community boating facility	Section 18-203										
Dish antenna	Section 18-204	C	C	C	C	C	C	C	C	C	
Drive-through facility	Section 18-205				C	C	C	C			
Fuel pumps	Section 18-206				C	C	C	C	P		
Home occupation	Section 18-207	C	C	C	C		C	C			
Internal services facilities	Section 18-208		C		C	C	C	C	C	C	
Outdoor sales and display	Section 18-209				C		C		C	C	
Outdoor seating	Section 18-210		C		C	C	C	C	P	P	
Outdoor storage	Section 18-211				C	C	C		P	P	
Petroleum storage										P	
Shipping containers for storage	Section 18-212				C	C	C		C	C	
Solar energy systems	Section 18-213	C	C	C	C	C	C	C	C	C	C
Swimming pool, private	Section 18-214	C	C	C							
Vending machines	Section 18-215				C	C	C		P		
Wind energy conversion systems	Section 18-216	C	C	C	C	C	C	C	C	C	C

E. Accessory use table

Accessory uses may be permitted as prescribed in Table 18-198: Accessory uses by zoning district, subject to applicable standards.

1. Accessory uses permitted by right

   A "P" in a cell indicates the accessory use is permitted by right in the district.

2. Permitted accessory uses subject to accessory use conditions

   A "C" in a cell indicates the accessory use is allowed in the district only if it complies with applicable standards.

3. Accessory use not permitted

   A blank cell indicates that an accessory use is not permitted in that district.

Table 18-199: Dimensional standards for accessory buildings accessory buildings and structures

Building/structure placement	
Minimum setbacks	
Front	Shall not be in front of principal building
Side street	Shall not be closer to a side street than the principal building
Side interior	5 feet
Rear	5 feet
Distance from principal building	15 feet
Maximum building/structure size	
Height (feet)	Shall not exceed the height of the principal building
Gross floor area (square feet)	900

Section 18-199: Accessory buildings and structures

A. Site design

1. The maximum number of accessory structures and buildings shall be two. In-ground swimming pools shall not be counted toward the maximum number of accessory structures.

2. On lots developed with bona fide agricultural uses, the maximum number of accessory structures and buildings shall be four.

3. Placement shall be subject to the requirements found in Table 18-199: Dimensional standards for accessory buildings and structures, unless more specific standards are listed in this article for certain accessory structures and buildings.

B. Exceptions

1. In separate use historic districts, setbacks and distance from other buildings and structures shall be reviewed and approved through the certificate of appropriateness process according to Section 18-597: Historic preservation. Accessory uses and structures shall not be otherwise exempt from this section.

2. Within the Masonboro Sound National Register historic district, one accessory building or structure may be allowed in between the principal building and Masonboro Sound Road subject to the following setbacks:

   a. Front: 200 feet; and

   b. Side: At least that of the minimum required side setback for the principal building.

Section 18-200: Accessory dwelling unit (ADU)

A. Permitted

1. ADUs shall only be allowed when constructed as an accessory to a principal single dwelling.
2. Only one ADU shall be permitted on any lot. The lot must meet the minimum required lot area for the zoning district.

B. Creation

ADUs may be created through new construction, the conversion of an existing building or structure, or as an addition to an existing building or structure.

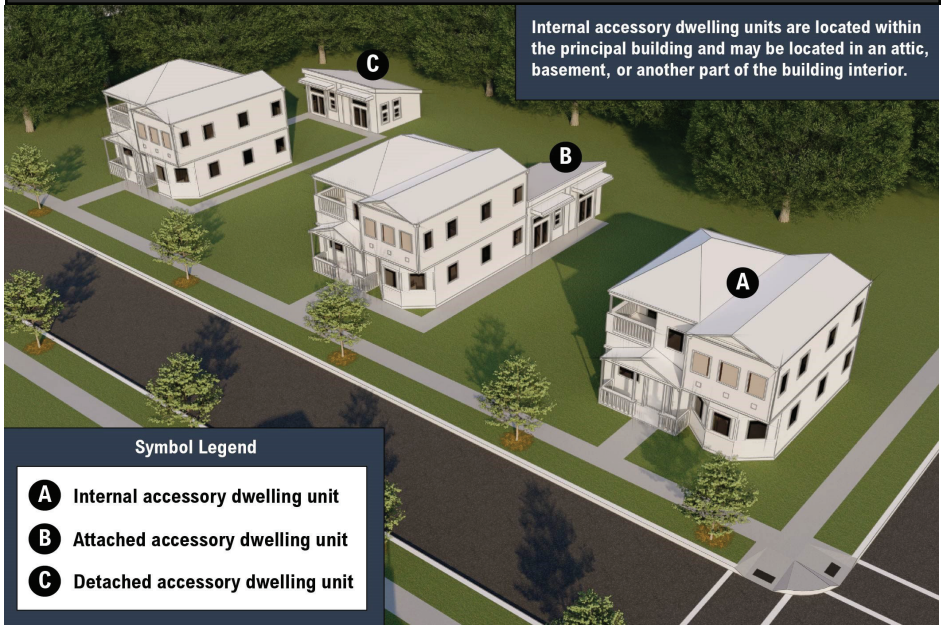
C. Types of ADUs

1. Internal units are created when a portion of a detached single dwelling is partitioned off to become a separate dwelling unit. It is fully within and under the same roof as the principal dwelling unit, though it has an external entrance into the unit.
2. Detached units stand alone from the principal dwelling unit and include detached garage apartments, backyard cottages, and outbuildings.
3. Attached units are connected to the principal dwelling unit, either by both a roof and at least one wall or by a breezeway or other similar architectural feature (see Figure 18-200: Accessory dwelling unit types).

D. Development standards

1. Maximum dwelling unit size (gross floor area) shall be:
   a. Internal: 30 percent of the gross floor area of the principal dwelling unit; and
   b. Attached or detached: 900 square feet.

Figure 18-200: Accessory dwelling unit types



2. Internal ADUs shall meet the following standards:
   a. The ADU may have an exterior entrance but shall otherwise be fully internal to the principal dwelling unit and shall meet all building height and setback regulations for the principal dwelling unit.
   b. The ADU shall meet all applicable codes for the level of occupancy.
3. ADUs that are fully attached to the primary building by both a roof and at least one wall shall comply with specific setback standards for principal buildings within that zoning district.
4. For detached garages and accessory buildings already existing at the time of the adoption of this ordinance, accessory dwelling units may be constructed over or on the side of such, subject to the following standards:

a. The existing structure must meet the accessory building/structure setback requirements, the minimum of which shall be maintained after construction of the ADU.

b. The heated square footage of the ADU shall not exceed 900 square feet, regardless of the size of the existing building/structure.

Section 18-201: Amateur radio antennas

A. Amateur radio antennas shall not exceed 91 feet in height, as measured from the average adjacent grade, whether ground- or roof-mounted.

B. Such towers shall be set back from all lot lines at least 50 percent of the height of the antenna.

Section 18-202: Caretaker dwelling unit

A. Number and use

1. Only one such dwelling unit shall be permitted per principal use where the principal commercial, industrial, cemetery, or institutional use requires 24-hour oversight.

2. In the MH district, caretaker dwelling units shall be permitted only in conjunction with campgrounds.

B. Location

When developed with a commercial or industrial use, the residential unit shall be located totally above the ground floor or totally to the rear of the principal use and shall not interrupt commercial frontage.

C. Floor area

The maximum gross floor area for the residential unit shall be the lesser of 2,000 square feet or the maximum gross floor area of the principal use.

Section 18-203: Community boating facility

A. Right to use

1. The right to use a community boating facility must be conferred by a properly recorded easement appurtenant to the residential lot(s) it is intended to serve.

2. One boat slip may be allowed per residential unit up to a maximum of 10 boat slips per community boating facility.

3. A platted subdivision may not be further subdivided and qualify for an increased allowance of boating facilities over that entitled to the original platted subdivision.

4. Waterfront properties included within the subdivision shall be prohibited from constructing private docks, even if allowed by CAMA standards.

5. Community boating facilities shall be designed and maintained without dredging in any SA waters, outstanding resource waters or primary nursery areas.

6. No commercial activities of any kind shall be allowed within the confines of the facility.

B. Restrictions and management

Community boating facilities are required to adhere to the following restrictions and practices.

1. Facility uses are limited to mooring, landing, and storage of boats. Boat maintenance, outdoor storage, and underwater hull cleaning shall be prohibited.
2. The number of boats maintained on the site may not exceed the number of mooring slips permitted.
3. Impervious surfaces shall be prohibited.

Section 18-204: Dish antenna

A. Ground-mounted antenna shall be screened from view from rights-of- way and adjacent residentially-zoned lots with vegetation that is at least one foot taller than the dish or an opaque fence.

B. In residential districts, no dish antenna shall exceed a diameter of four feet nor a height of six feet.

C. If located on a roof, the height of the antenna shall not exceed the maximum height for the zoning district in which it is located.

Section 18-205: Drive-through facility

A. Location

1. The minimum setbacks for any order box, order window, payment window, pickup window, drive-in service stall, or similar point of interaction for the facility shall be:
   a. 20 feet from any street right-of-way; and
   b. 200 feet from any residential district.
2. A drive-through facility shall not be located between a building and a right-of-way, nor shall it be on the same side of the building as the primary entrance.

B. Design

1. If covered, the canopy over a drive-through shall have the same architectural design and materials as the building.
2. If queueing or stacking lanes are located between parking and the primary entrance, pedestrian pathways shall be installed across the queueing or stacking lane. Such pathways shall be raised and made prominent where they cross the queueing or stacking lane to ensure pedestrian visibility and safety (see Figure 18-205.1 Drive-through facility pedestrian access).

C. Located within the UMX and CBD districts

1. Drive-through facilities shall be limited to the rear facade of the building and shall be fully engaged within the rear facade of the building being served.
2. Such facilities shall not be located within 10 feet of any primary facade.

Figure 18-205.1: Drive-through facility pedestrian access

This example shows a pedestrian access path that is made prominent with a raised crosswalk. It also includes a change in materials and color along the path. This type of design treatment increases visibility and slows down vehicular movement for pedestrian safety.



Figure 18-205.2: Drive-through facilities in the UMX and CBD districts

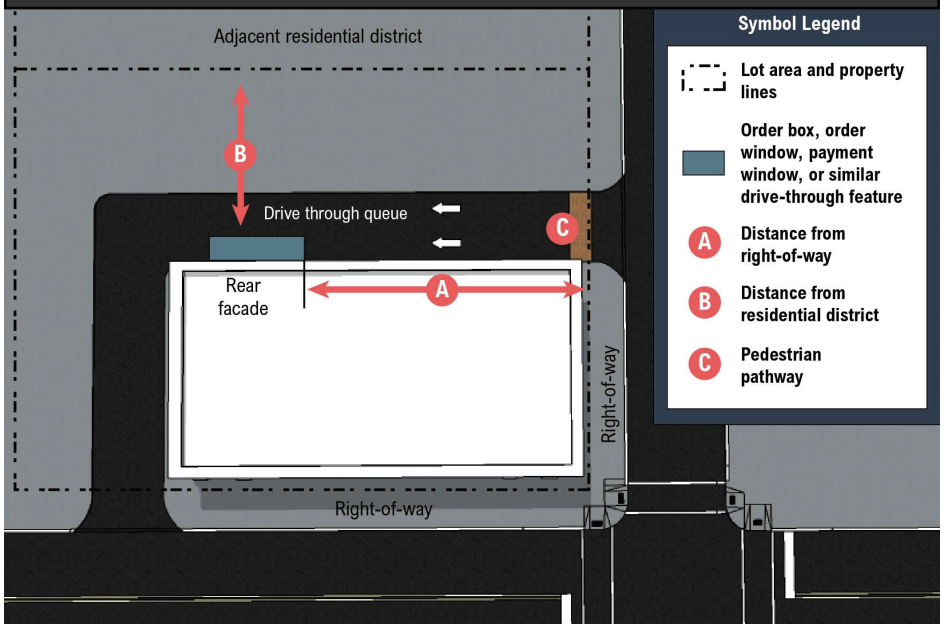
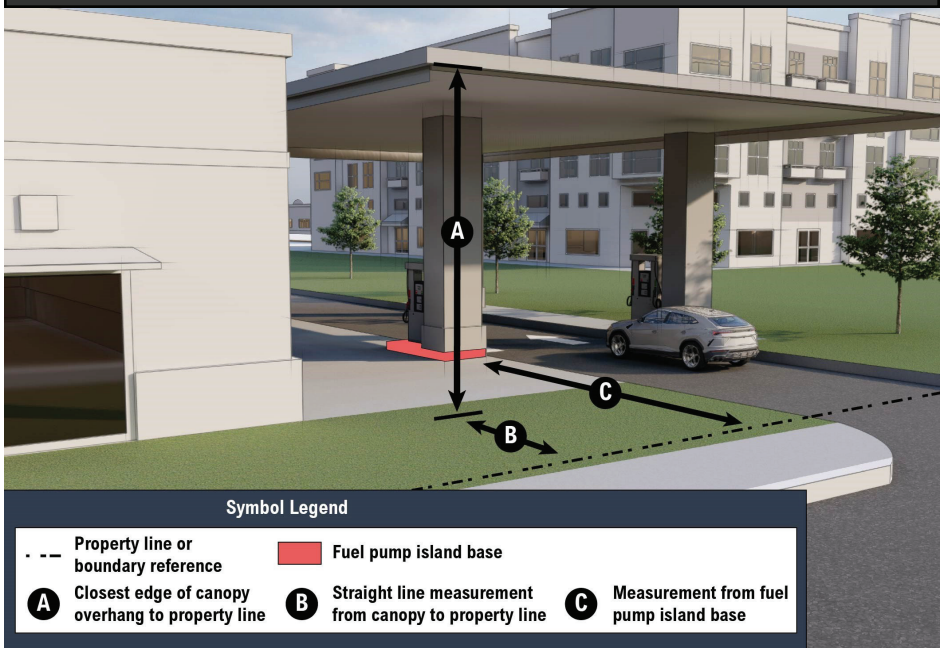


Figure 18-206: Fuel pumps



3. Queueing and stacking lanes shall not queue around the building and shall be one way.

4. Such facilities shall not be located within 200 feet of any single dwelling residential district (see Figure 18-205.2: Drive-through facilities in the UMX and CBD districts).

Section 18-206: Fuel pumps

A. Setbacks

1. The outer edge of any supportive structure (concrete or other types of bases), physically connected to a fuel pump and the ground, shall be the part of the fuel pump island from which all such measurements are made (see Figure 18-206: Fuel pumps).

2. Fuel pumps and canopies shall meet the minimum setback requirements for the zoning district in which they are located. Distances shall be determined by measuring a straight-line from the nearest point of the required reference boundary (e.g., street right-of-way, zoning property line) to the closest edge of the fuel pump island or closest edge of the canopy overhang.

3. Neither fuel pumps nor canopies shall be located forward of the front plane of the building.

B. Overhead canopy

1. Canopy lighting, if used, shall be installed underneath the canopy so as not to be visible from off site.

2. Signs may be affixed to the canopy fascia as allowed in article 5, division 5 of this chapter.

3. Minimum setback distances shall be determined by measuring a straight-line distance from the nearest point of the property line to the point on the ground surface that is perpendicular to the closest edge of the canopy overhang (see Figure 18-206: Fuel pumps).

Section 18-207: Home occupation

A. Floor area

1. No more than one home occupation shall be permitted within any dwelling unit.
2. Up to 25 percent of the floor area of the dwelling unit, but in no case more than 400 square feet, may be used in the conduct of the home occupation.

B. Traffic and parking

1. Only vehicles used primarily as passenger vehicles, including pickup trucks and step-type vans, may be parked on the lot in connection with the conduct of the home occupation.
2. The home occupation shall not cause the elimination of required off-street parking. No more than two vehicles owned by patrons of the home occupation shall be parked at the site at any time.

C. Equipment

1. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, or electrical interference detectable off the lot.
2. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers or causes fluctuations in line voltage off the lot.

D. Outdoor merchandise

No display of products shall be visible from the street. The selling and manufacturing of merchandise, except baking, sewing, and home crafts, shall be prohibited.

E. Number of people

1. Only one person other than members of the housekeeping unit residing on the premises shall be engaged in such occupation.
2. Generally, home occupations shall be limited to no more than eight patrons per day.

F. Family childcare home

1. The dwelling unit shall be the principal residence of the operator.
2. Childcare may be provided for two to eight children under 13 years of age, including all children other than the children of the operator.
3. Of the children present at any one time, no more than five children shall be preschool aged, including the operator's own children.
4. No such childcare may operate for more than 12 hours per day.
5. The dwelling unit shall meet all applicable requirements of the North Carolina State Building Code.

G. Private kennels

1. Private kennels shall also be subject to the regulations of Chapter 6 of the city of Wilmington Code of Ordinances.
2. In multiple-dwelling and mixed-use districts, private kennels shall only be allowed when accessory to a detached singledwelling that is permitted within the district.
3. Location and setback
   a. Accessory structures and enclosures used for the kennel shall be located only in the rear yard of the site.
   b. The setback of any accessory structure or enclosure associated with the kennel shall be no closer than 25 feet to any property line.

c. Within SA watershed and watershed resource protection land classification areas, outdoor animal facilities shall be separated by a protective buffer at least 100 feet in width, from any stream, wetland, or other surface water features including wet detention ponds.

d. In all other areas, outdoor animal facilities shall be separated by a protective buffer of at least 50 feet in width from any stream, wetland, or natural surface water feature.

e. In lieu of meeting these setback requirements, this provision can be met by implementing a stormwater control plan, per article 4 of this chapter, designed to maximize fecal die-off, if approved by the city manager.

4. The number of animals permitted shall be limited to one animal per 2,500 square feet of lot area, or five animals, whichever is greater. This regulation applies whether the animals are kept indoors or outdoors.

5. The area of the private kennel site shall be limited to 10 percent of the total area of the lot if the animals are housed outdoors and 10 percent of the principal building if the animals are housed indoors.

Section 18-208: Internal services facilities

A. Signage

1. No external signage for the internal service facilities shall be permitted.
2. No off-premises advertising of any kind shall be allowed in connection with internal service facilities, except that the internal services may be listed by name on websites and print information for the principal use.

B. Parking shall be based on the principal use and no additional parking shall be provided for any internal service facilities.

Section 18-209: Outdoor sales and display

A. Outdoor sales and display of merchandise shall be limited to an area within 10 feet of any primary entrance, but shall not block any doors, emergency exits, or fire lanes.

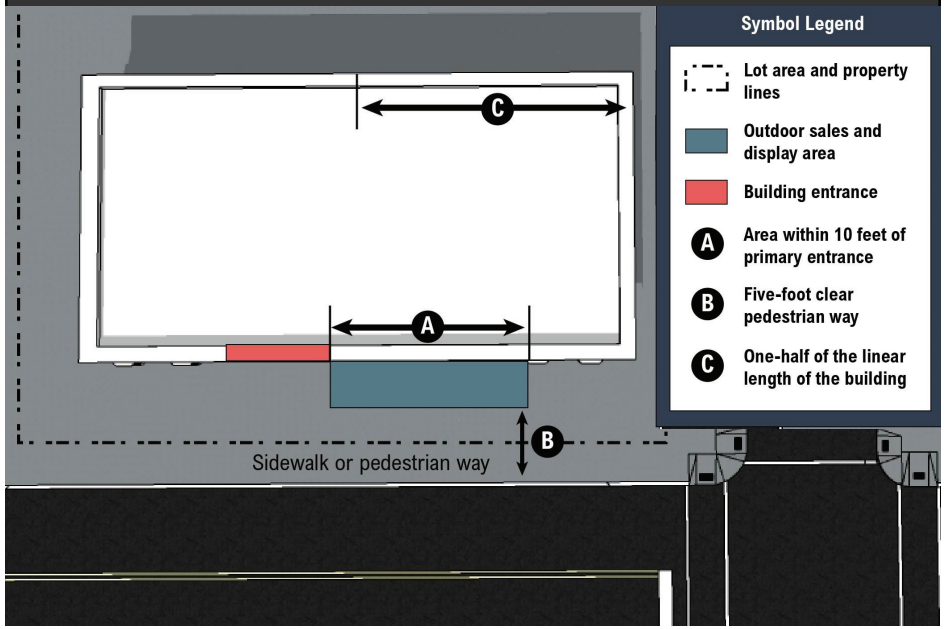
B. Display and sales area are not allowed in parking spaces, drive aisles, fire lanes, sidewalks or pedestrian ways, or required landscaped areas.

C. A minimum five-foot clear pedestrian way shall be maintained at all times.

D. Display areas shall not exceed 10 percent of the total gross square footage of the principal building.

E. In no case shall the linear length of outdoor storage exceed half of the total length of the building, nor shall the height of any merchandise exceed the height of the first floor of the building.

Figure 18-209: Outdoor sales and display



F. No merchandise shall be attached to a building wall surface.

G. All outdoor display and sales areas shall be maintained to avoid pedestrian hazards and ensure personal safety (see Figure 18-209: Outdoor sales and display.

Section 18-210: Outdoor seating/activity areas

A. Generally

1. Outdoor seating/activity areas shall not occupy parking spaces, drive aisles, or required landscape areas.

2. Outdoor seating/activity areas shall not obstruct or impede any sidewalk or other pedestrian way. Sidewalk seating may be permitted pursuant to Section 4-109 of the city of Wilmington Code of Ordinances.

3. Outdoor seating/activity areas shall be counted as floor area for purposes of determining off-street parking and loading standards.

B. Dimensional standards

1. Outdoor seating/activity areas shall be subject to the location requirements of Table 18-210: Dimensional standards for accessory outdoor seating/activity areas.

2. To reduce the setback from single-dwelling residential zoning from 500 feet to 100 feet, the following shall be required:

   a. The seating/activity area shall be located farthest from the single-dwelling residential zoning such that one of the following is between the seating/activity area and single-dwelling residential zoning:

      i. The principal building; or

      ii. A sound attenuating wall and vegetative buffer. The sound attenuating wall shall be at least six inches thick and shall be the maximum height allowed for fences and walls in the applicable zoning district. Plantings equivalent to a class B buffer shall be installed between the seating/activity area and the single-dwelling residential zoning. Such facilities shall not be open between the hours of 10:00 PM and 8:00 AM.

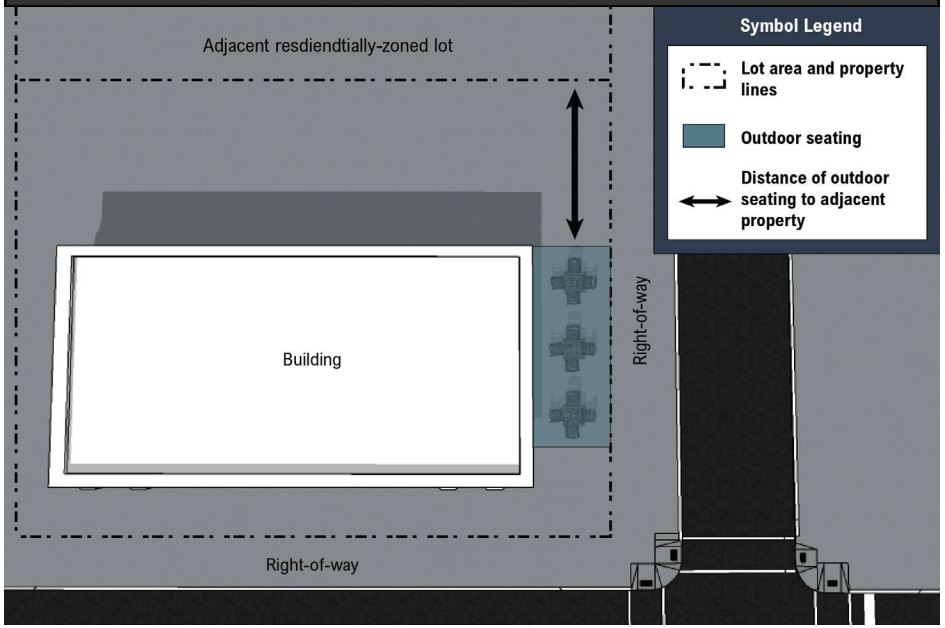
3. There shall be no reduction in setbacks for amplified sound.

4. Distance shall be measured from the nearest edge of any outdoor seating/activity area to the nearest edge of the residential property line (see figures 18-210.1 and 18-210.2: Outdoor seating.

Table 18-210: Dimensional standards for accessory outdoor seating/activity areas

Seating/activity area placement	
Minimum setbacks from single-dwelling residential zoning	
Outdoor seating/activity area, generally	500 feet
Outdoor seating area with limited hours of operation (8:00 AM to 8:00 PM only)	50 feet
Outdoor seating/activity area with increased buffering standards per Section 18-210 B. 2.	100 feet
Any associated amplified sound	1,000 feet

Figure 18-210.1: Outdoor seating



Section 18-211: Outdoor storage

A. Storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements.

B. Such storage shall be prohibited in any parking space, fire lane, or required landscape area.

C. At no time shall the width of clear pedestrian passage along any sidewalk, handicap ramp, or other pedestrian area be reduced to less than five feet.

D. Outdoor storage shall be behind the plane of any facade of the building and shall be screened from view of the right-of-way by an opaque fence or wall at least six feet in height. The fence or wall shall serve as an extension of the building and shall not be forward of any building facade and a minimum of six feet back from any right-of-way (see Figure 18-211: Outdoor storage).

Figure 18-210.2: Outdoor seating

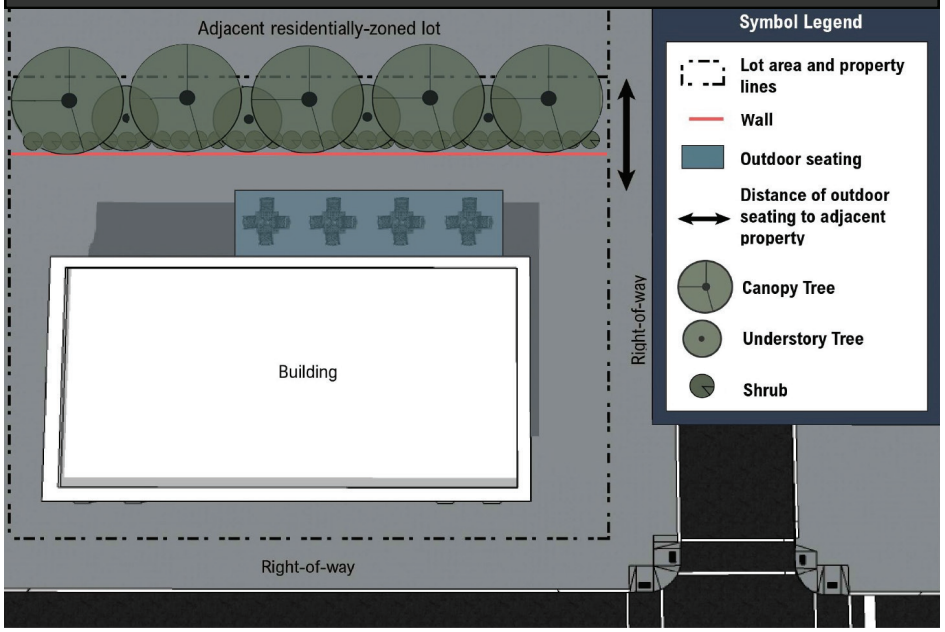
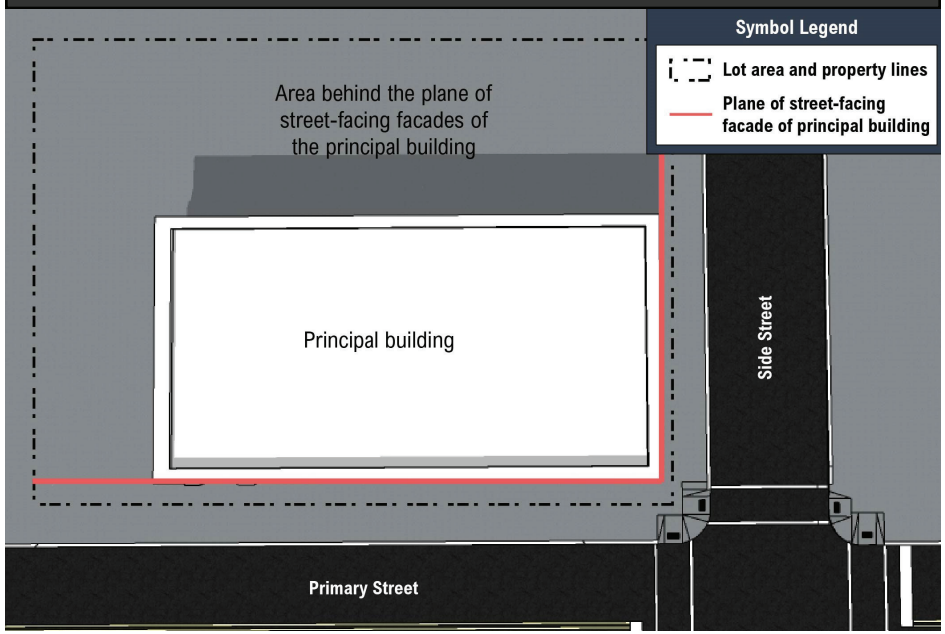


Figure 18-211: Outdoor storage



Section 18-212: Shipping containers for storage

A. Use

1. Permanent shipping containers shall be used for storage purposes only.
2. Permanent shipping containers shall not be permitted as a principal building.

B. Quantity

1. A maximum of one permanent shipping container per site shall be permitted on lots of one acre or less.
2. One additional permanent shipping container per acre may be permitted for lots greater than one acre.

C. Dimensions and appearance

1. Containers shall not exceed the dimensions of 40 feet in length, eight feet in width, and 10 feet in height. Containers shall not be stacked vertically.
2. Containers shall be maintained in good condition free from structural damage, rust, and deterioration.
3. Containers shall be painted tan, brown, dark forest green, or light gray.
4. No signs or lettering shall be permitted on permanent shipping containers.

D. Location

1. Permanent shipping containers shall meet all building setback requirements and shall be located on the rear half of the lot.
2. Permanent shipping containers shall not be permitted in any parking areas, required buffers, setbacks, or loading areas.

E. Screening

1. Containers shall be screened from view from any right-of-way and any residential use.
2. At minimum, screens shall consist of a wooden privacy fence or a brick or stucco wall one foot taller than the container.
3. The exterior of the fence or wall shall be lined with foundation plantings that reach a minimum of three feet in height at maturity and spaced appropriately for the species which must be listed in the approved plantings list in the T*echnical Standards and Specifications Manual.*

Section 18-213: Solar energy system, accessory

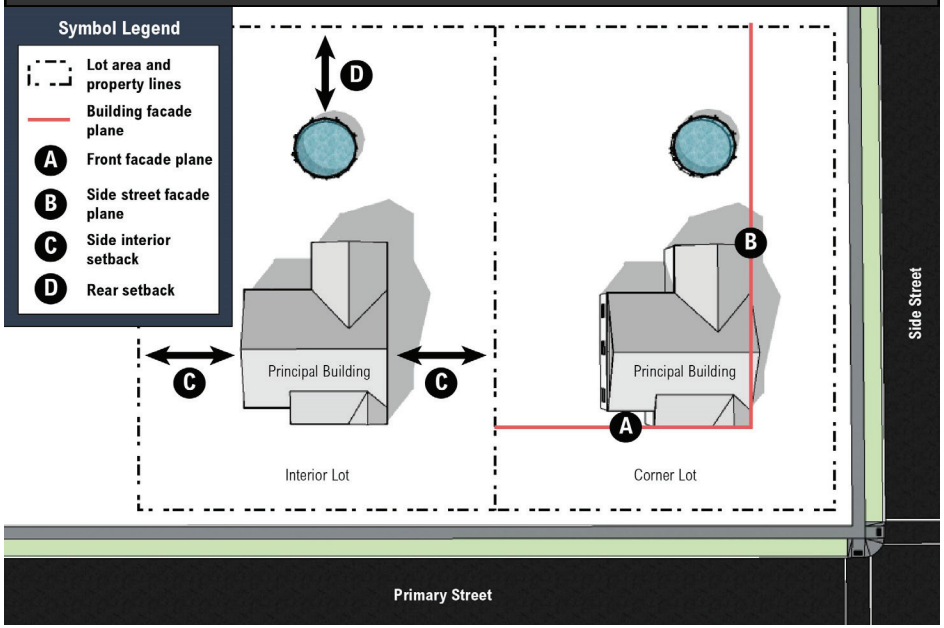
A. Roof-mounted solar systems

Roof-mounted solar systems shall not extend beyond the exterior perimeter or beyond the roof peak of the building on which the system is mounted or built.

B. Ground-mounted solar systems

1. Ground-mounted solar energy systems shall meet the minimum setback for the zoning district in which located.
2. The height of the structure shall not be taller than 20 feet.

Figure 18-214: Swimming pool location



Section 18-214: Swimming pools, private

A. Swimming pools shall be located in the side interior yard or rear yard. The setbacks in residential districts shall be:

   1. Rear setback: 10 feet

   2. Side interior setback: 10 feet or the minimum side interior setback required of the district in which it is located, whichever is less.

   3. On double frontage lots, swimming pools shall be located behind the dwelling unit and shall meet the minimum required front setback.

B. Swimming pools shall not be in the required front side street setback area.

C. Swimming pools shall not extend beyond the front facade of the principal structure.

D. For a corner lot, a swimming pool shall not be closer to the side street than the closest point of the dwelling unit on that street (see Figure 18-214: Swimming pool location).

E. Swimming pool setbacks shall be measured from the property line to the apron of the pool or any permanent construction of the pool that extends closest to the property line. Swimming pool equipment is included in the setback requirement.

F. Inground swimming pools shall not extend more than 12 inches above any point of the surrounding finished grade, measured from the coping.

G. In historic districts and overlays, setbacks shall be established by the historic preservation commission.

Section 18-215: Vending machines

A. Outdoor vending machines shall be prohibited in any parking space, fire lane, or required landscaped area.

B. At no time shall the width of clear pedestrian passage along any sidewalk, handicap ramp, or other pedestrian be reduced to less than five feet.

C. Outdoor vending machines shall be behind the plane of front facade of the principal building and shall be screened from view of the right-of-way by an opaque fence or wall at least six feet in height. The fence or wall shall serve as an extension of the building and shall not be forward of any building facade and a minimum of at least six feet back from any right-of-way.

Section 18-216: Wind energy conversion system

A. Location, dimensions, and setbacks

1. All equipment, including, foundation, turbines, and guy wires, shall meet the minimum required setbacks for the principal structure.

2. No equipment shall exceed the maximum height permitted in the zoning district.

3. Towers shall be setback from any buildings and structures on the site a distance equal to the height of the tower.

B. An applicant shall provide proof of an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the wind energy conversion system structure, rotor blades, and turbine components.

C. The operator of an accessory wind energy conversion system shall maintain general liability insurance coverage for the installation and operation of the system under a standard homeowner's or standard business owner's insurance policy, separate and distinct from any insurance requirements of a public utility.

Sections 18-217 - 18-227: Reserved.

ARTICLE 3. DIVISION 4.

TEMPORARY USE STANDARDS

Section 18-228: Purpose

It is the purpose of this section to recognize that there is a need for special allowances to be granted to certain temporary uses so that they may be permitted within the community. Because of the special considerations related to temporary uses, it is also necessary to provide specific, separate, and distinct guidelines and standards for them. It is the express intent of these provisions to minimize any potential adverse impact of such temporary uses by eliminating, to the greatest possible extent, major problems, threats or dangers to the public health, safety, or welfare as may exist with any or all of these temporary uses.

Section 18-229: Use table for temporary uses

Temporary uses shall be time-limited uses of land, buildings, or structures not intended to be of a permanent duration. Such uses shall be limited to those listed in Table 18-229: Use table for temporary uses.

Table 18-229: Use table for accessory uses			
Accessory use	**Maximum duration per site occurence**	**Maximum annual occurences**	**Permitted districts**
Circuses or carnivals	14 days	1	Nonresidential districts
Contractor's office or mobile offices for the displaced during construction	During construction period only	1	All districts
	6 months	1	All residential districts
	1 year	1	All nonresidential districts
Evangelistic and religious related congregations	14 days	2	All nonresidential districts
Fairs or other special recreational or entertainment events	1 day except 14 days for annual events	1	Commercial or industrial districts and specific locations as set forth in this section
Family health care structure	As long as the qualified person is in need of assistance	N/A	Any single-dwelling residential district
Helicopter tours	1 day, except 2 days shall be permitted for Azalea Festival and Riverfest	6	LI
Mobile food unit	5 consecutive hours	52	All nonresidential and mixed-use districts
	2 consecutive hours	52	Residential districts

Table 18-229: Use table for accessory uses			
Accessory use	**Maximum duration per site occurence**	**Maximum annual occurences**	**Permitted districts**
Nonpermanent housing and facilities in redevelopment and disaster areas	18 months, unless authorized longer by council resolution	N/A	Within a designated redevelopment area or a disaster area
Open lot sales for agriculture, crafts, and related products	60 days	2	All districts set forth in this article
Outdoor concert or other entertainment event	5 consecutive hours	2	All nonresidential districts
Portable storage units	6 months in any rolling 365-day period	1	All districts
Real estate sales office	5 years or until 80 percent of subdivision lots are sold, whichever is first	N/A	All residential districts
Sales, special fundraising for nonprofit organizations	3 days	8	All districts
Sales, special or flea markets	7 consecutive days or 2 consecutive weekends (Friday-Sunday)	8	Commercial or industrial districts
	Once per week on Saturday only		UMX district
Wireless telecommunication towers	90 days	2	All nonresidential districts and property
Yard sales	2 days	2	All districts

Section 18-230: General standards

The following guidelines shall apply to all the allowable temporary uses.

A. Zoning permit

1. A zoning permit shall be required prior to issuance of a certificate of occupancy.
2. An application for a zoning permit shall demonstrate compliance with all applicable regulations.

B. Parking and traffic plan

For circuses, carnivals, bazaars, evangelistic or religious congregations, open lot sales, fairs or special entertainment events and special sales, each permit applicant shall submit a parking and traffic plan which, shall include the following:

1. Indication of area to be used by operator's vehicles and customers;
2. Designation of entrances and exits, traffic flow, and parking areas;
3. Total number of parking spaces available;
4. Estimated number of customers or participants;
5. Plans for ensuring compliance with section 5-62 of the city of Wilmington Code of Ordinances; and
6. Traffic control measures.

C. Noise control plan

1. The applicant shall also submit a plan for compliance with the Noise Control Ordinance as contained in Article 2 of Chapter 6 of the city of Wilmington Code of Ordinances.
2. Permitted hours of operation for circuses, carnivals, bazaars, fairs and special entertainment events are set forth in section 6- 20 of the city of Wilmington Code of Ordinances.

D. Water and sewer connections

If a temporary use is to be installed for six months or longer, the facility shall be connected to public water and sanitary sewer provided by the Cape Fear Public Utility Authority. Otherwise, approved portable toilets shall be provided as deemed necessary by the city manager. A plan shall be submitted for providing the facilities.

E. Tent or temporary structure

1. Where a tent or similar structure is to be used in any zoning district, the following requirements shall be met:
   a. A limitation on the number of occupants in a structure shall be observed as per the instruction of the city manager.
   b. In conjunction with an occupancy limit, a seating plan, if seating is provided for an audience, must also be submitted and approved by the city manager.
   c. If a tent is to be used for human occupancy, a certificate of insurance must be submitted which will cover liability on the\ part of the applicant or sponsor in the event of an accident.
   d. A certificate of flame resistance shall be submitted which will provide assurance that the structure has been properly treated with flame retardant and has been maintained as such.
2. Where temporary structures, tents, mobile offices, accessory uses, existing structures, or similar uses are required in connection with the temporary use, a sketch plan or layout generally drawn to scale shall be submitted and shall show the location or placement of:
   a. Temporary uses, structures, and accessory uses;

b. Adjacent streets;

c. Parking;

d. Attendant accessory uses;

e. Existing or proposed structures;

f. Traffic movement or flow pattern; and

g. Entrances and exits.

F. Waste management

1. The letter of intent shall also address waste management requirements or needs for the site and special maintenance efforts to ensure that the site remains free from debris or a build-up of trash, weeds or other adverse conditions constituting nuisances.

2. The sponsor, owner, or manager of any such temporary use shall be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or such use.

G. Approval procedure

1. Timeframe

   a. Application for a zoning permit shall be submitted at least two weeks in advance of a scheduled temporary use.

   b. The two-week review period may be waived for minor events by the city manager.

2. Review

   Applications shall be reviewed by appropriate city officials who may include the city manager, chief of police, traffic engineer, and fire chief, or their designees.

3. Approval

   Upon completion of this review and satisfaction that the temporary use will meet required standards and not pose a serious problem or threat to public health, safety, or welfare, then a certificate of occupancy will be issued.

4. Denial

   If all applicable conditions and requirements of this section cannot be fully satisfied, then the zoning permit shall be denied, and a certificate of occupancy shall not be allowed.

5. Extensions

   a. Applications for an extension of a temporary use must be made in the form of a letter stating the reasons for an extension.

   b. Such extension may be granted by the city manager provided all criteria of the code have been met by the applicant and no violations have been noted during the initial event period.

   c. No more than one extension shall be granted, limited to the specified duration of the original temporary use. Requests for extensions shall be submitted two working days prior to the expiration of the use.

H. Inspection

The city manager shall inspect and approve the installation of all temporary uses prior to any use of the facility.

Section 18-231: Construction field offices or trailers during construction activity

A. Such uses shall be removed prior to the issuance of the final certificate of occupancy for a development.

B. Temporary accommodations for the displaced shall be allowed only on the construction site and for the specific purpose of providing temporary relocation of office or work/activity space required during construction activities involving renovation, expansion, or reconstruction of an existing building. Such temporary shall not apply to residential renovation, expansion, or reconstruction except as allowed in this section and such facilities shall not be used for residential dwelling purposes.

C. Such use may be placed on the construction site no earlier than 30 days prior to construction and shall be removed no later than 30 days following completion of construction.

D. Construction trailers may be allowed subject the following standards.

1. Such trailers shall be limited to sites where construction is ongoing and a valid building permit has been issued and remains active.

2. Trailers shall be set back a minimum of 10 feet from all property lines.

3. Trailers may be allowed in residential districts for initial construction only, not to include residential additions or renovations, and shall be removed prior to the issuance of the final certificate of occupancy.

Section 18-232: Fairs and related temporary recreational or entertainment events

Fairs and similar events that usually occur only once per calendar year and that are held either in public parks, if authorized by the city manager, or on school grounds, if authorized by the school, shall be allowed if in compliance all applicable standards.

Section 18-233: Family health care unit

A. Any person proposing to install a temporary family health care unit shall first obtain an annual zoning permit . The applicant shall provide written certification of impairment from a North Carolina licensed physician and provide evidence of compliance with this section. Annual renewal of the doctor's certification will be required with renewal of the zoning permit.

B. Only one temporary family health care unit shall be allowed on a lot. Such units shall comply with all setback requirements that apply to the principal building.

C. Such units shall be:

1. Transportable;

2. Primarily assembled at a location other than its site of installation;

3. Limited to one occupant, who shall be the mentally or physically impaired person;

4. No more than 300 square feet;

5. Compliant with the North Carolina State Building Code and NCGS 143-139.1(b); and

6. Not placed on a foundation.

D. Any such unit shall be connected to water and sewer services provided by the Cape Fear Public Utility Authority, electric utilities, and all applicable state regulations, as if the unit were permanent real property. No signage, advertising, or other means of promoting the existence of the unit shall be permitted anywhere on the lot. Any such unit installed pursuant to this section shall be removed no more than 60 days from the date on which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section.

Section 18-234: Helicopter tours

A. No more than six temporary helicopter tour permits shall be issued in any calendar year for any single lot.

B. No more than 12 total temporary helicopter tour permits shall be issued citywide in any calendar year, regardless of location.

C. There shall be a minimum of 30 days between such uses in a single location or for an individual business/operator.

D. A specific time schedule for each use shall be established for each individual proposed location at the time of application and subject to review and approval by appropriate city officials.

E. With the zoning permit application, the applicant shall submit a plan demonstrating methods for mitigating noise and public safety concerns and a flight plan for each tour.

Section 18-235: Mobile food unit

A. All mobile food unit operators shall obtain an annual zoning permit. Permits shall be issued for the period beginning July 1 and ending June 30 of each year. This permit shall be posted in a visible location on the mobile food unit.

B. Mobile food unit operators shall have the signed approval of the property owner for each location at which the mobile food unit operates. This approval must be made available for inspection upon request.

C. Within the central business district mobile food units shall not operate on more than two individual sites per day.

D. Mobile food units shall not be located within 75 feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation. This distance may be reduced to 25 feet for food carts less than five feet in length.

E. Mobile food units shall be located at least five feet from any fire hydrant, sidewalk, utility boxes, handicap ramps, and building entrances. The required sidewalk setback does not apply to food carts less than five feet in length.

F. Mobile food unit operators are responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.

G. All associated equipment, including trash receptacles and signage, must be within three feet of the mobile food unit.

H. No fire lanes, vehicular access ways, or pedestrian walkways may be obstructed or encroached upon by the mobile food unit.

I. No amplified microphones or bullhorns shall be permitted as part of the mobile food unit operation.

J. Except in residential districts, mobile food units shall not operate from any public right-of-way, including from any on street parking space.

K. Operators of mobile food units shall be responsible for compliance with the applicable standards of article 4 of the city of Wilmington Code of Ordinances.

Section 18-236: Nonpermanent housing and facilities in redevelopment and disaster areas

A. Temporary housing, manufactured housing, and nonpermanent facilities, including recreational vehicles and travel trailers, for the displaced because of a natural or man-made disaster or a publicly sponsored redevelopment or rehabilitation project shall be allowed provided they meet the following requirements. Redevelopment

or rehabilitation shall be considered publicly sponsored if the city council has, by formal action, designated an area as a with defined boundaries and under specific conditions.

B. The unit must be sited in accordance with the dimensional requirements in Table 18-236: Dimensional standards for nonpermanent housing

C. Each unit shall meet the applicable requirements and standards for areas where base flood elevation data has been provided, including standards for recreational vehicles and temporary residential structures.

D. All units shall be connected to public water and sanitary sewer provided by the Cape Fear Public Utility Authority.

E. Off-street parking to accommodate a minimum of one car per manufactured housing unit must be provided on the site.

F. All units shall be removed from the site within 30 days after completion of construction or rehabilitation work on the affected principal dwelling units.

G. Provision shall be made for solid waste management in compliance with city of Wilmington Code of Ordinances.

Table 18-236: Dimensional standards for non-permanent housing

Minimum Setbacks	
Distance between each housing unit	15
Distance between any housing unit and any building on the lot	20
Setback from any street right-of-way	15
Parent lot lines	20

Section 18-237: Open lot sales for agricultural, craft, and related products

A. Temporary sales of farm produce are allowed in all districts provided the produce or products for sale have been grown, raised, or produced on the lot where the produce sales are being conducted. In addition, such temporary sales may occur at any time during the year when products grown or produced on the lot are ready for sale.

B. Temporary lot sales of agricultural and related products produced off the sales lot site shall be allowed in all commercial and mixeduse districts. Nothing in this chapter shall prevent such temporary farm produce sales from being conducted upon the premises of the city of Wilmington recreation or park sites, religious institutions, or school grounds regardless of their district location, provided such use is authorized by the city manager. In addition, all such sales shall meet the following requirements:

1. No more than 5,000 square feet shall be utilized for each sales area.

2. No permanent structures shall be erected in connection with the sales lot.

Section 18-238: Real estate sales office

A. At no time shall office facilities be used to market, lease, sell, or otherwise promote properties outside of the development.

B. No additional off-street parking shall be provided.

C. Such sales offices shall be within an existing single-dwelling home or multiple-dwelling unit or community building.

D. When the building ceases to be used as a sales office, it shall be limited to occupancy by only those uses permitted within the zoning district. In no case shall other office uses be permitted.

Section 18-239: Sales, special or flea markets

Temporary special sales or "flea markets" in commercial, mixed-use, or industrial districts (occasional sidewalk or parking lot sales) may be permitted if they meet the following requirements:

A. No more than 5,000 square feet of area shall be used for each such sales area.

B. A minimum four-foot clear pedestrian area shall be maintained along all pedestrian ways.

C. No fire lanes or vehicular access ways may be obstructed or encroached upon.

D. Marked pedestrian ways shall be required. Pedestrians shall not be compelled to walk across unmarked drive aisles or through parking spaces to reach the temporary sales area.

E. No more than five temporary sales per business or premises shall be permitted in any calendar year.

F. There shall be a minimum 45 days between such sales in a single location or for an individual business.

G. No time extensions shall be granted for special sales.

Section 18-240: Wireless telecommunication towers

A. Such towers shall not exceed 100 feet in height.

B. All regulations pertaining to setbacks, spacing, safety zones, EMF emissions, and reception interference applicable to permanent wireless communication towers in Section 18-186 shall also apply to these temporary towers.

Section 18-241: Yard sales

A. Yard sales shall be limited to two occurrences within a 12-month period.

B. Each occurrence shall be for up to two days and only during daylight hours.

Sections 18-242 - 18-252: Reserved.