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## 4. USE REGULATIONS

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# ARTICLE 4. USE REGULATIONS

## SECTION 4.1. GENERAL PROVISIONS

### A. ORGANIZATION OF THIS ARTICLE

Article 4 is organized into three sections:

- (1) Section 4.2, Principal Uses, identifies the principal uses of land that are allowed in the various zoning districts and the type of permit or review required to establish them. It also establishes special standards applicable to particular principal uses.
- (2) Section 4.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses in the various zoning districts and the type of permit or review required to establish them. It also establishes general standards applicable to all accessory uses and structures and special standards applicable to particular accessory uses and structures.
- (3) Section 4.4, Temporary Uses and Structures, identifies land uses or structures allowed on a temporary basis and establishes general standards applicable to all temporary uses and structures and special standards that apply to particular temporary uses and structures.

### B. COMPLIANCE WITH APPLICABLE STATE AND LOCAL REGULATIONS

Uses established in accordance with this article shall comply with all applicable state and local regulations, including but not limited to obtaining all required licenses, certificates, and other authorizations.

## SECTION 4.2. PRINCIPAL USES

### A. GENERAL

Table 4.2.B(5): Principal Use Table, identifies principal uses of land and specifies whether they are allowed by right, allowed subject to approval of a special use permit, or prohibited within each zoning district. It also references use-specific standards in Section 4.2.D, Standards Specific To Principal Uses, that are applicable to specific uses.

### B. PRINCIPAL USE TABLE

#### (1) ORGANIZATION OF PRINCIPAL USES

Table 4.2.B(5): Principal Use Table, organizes allowable uses by use classifications, use categories, and use types as described in Section 4.2.C, Classification of Principal Uses. The use table provides a systematic basis for identifying and consolidating uses, distinguishing uses not explicitly listed in the table to determine whether a particular use is allowed in a particular zoning district, and accommodating future additions of new uses to the table.

#### (2) ABBREVIATIONS IN PRINCIPAL USE TABLE CELLS

Table 4.2.B(5): Principal Use Table, uses the following abbreviations to identify whether a principal use is allowed in a particular zoning district and the procedure required to establish the use:

P	<p><b>Permitted use.</b> A “P” in a cell of the table in a column other than a planned development district column indicates that the use in the left-most column in that row is allowed by right in the zoning district identified at the head of that column, subject to any use-specific standards referenced in the right-most column in that row. Permitted uses are subject to all other applicable requirements of this Ordinance.</p> <p>A “P” in a cell of the table in a planned development district column means that the use is allowed in the type of planned development district identified at the head of that column only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district (see Section 3.7.A(3)a, Planned Development (PD) Plan, and Section 3.7.A(3)b, Planned Development (PD) Agreement).</p>
S	<p><b>Special use.</b> An “S” in a cell of the table indicates that the use in the left-most column in that row is allowed in the zoning district identified at the head of that column upon approval of a special use permit in accordance with Section 2.5.A(5), Special Use Permit. Uses requiring a special use permit are subject to all other applicable requirements of this Ordinance.</p>
-	<p><b>Prohibited Use.</b> A “-” in a cell of the table indicates that the use in the left-most column in that row is prohibited in the zoning district identified at the head of that column</p>

**(3) REFERENCE TO USE-SPECIFIC STANDARDS**

A particular use allowed as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the right-most column of Table 4.2.B(5): Principal Use Table, through a reference to standards in Section 4.2.D, Standards Specific To Principal Uses.

**(4) UNLISTED USES**

The Planning Director shall determine whether or not any use not explicitly listed in Table 4.2.B(5): Principal Use Table, is part of an existing use category or use type in accordance with Section 4.2.C(8), Interpretation of Unlisted Uses.

**(5) PRINCIPAL USE TABLE**

**Table 4.2.B(5): Principal Use Table**

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; -- = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1
<b>AGRICULTURAL/RURAL USES</b>																									
<b>All Agricultural/Rural Uses</b>																									
Agriculture	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	P	4.2.D(2)a.1
Community garden	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	4.2.D(2)a.2
Equestrian center	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Feed lot	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Forestry	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	4.2.D(2)a.3

Table 4.2.B(5): Principal Use Table

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; – = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1
Livestock auction sales	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	
Rural retreat	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Swine farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<b>RESIDENTIAL USES</b>																									
<b>Household Living</b>																									
Duplex	-	-	-	-	P	P	P	P	S	S	S	-	-	-	-	-	-	-	P	P	-	-	P	-	
Live-work unit	-	-	-	-	-	-	P	P	P	P	P	P	S	S	P	P	-	-	P	P	-	-	-	-	4.2.D(3)a.1
Manufactured home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.2.D(3)a.2
Multifamily dwelling	-	-	-	-	-	-	P	P	P	P	P	P	P	P	S	S	-	-	P	P	P	-	P	-	5.7.D
Pocket neighborhood development	-	-	-	-	-	-	P/S	P/S	P/S	-	-	-	-	-	-	-	-	-	P/S	P/S	-	-	-	-	4.2.D(3)a.4
Single-family attached dwelling	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	
Single-family detached dwelling	P	P	P	P	P	P	P	S	P	-	-	-	-	S	-	-	-	-	P	P	-	-	-	-	
Tiny house neighborhood development	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	4.2.D(3)a.5
Townhouse	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	-	-	P	-	5.7.D
Triplex	-	-	-	-	P	P	P	P	S	S	S	-	-	-	-	-	-	-	P	P	-	-	P	-	5.7.D
<b>Group Living</b>																									
Boarding house	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	-	-	P	P	P	-	-	-	4.2.D(3)b.1
Cooperative house	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	S	-	-	P	P	P	-	-	-	
Dormitory	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	4.2.D(3)b.2
Family care home	P	P	P	P	P	P	P	P	S	S	S	S	S	S	P	-	-	-	P	P	P	-	-	-	
Residential care facility	-	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	4.2.D(3)b.3
<b>CIVIC/INSTITUTIONAL USES</b>																									
<b>Communication</b>																									
Broadcasting studio	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	S	P	P	P	P	-	P	
Wireless support structure, New or substantial	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.2.D(4)a.1

**Table 4.2.B(5): Principal Use Table**

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; – = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS			
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1		
modification less than 65 feet tall																											
Wireless support structure, New or substantial modification 65 feet or taller	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	4.2.D(4)a.1
Collocation of antenna on existing structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.2.D(4)a.1
Small/Micro wireless facility in a right-of-way	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Small/Micro wireless facility outside of a right-of-way	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P		
<b>Community Service</b>																											
Animal shelter	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-			
Childcare center	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	4.2.D(4)b.1	
Civic, social, or fraternal organization	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P			
Community recreation center	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	P			
Correctional institution	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	S	-	-	-	-	-	-			
Cultural facility	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P			
Government offices	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P			
Post office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	S		
Public assembly, Indoor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	-	-	P	4.2.D(4)b.2		
<b>Education</b>																											
College or university	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	S	S	-	P	P	-	P			
School, Technical or trade	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	S	P	P	P	P	-	P			
School, Private or Charter	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	-	S	S	S	-	-	P			
School, Public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	P			
<b>Funeral and Mortuary Services</b>																											
Crematory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	-	-	S			
Funeral home or mortuary	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P			

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PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1
<b>Health Care</b>																									
Hospital	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	P	P	P	-	P	
Medical or dental laboratory	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	P	P	P	P	P	P	-	P	
Medical or dental office/clinic	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P	
Nursing home	S	S	S	S	S	S	S	S	-	S	S	S	S	P	P	P	-	-	P	P	P	-	-	P	4.2.D(4)c.1
<b>Parks and Open Space</b>																									
Arboretum or botanical garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	-	P	P	P	-	-	S	4.2.D(4)d.1
Dog park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Park or greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Zoo	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	S	S	-	-	
<b>Transportation</b>																									
Air transportation and support facility	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	
Commercial parking (as principal use)	-	-	-	-	-	-	-	-	-	P	P	P	P	P	S	P	S	S	-	-	P	P	-	P	4.2.D(4)e.1
Passenger terminal, Surface transportation	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	P	-	P	
Rail transportation support facility	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	
<b>Utilities</b>																									
Solar energy collection facility, Large scale	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-	-	4.2.D(4)f.1
Utility facility, Major	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	
Utility facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
<b>COMMERCIAL USES</b>																									
<b>Animal Care</b>																									
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	-	-	P	4.2.D(5)a.1
Pet care service	P	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	-	-	P	4.2.D(5)a.1
Veterinary hospital or clinic	S	-	-	-	-	-	-	-	S	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P	4.2.D(5)a.1

**Table 4.2.B(5): Principal Use Table**

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PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS			
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1		
																										4.2.D(5)a.2	
<b>Business Services</b>																											
Business service center	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P		P	P	-	P			
Catering establishment	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P			
Conference or training center	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	-	-	-	P	-	-	P		4.2.D(5)a.2	
Data center	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	P	P	-	P	
Office, Contractor	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	P	-	-	P	P	-	P			
Office, General business or professional	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P			
<b>Eating or Drinking Establishments</b>																											
Bar	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	P	P	-	-	-	-		4.2.D(5)c.1 4.2.D(5)c.2	
Microbrewery	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	P	P	-	P	P	P	-	-	-		4.2.D(5)c.1 4.2.D(5)c.3	
Nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	-	-	-	-	-	-		4.2.D(5)c.1 4.2.D(5)c.2	
Restaurant	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	P	P	P	P	-	P		4.2.D(5)c.1	
Restaurant, Carryout	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	-	P	P	P	-	-	P		4.2.D(5)c.1 4.2.D(5)c.4	
<b>Personal Services</b>																											
Studio/School	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P			
Dry-cleaning service	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P			
Fortune telling establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-		4.2.D(5)d.1	
Laundry, Self-service	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	P	P	P	P	-	P			
Personal or household goods repair	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	-	P	P	P	P	-	P			
Personal grooming or well-being service	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	P	P	P	P	-	P			

**Table 4.2.B(5): Principal Use Table**

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; – = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS			
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1		
Tattoo or body-piercing establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-		
<b>Recreation/ Entertainment</b>																											
Amusement park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	
Art gallery	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	P	-	-	P	P	P	P	-	-	-	-	
Electronic Gaming Operation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	4.2.D(5)e.1	
Event Center	-	-	-	-	-	-	-	-	S	P	-	-	S	S	P	P	P	-	P	S	P	S	-	-	P		
Golf course, Public or private	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	P		
Hunting or fishing club	S	S	S	S	S	S	S	S	S	P	P	P	P	-	-	P	-	-	-	-	-	-	-	-	P		
Outdoor banquet facility	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	4.2.D(5)e.2	
Performing arts center	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	P	P	P	-	-	-	P		
Recreation facility, Indoor	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	P	P	P	P	-	-	P		
Recreation facility, Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	P		
Sexually-Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	4.2.D(5)e.3	
Shooting range, Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-		
Stadium, arena, or amphitheater	-	-	-	-	-	-	-	-	-	-	-	S	S	P	-	-	-	-	P	-	P	-	-	-	-		
<b>Retail Sales and Services</b>																											
Bank or financial institution	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	-	P		
Check cashing, auto title, or payday loan business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	4.2.D(5)f.1	
Consumer goods establishment	-	-	-	-	-	-	-	S	P	P	P	P	P	P	-	P	-	-	P	P	P	P	-	-	P		
Farmers' market (as a principal use)	P	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	P	P	P	-	-	-	-	4.2.D(5)f.2	
Gas and heating oil sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	P	-	-	-		
Grocery store	-	-	-	-	-	-	-	-	S	P	P	P	P	P	-	P	-	-	P	P	P	P	-	-	P		
Liquor Sales (ABC Store)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	-	-	-		
Pawnshop	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	-	-	P	-	-	-	S		
Prefabricated building sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	4.2.D(5)f.3	

**Table 4.2.B(5): Principal Use Table**

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; – = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS		
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1	
Self-service storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	P	-	-	P	-	-	-	4.2.D(5)f.4	
Shopping center	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	P	-	P	P	-	P	4.2.D(5)f.5	
Tobacco and vape products store	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	P	-	P	P	-	P	4.2D(5)f.6	
<b>Vehicle Sales and Services</b>																										
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	4.2.D(5)g.1	
Commercial fuel depot	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-		
Commercial vehicle sales and rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-		
Commercial vehicle service and repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-	-	4.2.D(5)g.2	
Personal vehicle sales and rentals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	4.2.D(5)g.3	
Personal vehicle service and repair	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	-	P	-	-	-		
Towing service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	4.2.D(5)g.4	
Vehicle fueling station	-	-	-	-	-	-	-	-	P	P	P	P	P	S	S	P	-	-	P	-	P	S	-	P	4.2.D(5)g.5	
<b>Visitor Accommodations</b>																										
Bed and breakfast establishment	S	S	S	S	S	S	S	S	P	P	P	P	P	P	-	P	-	-	P	P	P	-	-	P	4.2.D(5)h.1	
Hotel or motel	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	P	P	P	P	-	-		
Short-term rental (as a principal use)	-	-	-	-	S	S	S	S	P	P	P	P	P	P	P	P	-	-	P	P	P	-	-	-	4.2.D(5)h.2	
<b>INDUSTRIAL USES</b>																										
<b>Extraction</b>																										
All extraction uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	4.2.D(5)i	
<b>Industrial Services</b>																										
Contractor's yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-		
Fleet terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-		
Industrial launderers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	P		
Industrial services establishment, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	P	-	-	-		

**Table 4.2.B(5): Principal Use Table**

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; – = Prohibited

PRINCIPAL USE CATEGORY OR TYPE	AG	RESIDENTIAL							MIXED-USE					NON-RESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-	PD-C	CD	CD-R		C-1
Publishing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	P	-	P	
<b>Manufacturing, Assembly, or Fabrication</b>																									
Artisan production	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	
Manufacturing, assembly, or fabrication, Light	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-	
Manufacturing, assembly, or fabrication, Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	S	-	-	
Manufacturing, assembly, or fabrication, Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	4.2.D(5)j.1
<b>Warehousing, Freight Movement, and Wholesale Sales</b>																									
Motor freight facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	4.2.D(5)k.1
Outdoor storage (as a principal use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	4.2.D(5)k.1
Small-scale aerial distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	S	-	-	
Warehouse distribution and storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	P	P	-	-	4.2.D(5)k.1
Wholesale, Florist and nursery supply	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	4.2.D(5)k.1
Wholesale, General	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	4.2.D(5)k.1
Wholesale, Heavy or hazardous materials	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	P	-	-	-	4.2.D(5)k.1
<b>Waste-Related Uses</b>																									
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	
Hazardous waste collection and disposal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	4.2.D(5)l.1
Junk/Salvage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	4.2.D(5)l.2
Recycling collection center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	
Recycling plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	
Sewage treatment facility, Private	S	S	S	S	S	S	S	S	-	-	-	-	-	-	S	S	S	S	-	-	P	-	-	-	
Solid waste collection and disposal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	

## C. CLASSIFICATION OF PRINCIPAL USES

### (1) PURPOSE

This section is intended to provide a framework for identifying, describing, categorizing, consolidating, and distinguishing land uses in a way that makes it easier to determine whether a particular use, activity, or combination of activities should be considered a use listed as an allowable principal use in the use table in Section 4.2.B, Principal Use Table, or is subject to other use-specific provisions in this Ordinance.

### (2) STRUCTURE OF PRINCIPAL USE CLASSIFICATION SYSTEM

The following three-tiered hierarchy of use classifications, use categories, and use types is used to organize allowable uses listed in Table 4.2.B(5): Principal Use Table, and the use-specific standards set out in Section 4.2.D, Standards Specific To Principal Uses.

#### a. USE CLASSIFICATIONS

Use Classifications are very broad and general (e.g., Residential Uses, Civic/Institutional Uses, Commercial Uses, and Industrial Uses).

#### b. USE CATEGORIES

Use Categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Uses classification is divided into multiple use categories, like Recreation/Entertainment and Retail Sales and Services. Each use category is described in terms of the common characteristics of included uses (including common or typical accessory uses), examples of common use types included in the category, and, for a number of use categories, exceptions—i.e., those uses that might appear to fall within the use category but are included in another use category.

#### c. USE TYPES

Use Types identify specific principal land uses whose characteristics are considered to fall within the various use categories. For example, self-service laundry and personal grooming or well-being services are use types within the Personal Services category. Use types are defined in Article 10: Definitions (listed alphabetically with other defined terms).

### (3) AGRICULTURAL/RURAL USES

The Agriculture/Rural Uses category includes use types related to the production of field crops, fruits, vegetables, ornamental and flowering plants, and the breeding, raising, or keeping of livestock, poultry, swine, bees, or other animals for food or other marketable products. This category also includes use types that provide support and services to agricultural uses or are otherwise closely related to agricultural production and/or rural character in their form and function. This use category does not include the processing of animal or plant products for wholesale or retail sale purposes off the site of where the agricultural product is grown or raised, which is generally considered an industrial use. Accessory uses may include offices, storage areas, barns, irrigation systems, and repair facilities related to the agricultural or forestry activities.

### (4) RESIDENTIAL USES

#### a. HOUSEHOLD LIVING USES

The Household Living category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer

basis. Use types include duplexes, live-work units, manufactured homes, multifamily dwellings, pocket neighborhood developments, single-family detached dwellings, tiny house neighborhood developments, townhouses, and triplexes. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., boarding house), which are categorized as the Group Living category. Accessory uses common to Household Living Uses include recreational activities, raising of domestic pets, gardens, swimming pools, and parking of the occupants' vehicles. Some accessory uses (e.g., accessory dwelling units, home occupations) are subject to additional regulations (see Section 4.3, Accessory Uses and Structures)

**b. GROUP LIVING USES**

The Group Living category includes use types providing for the residential occupancy of a group of living units by people who sometimes (but not always) do not constitute a single family or housekeeping unit and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (even though some do have such facilities), but unlike a hotel, motel, or short-term rental, are generally occupied on a monthly or longer basis. Use types include boarding houses, cooperative houses, dormitories, family care homes, and residential care facilities. Although family care homes include household living and health care components, they are categorized as a group living use because of their focus on the present or future provision of personal care to people and their integration of various uses as single cohesive development. This category does not include use types where persons generally occupy living units for periods of less than 30 days, which are categorized in the Visitor Accommodation category. It also does not include use types where residents or inpatients are routinely provided more than modest health care services (e.g., nursing homes), which are categorized in the Health Care category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

**(5) CIVIC/INSTITUTIONAL USES**

**a. COMMUNICATIONS USES**

The Communication category includes uses and facilities providing regional or community-wide communications services, such as wireless communications, radio and television broadcasting, and similar uses. Services may be publicly or privately provided and may include on-site personnel. Use types include broadcasting studios, wireless support structures, and collocations of antenna on existing tower. Accessory uses may include offices, monitoring, storage areas, and data transmission equipment.

**b. COMMUNITY SERVICE USES**

The Community Service category includes use types primarily of a public, nonprofit, or charitable nature providing services to residents, students, and visitors in the City, which are distinguished by enhanced benefits to the general public (e.g., childcare, cultural, recreational, counseling, training, or religious services). Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. Use types include animal shelters; childcare centers; civic, social, and fraternal organizations; community recreation facilities; correctional institutions; cultural facilities; government offices; post offices; and indoor public assembly. This use category does not include private or commercial health clubs or recreational facilities, which are categorized in the Recreation/Entertainment category, or passenger terminals for public transportation services, which are categorized in the Transportation Use category. Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and indoor and outdoor recreational facilities.

**c. EDUCATION USES**

The Education category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, and high school levels that provide education meeting state requirements for curriculum, instruction, and assessment. This use category also includes university uses, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification, and research facilities (operated by government or educational institutions). Accessory uses at schools may include offices, play areas, recreational and sport facilities, cafeterias, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may include offices, dormitories, food service, laboratories, health care facilities, recreational and sports facilities, theaters, meeting areas, maintenance facilities, and supporting commercial uses (e.g., eating or drinking establishments, bookstores).

**d. FUNERAL AND MORTUARY SERVICE USES**

The Funeral and Mortuary Services category consists of establishments that provide services related to the death of a human being or a pet animal. Use types include crematories and funeral homes and mortuaries.

**e. HEALTH CARE USES**

The Health Care category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment and preventative care, nursing care, and diagnostic and laboratory services. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include hospitals, medical or dental laboratories, medical or dental offices/clinics, and nursing homes. This category generally does not include use types that focus on providing personal care rather than medical care to residents, which are categorized in the Group Living category. Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for patients' families.

**f. PARKS AND OPEN SPACE USES**

The Parks and Open Space category includes use types focusing on open space areas largely devoted to natural landscaping and tending to have few structures, and which may include passive or limited active outdoor recreation. Use types include arboretums and botanical gardens, cemeteries, parks and greenways, and zoos. This category does not include athletic fields (unless part of a public park), golf courses, or other outdoor recreation uses (categorized in the Recreation/Entertainment category). Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

**g. TRANSPORTATION USES**

The Transportation category includes use types providing vehicle parking and passenger transportation services. Use types include air transportation and support facilities, commercial parking (as a principle use), surface transportation passenger terminals, and rail transportation support facilities. This category does not include transit-related infrastructure such as bus stops and bus shelters (defined as minor utilities under the Utilities category). Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and minor fueling facilities.

**h. UTILITIES USES**

The Utility Uses category includes both major utilities, which are infrastructure services that provide regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near where the service is provided. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.

## (6) COMMERCIAL USES CLASSIFICATION

### a. ANIMAL CARE USES

The Animal Care category includes use types related to the provision of veterinary services, general care, and boarding services for household pets and domestic animals. Use types include kennels, pet care services, and veterinary hospitals and clinics. This use category does not include animal shelters operated by a nonprofit organization, which are included in the Community Service category.

### b. BUSINESS SERVICE USES

The Business Service category consists of establishments primarily providing routine business service functions for the day-to-day operations of other businesses and households. Use types include business service centers, catering establishments, conference or training centers, data centers, contractor offices, and general business and professional offices. This use category includes offices used for conducting professional, executive, management, and administrative functions of commercial entities, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, planners, engineers, architects, government employees), or financial services (e.g., lenders, brokerage houses, tax preparers). It does not include offices that are a component of or accessory to a principal use in another use category, such as medical/dental offices (categorized in the Health Care Uses category), or banks or other financial institutions (categorized in the Retail Sales and Service Uses category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the same business or office park.

### c. EATING OR DRINKING ESTABLISHMENT USES

The Eating or Drinking Establishment Uses category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars, microbreweries, nightclubs, restaurants, and carryout restaurants. Accessory uses may include areas for outdoor seating, facilities for live entertainment, and valet parking services. Drive-through facilities may or may not be allowed and are subject to additional standards in accordance with Section 4.3, Accessory Uses and Structures.

### d. PERSONAL SERVICES USES

The Personal Services category consists of establishments primarily engaged in providing frequent or recurrent needed services of a personal nature. Use types include studio/schools, dry-cleaning services, fortune telling establishments, self-service laundry, personal or household goods repair, personal grooming or well-being services, and tattoo and body-piercing establishments.

### e. RECREATION/ENTERTAINMENT USES

The Recreational/Entertainment category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include amusement parks, art galleries, public and private golf courses, hunting and fishing clubs, performing arts centers, indoor recreation facilities, outdoor recreation facilities, sexually-oriented businesses, indoor shooting ranges, and stadiums, arenas, and amphitheaters. It does not include recreational facilities that are accessory to parks (categorized in the Open Space category), or that are reserved for use by a particular residential development's residents and their guests (considered a community recreation facility in the Community Service category). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

### f. RETAIL SALES AND SERVICES USES

The Retail Sales and Service Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the

premises to a consumer. Use types include banks or other financial institutions; check cashing, auto title, and payday loan businesses; consumer goods establishments; farmers' markets; gas and heating oil sales; grocery stores; liquor sales (ABC stores); manufactured home sales; pawnshops; self-service storage; shopping centers; specialty food stores; and tobacco and vape products stores. This use category does not include sales or service establishments related to vehicles (categorized in the Vehicle Services and Sales category), establishments primarily selling supplies to contractors or retailers (categorized in the Wholesale category), the provision of financial, professional, or business services in an office setting (categorized in the Business Services category), or uses that provide personal services (categorized in the Personal Services category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise.

**g. VEHICLE SALES AND SERVICES USES**

The Vehicle Sales and Services category includes use types involving the direct sales and servicing of motor vehicles (including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers) whether for personal transport, commerce, or recreation. Use types include commercial fuel depots, commercial vehicle sales and rentals, commercial vehicle service and repair, gas stations, personal vehicle sales and rentals, and personal vehicle services and repairs. Accessory uses may include offices, sales of parts, maintenance facilities, outdoor display of merchandise, and vehicle storage.

**h. VISITOR ACCOMMODATIONS USES**

The Visitor Accommodations category includes use types providing lodging units or rooms for short-term stays of typically less than 30 days for rent or lease. Use types include bed and breakfast establishments, hotels and motels, and short-term rentals (as a principal use). This use category does not include boarding or rooming houses, which are generally occupied for tenancies of a month or longer and are categorized in the Group Living Uses category. Accessory uses may include pools and other recreational facilities, restaurants, bars, limited storage, laundry facilities, gift shops, supporting commercial activities, meeting facilities, and offices.

**(7) INDUSTRIAL USES CLASSIFICATION**

**a. EXTRACTION USES**

The Extraction category is characterized by activities related to the extraction of naturally occurring materials.

**b. INDUSTRIAL SERVICES USES**

The Industrial Services category includes use types involving the maintenance, repair, or servicing of industrial, business, scientific, or consumer machinery equipment, products, or by-products. Firms that service consumer goods do so by mainly providing a centralized source of services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers come to the site. Use types include contractor's yards, data centers, fleet terminals, industrial launderers, general industrial services establishments, and publishing facilities. Accessory activities may include offices, parking, and storage.

**c. MANUFACTURING USES**

The Manufacturing category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category includes artisan production and light, medium, and heavy manufacturing use types, based on the processes involved, the general extent of off-site impacts, and the extent of outdoor storage. Uses may include the display or sale of goods on-site, if they are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may

include limited retail sales and wholesale sales, offices, eating or drinking establishments, employee recreational facilities, warehouses, storage areas, repair facilities, truck fleets, and security and caretaker's quarters.

**d. WAREHOUSING, FREIGHT MOVEMENT, AND WHOLESALE SALES USES**

The Warehousing, Freight Movement, and Wholesale Sales category includes uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer. There is little on-site sales activity with the customer present. Use types include warehouse distribution and storage, motor freight facility, outdoor storage (as a principal use), florist and nursery supply wholesale sales, general wholesale sales, and heavy or hazardous materials wholesale sales. Accessory uses may include offices, truck fleet parking, outdoor storage, maintenance areas, greenhouses (for plant nurseries), and repackaging of goods.

**e. WASTE-RELATED USES**

The Waste-Related Uses category includes use types receiving solid or liquid wastes from others for on-site disposal, storage, processing, or transfer to another location for processing or disposal, or uses that manufacture or produce goods or energy from the composting of organic material or reuse, recycling, or processing of scrap or waste material. Use types include composting facilities, hazardous materials collection and disposal, junk/salvage yards, recycling collection centers, recycling plants, private sewage treatment facilities, and solid waste collection and disposal. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and trans-shipment of by-products.

**(8) INTERPRETATION OF UNLISTED USES**

**a. PROCEDURE FOR INTERPRETING UNLISTED USES**

The Planning Director shall make a determination of whether a particular principal use or accessory use or structure not expressly listed in the use tables is allowable in a particular zoning district, as a permitted or special use, based on the standards in this section and in accordance with the procedures in Section 2.5.E(1), Interpretation.

**b. STANDARDS FOR ALLOWING UNLISTED PRINCIPAL USES**

The Planning Director shall interpret an unlisted principal use as a permitted use or special use in a particular zoning district only after finding that the nature, function, and duration of the use and the impact of allowing it in the zoning district are so similar to those of a use type or use category that is allowed in the zoning district that the unlisted use should be deemed allowed in the same manner (i.e., as a permitted use or special use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Planning Director shall consider the relevant characteristics of the unlisted use relevant to those of listed and defined use types and/or of the use categories described in this section, the purpose and intent statements in this Ordinance concerning the zoning district, and the character of use types allowable in the zoning district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

1. Actual or projected characteristics of each activity likely to occur as part of the unlisted use;
2. The type, size, orientation, and nature of buildings, and structures devoted to each activity;
3. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
4. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;

5. Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;
6. Relative amounts of sales from each activity;
7. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored;
8. Customer type for each activity;
9. How the use is advertised, including signage;
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;
11. Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
12. The impact on adjacent lands created by the use, which should not be greater than that of other use types, allowed in the district.

**c. INTERPRETATIONS OF USES NOT EXPRESSLY LISTED MADE AVAILABLE TO PUBLIC**

Within a reasonable period of time after the Planning Director interprets a use or structure that is not expressly listed in accordance with this section, the interpretation shall be made available to the public in the office of the Planning Department during normal business hours, and placed on the Planning Department's website.

**d. EFFECT OF ALLOWING USES NOT EXPRESSLY LISTED AS PERMITTED OR SPECIAL USE**

On interpreting a use or structure not expressly listed as allowed in a district in accordance with subsection B above, and on finding that the use or structure is likely to be common or would lead to confusion if it remains not expressly listed, the Planning Director may initiate an application for a text amendment to this Ordinance in accordance with Section 2.5.A(1), Text Amendment, to expressly list the use as a permitted or special principal use, and to define the use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Planning Director shall be binding.

## **D. STANDARDS SPECIFIC TO PRINCIPAL USES**

### **(1) GENERAL**

This section sets forth the standards specific to principal uses, which are identified in the right-most column of Table 4.2.B(5): Principal Use Table. Unless stated to the contrary, the standards set forth in this section shall apply to the individual principal use, regardless of the review procedure by which it is approved.

### **(2) AGRICULTURAL/RURAL USES**

#### **a. ALL AGRICULTURAL/RURAL USES**

##### **1. Agriculture**

In the LI and HI districts, the following standards apply:

- (a) All agriculture activities shall be conducted within a completely enclosed building; and
- (b) Animal production is prohibited.

**2. Community Garden**

- (a) Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 15 percent of the area of the parcel.
- (b) Areas used for communal composting shall be limited to ten percent of the area of the parcel.
- (c) The community garden shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

**3. Forestry**

The forestry activity shall be conducted:

- (a) On forestland that is taxed on the basis of its present-use value as forestland in accordance with state law; and
- (b) In accordance with a forest management plan that is prepared or approved by a forester registered in accordance with N.C.G.S. Chapter 89B.

**(3) RESIDENTIAL USES**

**a. HOUSEHOLD LIVING USES**

**1. Live-Work Unit**

A live-work unit shall comply with the following standards:

- (a) The residential portion of the building shall occupy at least 50 percent of the gross floor area.
- (b) Employees shall be limited to occupants of the residential portion of the building plus up to two persons not residing in the residential portion.
- (c) Drive-through facilities are prohibited.

**2. Manufactured Home**

- (a) Manufactured homes are allowed only within the MHO District in accordance with Section 3.8.E, Manufactured Home Overlay (MHO) District.
- (b) Except when located on land leased to the owner of the manufactured home, a manufactured home shall:
  - 1. Comply with all dimensional standards that apply to a single-family detached dwelling in the zoning district in which it is located; and
  - 2. Have a continuous masonry curtain wall or foundation, unpierced except where required for ventilation or access, installed under the outer perimeter of the manufactured home from its base to the ground so as to be visually compatible with surrounding residential land uses.
- (c) A manufactured home shall have a minimum 3:12 roof pitch.
- (d) A manufactured home having a width less than 17 feet shall be oriented on the lot so the dwelling's long axis is parallel to the street.
- (e) A manufactured home shall be attached to permanent foundation system in accordance with the Building Code and the following requirements:
  - 1. All wheels, hitches, axles, transporting lights, and removable towing apparatus shall be permanently removed; and

2. Except as otherwise provided in subsection b above, the foundation shall be excavated and shall have continuous skirting or backfill leaving no uncovered open areas except where required for ventilation or access. The foundation may be exposed a maximum of 12 inches above grade.

3. **Multifamily Dwellings, Townhouses, and Triplexes**

See Section 5.7.D, Multifamily Design Standards.

4. **Pocket Neighborhood Development**

(a) **Purpose and Intent**

The purpose of this section is to establish standards to facilitate the voluntary development of pocket neighborhoods that:

1. Encourage affordable housing for current and future residents of the City;
2. Encourage proper use of open space to provide health, safety and general welfare of the community members; and
3. Provide for standards that minimize the impact of automobile traffic and parking.

(b) **General Standards**

1. Pocket neighborhood developments shall be located on a parcel of land at least one-third ( $\frac{1}{3}$ ) of an acre and no greater than six acres in area, with at least 50 feet of frontage along a public street.
2. Only single-family detached dwellings and incidental and subordinate accessory uses are permitted as part of a pocket neighborhood development.
3. Developments shall include at least four dwellings but no more than 12 dwellings. In no instance shall the gross density of the development exceed a 20 percent increase in the density of the underlying base zoning district. The number of dwelling units may be increased to no more than thirty (30) with the approval of a Special Use Permit. Additionally, the following requirements shall be met for developments having thirteen (13) to thirty (30) dwelling units:
  - a. *Dwellings shall be in clusters of no more than twelve (12) units.*
  - b. Each cluster shall have its own shared common open space in accordance with area requirements of Section (c), Common Elements, below.
  - c. Each cluster shall contain at least one of the following elements shared by the residents of a cluster:
    - I. Barbeque, campfire circle, or outdoor terrace;
    - II. Picnic shelter;
    - III. Playground or exercise equipment;
    - IV. Heated common building for gatherings;
    - V. Garden; or
    - VI. Similar element that meets the intent to foster connections among neighbors and strengthen sense of community.

- d. Multiple clusters shall be connected by a network of pedestrian pathways.
  - e. The gross density of the development shall not exceed a 20 percent increase in the density of the underlying base zoning district.
4. At least 60 percent of the individual building lots shall front the common open space area provided in accordance with subsection (c) below, rather than a street or alley.
  5. Each individual lot in a pocket neighborhood shall contain only one dwelling unit.
  6. Individual lots and buildings shall comply with the standards in Table 4.2.D(3)a.4 below.

**Table 4.2.D(3)a.4: Pocket Neighborhood Dimensional Standards**

FEATURE	REQUIREMENT
Maximum lot size	7,500 sq ft
Minimum lot width	20 ft
Minimum street frontage	None
Minimum front setback	10 feet from common elements; zoning district requirement from street [1]
Minimum side setback	5 ft [1]
Minimum rear setback	None [2]
Maximum building height	30 ft [3]
Maximum building area	2,000 sq ft [4]
NOTES	
[1] Porch steps, ramps, fences, and walkways may encroach into the front setback, but no other structures shall be permitted to encroach into the required setback.	
[2] When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.	
[3] Above grade. Applies to dwelling only. All other buildings are subject to the maximum building height standards that apply in zoning district in which the development is located.	
[4] Applies to dwelling only. All other buildings are subject to any building area standards that apply in zoning district in which the development is located.	

**(c)Common Elements**

1. Developments shall include common elements that comprise at least 30 percent of the total site and include open space, improved pedestrian facilities that provide for connectivity to each dwelling unit and public sidewalk network, and parking area(s).
2. The common open space shall include a central green, lawn, or garden area fronting the dwellings, containing at least 375 square feet of area for each dwelling in the development.
3. If a common building is provided, it shall not be larger than 1,500 square feet and shall not be used as a permanent dwelling unit.

**(d)Landscaping and Fences**

1. A pocket neighborhood shall incorporate a Type C perimeter buffer yard (see Section 5.3.G, Perimeter Buffer Yards) where the neighborhood abuts lots with existing single- family detached dwellings. The perimeter buffer yard shall be considered part of the common elements.
2. Fences within front yards or side yards forward of the front façade plane shall not exceed three feet in height. Fences in rear yards or side yards behind the front façade plane shall not exceed six feet in height.

3. In no instance shall a fence be placed within a use or access easement.

**(e) Vehicular Access and Off-Street Parking**

1. Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private drives.
2. Pocket neighborhoods are exempt from the parking standards in Section 5.2.E, Off-street Vehicular Parking Space Standards. Instead, at least one off-street parking space shall be provided for each dwelling unit plus one designated guest off-street parking space for every four dwelling units.
3. The pocket neighborhood shall include a shared parking area that accommodates resident and guest parking; however, provision of resident parking spaces within a shared parking area is not required where resident parking is provided through individual driveways or by parking spaces along alleys.
4. In no instance shall a parking space be more than 300 linear feet from the dwelling it serves.
5. Off-street parking areas shall comply with the minimum standards of the LDSM.
6. If provided, detached garages serving more than one dwelling shall be accessed via a private drive or alley. A garage shall not exceed five car bays or include individual garage doors wider than 12 feet each.

**(f) Storage Space for Individual Dwellings**

Each individual dwelling shall have at least 40 square feet of covered storage space outside the heated floor area. Storage space may be located on an individual lot or on common land adjacent to a common building. This includes accessible attic spaces and crawl spaces.

**(g) Homeowners' Association**

A pocket neighborhood shall have a homeowner's or property owner's association that maintains control of all common elements and is responsible for the maintenance of such elements within the neighborhood. Confirmation of the establishment of the homeowner's or property owner's association shall be provided to the City prior to final plat approval.

**5. Tiny House Neighborhood Development**

**(a) Purpose and Intent**

The purpose of this section is to establish design standards to facilitate the voluntary development of tiny house neighborhoods that:

1. Encourage affordable housing for current and future residents of the City;
2. Encourage proper use of open space to provide health, safety and general welfare of the community members; and
3. Provide for standards that minimize the impact of automobile traffic and parking.

**(b) General Standards**

1. Tiny house neighborhood developments shall be located on a parcel of land at least one-fourth ( $\frac{1}{4}$ ) of an acre and no greater than two acres in area, with at least 50 feet of frontage along a public street.
2. Only single-family detached dwellings and incidental and subordinate accessory uses are permitted as part of a pocket neighborhood development.

3. Tiny house neighborhoods shall include at least four dwellings but no more than 12 dwellings.
4. Each individual lot in a tiny house neighborhood shall contain only one dwelling unit.
5. A tiny house dwelling shall face interior common open space (see subsection (c) below) or a street. No dwelling shall face a perimeter landscape yard.
6. Individual lots and buildings shall comply with the standards in Table 4.2.D(3)a.5 below.

**Table 4.2.D(3)a.5: Tiny House Neighborhood Dimensional Standards**

FEATURE	REQUIREMENT
Maximum lot size	6,000 sq ft
Minimum lot width	None
Minimum street frontage	None
Minimum front setback	5 feet from common elements; zoning district requirement from street [1]
Minimum side setback	3 ft [1]
Minimum rear setback	None [2]
Maximum building height	18 ft [3]
Maximum building area	600 sq ft [4]
NOTES	
[1] Porch steps, ramps, fences, and walkways may encroach into the front setback, but no other structures shall be permitted to encroach into the required setback.	
[2] When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.	
[3] Above grade. Applies to tiny house dwelling only. All other buildings are subject to the maximum building height standards that apply in zoning district in which the development is located.	
[4] Applies to tiny house dwelling only. All other buildings are subject to any building area standards that apply in zoning district in which the development is located.	

**(c)Common Elements**

1. Developments shall include common elements that comprise at least 30 percent of the total site and include open space, improved pedestrian facilities that provide for connectivity to each dwelling unit and public sidewalk network, and parking area(s).
2. Developments may include a shared parking area, a common building used for recreation and/or storage, a picnic area, community garden space, and other common amenities.
3. If a common building is provided, it shall not be larger than 1,000 square feet and shall not be used as a permanent dwelling unit.

**(d)Landscaping**

1. A tiny house neighborhood shall incorporate a Type C perimeter buffer yard (see Section 5.3.G, Perimeter Buffer Yards) where the neighborhood abuts lots with existing single-family detached dwellings. The perimeter landscape yard shall be considered part of the common elements.
2. Fences are permitted only within the perimeter landscape yard and to protect community garden areas and shall be 4 feet or less in height.

**(e) Vehicular Access and Off-Street Parking**

1. Vehicular entryways into a tiny house neighborhood and accessways serving off-street parking areas shall be configured as private drives.
2. Tiny house neighborhoods are exempt from the parking standards in Section 5.2.E, Off-street Vehicular Parking Space Standards. Instead, off-street parking areas shall include at least one parking space for each dwelling unit plus one designated guest parking space for every four dwelling units.
3. The tiny house neighborhood shall include a shared parking area that accommodates resident and guest parking; however, provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways or by parking spaces along alleys.
4. In no instance shall a parking space be more than 300 linear feet from the dwelling it serves.
5. If provided, off-street parking areas shall comply with the minimum standards of the LDSM.

**(f) Homeowners' Association**

Homeowner's Association A tiny house neighborhood shall have a homeowner's or property owner's association that maintains control of all common elements and is responsible for the maintenance of such elements within the neighborhood. Confirmation of the establishment of the homeowner's or property owner's association shall be provided to the City prior to final plat approval.

**b. GROUP LIVING USES**

**1. Boarding House**

- (a) A boarding house shall not be constructed or altered in any way that changes its general residential appearance.
- (b) Receptions, private parties, and similar activities are prohibited unless expressly approved as part of a special use permit or site plan application.
- (c) All guest rooms shall be located within the principal structure.
- (d) Other than registered tenants and their guests, no meals shall be served to the general public unless expressly approved as part of a special use permit or site plan application.
- (e) The maximum number of guest bedrooms shall be five, unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging.
- (f) All outdoor lights must be shielded to direct light and glare only onto the boarding house premises. Lighting and glare must be deflected, shaded, and focused away from any adjoining residential property.
- (g) Signage shall be limited to one non-illuminated ground sign, which shall not exceed five square feet in area or five feet in height.

**2. Dormitory**

A dormitory shall be owned and operated by an educational institution providing secondary or postsecondary education.

**3. Residential Care Facility**

- (a) Residential care facilities shall not exceed 10,000 square feet of gross floor area in Residential districts.
- (b) A copy of the state license issued for the operation of the facility shall be submitted with the application for a zoning clearance permit or certificate of zoning compliance:
- (c) The facility shall be located a minimum of 1,000 feet from any hazardous materials collection and disposal.
- (d) Residential care facilities that provide care to patients who suffer from Alzheimer’s disease, dementia, or other similar disability that may cause disorientation, shall provide a security fence having a minimum height of five feet along the perimeter of any portion of the site that is accessible to the patients.

**(4) CIVIC/INSTITUTIONAL**

**a. COMMUNICATIONS USES**

**1. Wireless Support Structure, Collocation of Antenna on Existing Structure**

**(a) Purpose**

The purpose of this section is to:

- 1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- 2. Encourage the location of towers in non-residential and less developed areas;
- 3. Strongly encourage joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- 4. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- 5. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- 6. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- 7. Consider the public’s health and safety in regard to communication towers; and
- 8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- 9. Provide for the timely deployment of small and micro-wireless facilities in accordance with the North Carolina General Statutes.

**(b) Applicability**

- 1. The requirements in this section apply to all new wireless support structures (“support structures”) and antennas. Wireless support structures and antennas shall be regulated and permitted in accordance with this Ordinance.
- 2. Antennas and support structures may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or support structure on the lot.
- 3. The following are permitted by right in all zoning districts:

- a. Stealth antennas (see Article 10, Definitions) that are less than 65 feet in height;
  - b. Cells On Wheels (COWS) placed for a period of not more than 120 days at any location within the City after a declaration of an emergency or a disaster by the Governor or by the responsible official of the City;
  - c. Repairs to existing telecommunications facilities including the replacement of one facility with another like facility. For example, the replacement of a Small Wireless facility with another Small Wireless Facility;
  - d. Installation , placement, maintenance or replacement of micro wireless facilities that are suspended between existing utility poles;
  - e. Installation, placement and maintenance of small wireless facilities in rights-of-way;
  - f. Communication Services Providers authorized to occupy City rights-of-way who are paying taxes under N.C. Gen. Stat. §§ 105-164.4 (a) (4c) or (6); and
  - g. Modifications of or additions to existing wireless support structures that are not substantial modifications and do not:
    - (1) Increase the overall height of the support structure by more than ten percent or the height of an additional antenna array, with separation from the nearest existing antenna array not to exceed 20 feet, regardless of the height standards of the zoning district in which the support structure is located;
    - (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 (i) more than 20 feet or (ii) more than the width of the wireless support structure at the level of the appurtenance;
    - (3) Increase the square footage of an existing equipment compound by more than 2,500 square feet; or
    - (4) Defeat existing concealment elements of the support structure or its base station.
4. In the event that a support structure or antenna is installed or leased on a portion of a lot, the lot in its entirety will determine any and all district development regulations that the structure may be subjected to, including but not limited to setback, lot coverage, and other such requirements.

**(c) Permit Requirements**

1. No wireless support structure or antenna shall be erected or established unless and until a zoning clearance permit has been issued in accordance with Section 2.5.C(1), Zoning Clearance Permit.
2. In addition to the procedures, standards and criteria set forth in Section 2.5.A(5), Special Use Permit, special use permits for support structures and antennas shall be issued in accordance with the following provisions:
  - a. Support structures or antennas 65 feet or more from the average ground level shall require a special use permit. This applies to mounted antennas, referring to the total height from the base of the building or other structure to the top of the antenna. This requirement shall not apply to applications for collocations or to eligible facilities requests (see Article 10: Definitions), in accordance with N.C.G.S. §160D-934.

b. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of North Carolina.

c. Each applicant shall provide to the Planning Director an inventory of existing support structures, antennas, and sites approved for support structures or antennas, that are either within the jurisdiction of the City or are located in adjacent areas of Cabarrus County and Rowan County. For purposes of this sub-section, adjacent means located no more than one-half mile from Kannapolis' planning and zoning jurisdiction. Such information shall include specific information about the location, height, and design of each support structure. The Planning Director may share such information with other applicants applying for administrative approvals or special use permits under this Ordinance or with other organizations seeking to locate antennas within the jurisdiction of this Ordinance provided, however that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

d. A preliminary major site plan consistent with the LDSM which clearly indicates the location, type, and height of the proposed support structure; on-site land uses and zoning; adjacent land uses and zoning (including when adjacent to other zoning jurisdictions); adjacent roadways; proposed means of access; setbacks from property lines; elevation drawings of the proposed support structure and any other structures; and other information deemed by the Planning Director to be necessary to assess compliance with this Section;

e. The setback distance between the proposed support structure and the nearest residential unit and residentially zoned properties;

f. The availability of suitable existing support structures, other structures, or alternative technology;

g. The separation distance from other support structures pursuant to Table 4.2.D(4)a.1(e)4.c shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing support structure(s) and the owner/operator of the existing support structure(s), if known;

h. Method of fencing and finished color and, if applicable, the method of camouflage and illumination;

i. A notarized statement by the applicant as to whether construction of the support structure will accommodate co-location of additional antennas for future users;

j. A description of the suitability of the use of existing support structures, other structures or alternative technology not requiring the use of support structures or structures to provide the services to be provided through the use of the proposed new support structure; and

k. A statement of compliance with the FCC Radio Frequency (RF) exposure standards.

#### **(d) Approval Criteria**

##### **1. Factors Considered**

In determining whether to issue a special use permit, the Board of Adjustment shall consider, in addition to any other standards in this Ordinance governing special use permits, the following factors:

- a. Height of proposed support structure;
- b. Proximity of the support structure to residential structures and residentially zoned district boundaries;
- c. Nature of uses on adjacent and nearby properties;

- d. Surrounding topography;
- e. Surrounding tree coverage and vegetation;
- f. Design of the support structure, with particular reference to design characteristics that reduce or eliminate visual obtrusiveness;
- g. Proposed ingress and egress; and
- h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, in accordance with subsection 2 below.

**2. Adequate Technology**

No new support structure, except those listed in subsection (b)3 above, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Director, or Board of Adjustment (if special use permit is required), that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can accommodate the applicant's proposed support structure or antenna. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed tower or antenna may consist of any or all of the following:

- a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs required by the owner of existing tower or structure that exceed new support structure development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that alternative technologies that do not require the use of towers or structures, are unsuitable. Costs of alternative technology that exceed new support structure or antenna development shall not be presumed to render the technology unsuitable.

**(e)Standards**

**1. State and Federal Requirements**

All support structures and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other state or federal government agency with the authority to regulate support structures and antennas. If such standards and regulations are changed, then the owners of the support structures and antennas governed by this section shall bring such support structures and antennas into compliance with the revised standards and regulations within 180 days of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring support structures and antennas into compliance with such revised standards and regulations shall

constitute grounds for the removal of the support structure or antenna at the owner's expense.

**2. Comply with Building Code**

To ensure the structural integrity of support structures and antennas, the owners of such facilities shall ensure that they are maintained in compliance applicable with standards contained in the State Building Code.

**3. Fall Zone**

No support structure or antenna shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any support structure or antenna, not located a distance equal to the height of the support structure plus 50 feet away from all habitable structures, property lines, or other support structures, shall be designed to withstand the maximum forces expected from wind and ice when the support structure is fully loaded with antennas, transmitters and other equipment. Compliance with this requirement shall be certified by a professional engineer licensed by the State of North Carolina in a report describing the support structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. This section does not apply to collocations, micro-wireless facilities or small wireless facilities. Stealth antennae and their support structures shall meet the setback of either (i) the use to which they are attached or (ii) the structure that the wireless facility mimics. For example, a wireless facility built in the form of a steeple shall meet the setback for churches.

**4. Setback and Separation Requirements**

a. This section does not apply to collocations, micro-wireless facilities or small wireless facilities. Stealth antennae and their support structures shall meet the setback of either (i) the use to which they are attached or (ii) the structure that the wireless facility mimics. For example, a wireless facility built in the form of a steeple shall meet the setback for churches.

b. Support structures shall be setback from minimum setback lines on abutting parcels the minimum distance specified in Table 4.2.D(4)a.1(e)4.b: Minimum Setback Requirements, based on the use of the abutting parcel or the zoning district in which the parcel is located, and subject to the fall zone requirements in subsection 3 above.

**Table 4.2.D(4)a.1(e)4.b: Minimum Setback Requirements**

ABUTTING PARCEL USE OR ZONING DISTRICT	MINIMUM SETBACK FROM NEAREST MINIMUM SETBACK LINE ON ABUTTING PARCEL [1]
Single-family, duplex, or manufactured home dwelling or vacant land in any Residential zoning district for which a subdivision preliminary plat or final plat has been approved	200 feet or 150 percent of support structure height, whichever is less
Residential uses other than single-family, duplex, or manufactured home dwellings	100 feet or 100% of support structure height, whichever is greater
Any nonresidential use or vacant land in any district that is not a Residential district	Minimum setback in zoning district where support structure is located
NOTES: [1] Measured from the base of the support structure to the closest minimum setback line on the abutting parcel.	

c. Monopole towers shall be separated from preexisting monopole towers by the minimum distance specified in Table 4.2.D(4)a.1(e)4.c: Minimum Separation Requirements for

Monopole Towers. The separation distances shall be measured by drawing or following a straight line between the base of the preexisting tower and the base location of the proposed tower as shown on the application.

**Table 4.2.D(4)a.1(e)4.c: Minimum Separation Requirements for Monopole Towers**

PROPOSED TOWER TYPE AND HEIGHT	PREEXISTING TOWER TYPE AND HEIGHT	
	Monopole 65 feet in height or greater	Monopole less than 65 feet height
Monopole 65 feet in height or greater	1,500 feet	750 feet
Monopole less than 65 feet height	750 feet	750 feet

**5. Security Features**

Support structures shall be enclosed by security fencing having a minimum height of six feet and a maximum height of eight feet, and shall be equipped in such a manner as to deter climbing. This requirement does not apply to collocations, micro-wireless facilities or small wireless facilities. Stealth antennae and their support structures shall meet the security features of the structure that the wireless facility mimics.

**6. Landscaping**

Except for stealth support structures, equipment facilities and support facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support structure compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. Plant materials forming the visual buffer may be existing on the subject property or installed as part of the proposed facility, but existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible. The Planning Director may waive these requirements in locations where the view of the support structure base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or a public street.

**7. Colors and Materials**

- a. Except for stealth support structures, support structures shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness, unless otherwise required by FAA regulations.
- b. The design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings located adjacent to the support structure or antenna site.
- c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. This is in order to make the antenna, and related equipment, as visually unobtrusive as possible.

**8. Lights**

No support structure or antenna shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the FAA, FCC, or the City. This restriction against lights does not apply to towers which have been combined with light standards for illumination of ball fields, parking lots, playgrounds, or other similar public uses. If lighting is required, the lighting sources and

design shall be configured to create the minimum practicable penetration of areas outside the boundaries of the lot or parcel. This restriction against lights also does not apply to small cell wireless facilities, micro wireless facilities or stealth wireless support facilities below 65 feet in height where the wireless support structure is designed to function as a street or yard light.

**9. Signs**

Signs on a support structure, or on any portion of the premises leased for wireless communication use, shall be limited to those needed to identify the property and the owner and to warn of any danger. Signs which advertise for commercial purposes are prohibited. All signs shall comply with the requirements of the sign regulations of this Ordinance.

**10. Equipment Compounds, Buildings and Other Equipment Storage**

The equipment cabinets and other support structures used in association with support structures or antennas shall comply with the following provisions. This section does not apply to small cell wireless facilities, micro wireless facilities or stealth wireless support facilities below 65 feet in height.

- a. The cabinets and structures shall have a maximum height of 14 feet and a maximum gross floor area of 300 square feet.
- b. The cabinets and structures shall comply with all applicable building codes.
- c. Guys and accessory buildings shall satisfy the minimum zoning district setback requirements.
- d. If the cabinet or structure is accessible, the entry or access side of the cabinet or structure shall be gated by a solid, sight-obscuring gate that is separate from the cabinet or structure. Such access way shall not face residentially zoned property.

**(f) Collocation Requirements**

**1. Good Faith**

Applicants and permittee shall make a good faith effort to share wireless communication structures, facilities, and sites where feasible and appropriate. Good faith effort shall include sharing technical information necessary to determine if collocation is feasible under the design configuration most accommodating to collocation, and may include negotiations for erection of a replacement support structure to accommodate collocation. A competitive conflict to collocation or financial burden caused by sharing such information normally will not be considered as an exception to the duty of good faith.

**2. Third Party Technical Review**

The Planning Director may order a third party technical study. The applicant will be required to reimburse the City for the amount established in the City's fee schedule. The Planning Director may review any information submitted by the applicant and permittee(s) in determining whether good faith has been exercised.

**3. Exceptions**

No collocation may be required where the shared use would or does result in significant interference with the broadcast or reception capabilities of the existing wireless communication facilities or the failure of the facilities to meet federal standards for emissions.

**4. Failure to Comply with Collocation Requirements**

Failure to comply with collocation requirements may result in denial of a permit request or revocation of an existing permit.

**(g) Removal of Abandoned Antennas and Wireless Support Structures**

1. Any antenna or support structure that is not operated for a continuous period of 180 days shall be considered abandoned, and the owner of such facility shall physically remove the antenna or support structure within 180 days of receipt of notice from the Planning Director notifying the owner of such abandonment. If there are two or more users of a single support structure or antenna, then this provision shall not become effective until all users cease using the support structure or antenna for the prescribed period. "Physically remove" shall include, but not be limited to:

- a. Removal of antennas, mount, equipment shelters and security barriers from the subject property;
- b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations; and
- c. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after condition.

2. In the event that a wireless support structure is not removed by its owner in the specified time, the support structure and associated structures may be removed by the City and the costs of removal assessed against the wireless support structure or property owner. The City shall ensure and enforce removal by means of its existing regulatory authority.

**(h) Nonconformities**

**1. No Expansion of Nonconforming Use**

Support structures that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

**2. Preexisting Support structures**

Preexisting support structures constructed prior to the adoption of this Ordinance shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new support structure of like construction and height) shall be permitted on such preexisting support structures. New construction other than routine maintenance on a preexisting support structure shall comply with the requirements of this chapter.

**3. Rebuilding Damaged or Destroyed Nonconforming Support structures or Antennas**

- a. Notwithstanding the provisions in this section (h), and subject to subsections b and c below, any bona fide nonconforming support structure or antenna that is damaged or destroyed by weather events or other non-manmade causes shall be made to conform to the requirements of this Ordinance.
- b. The type, height, and location of any damaged or destroyed support structure that is repaired or replaced in accordance with subsection a above, shall be of the same type and intensity as the original facility.
- c. If no permit is obtained for the repair or replacement of a support structure or antenna in accordance with subsection a above, or if said permit expires, the support structure or antenna shall be deemed abandoned.

2. Small and Micro Wireless Facilities

(a) Approval Criteria

Applications for zoning clearance permits for small wireless facilities may be approved under this section only if the application meets the following requirements, subject to subsection (b) below:

1. The small or micro wireless facility meets the definitions found in Chapter 10.
2. The proposed facility meets the location and height requirements in Table 4.2.D(4)a.2(a) below.

**Table 4.2.D(4)a.2(a): Allowed Location and Maximum Height of Small Wireless Facility**

LOCATION RELATIVE TO PUBLIC RIGHT-OF-WAY		ZONING DISTRICTS IN WHICH ALLOWED	MAXIMUM HEIGHT OF NEW, MODIFIED, OR REPLACEMENT UTILITY POLE [1]	MAXIMUM HEIGHT OF SMALL WIRELESS FACILITY ABOVE UTILITY POLE OR SUPPORT STRUCTURE	MAXIMUM TOTAL HEIGHT OF SMALL WIRELESS FACILITY AND UTILITY POLE OR SUPPORT STRUCTURE [1]
In public right-of-way	Utility wires NOT already located underground	All districts	50 ft	10 ft	60 ft
	Utility wires already located underground	R1, R2, and R4 districts only	40 ft	10 ft	50 ft
Outside of public right-of-way		See Table 4.2.B(5): Principal Use Table	50 ft	10 ft	60 ft
NOTES					
[1] Measured from ground level.					

3. The proposed facility is located on NCDOT- or City-owned rights-of-way or outside of the public right-of-way on property that is not in a Residential district or a historic district.

4. Unless required by the FCC, FAA or the City, wireless support structure shall be galvanized gray or a neutral color, not be metal or reinforced concrete, and meet current NESC standards and the wind- and ice-loading requirements of ANSI 222 Version G for essential services.

5. Unless proven infeasible by clear and convincing evidence, in lieu of installing new wireless support structures or poles, and wireless installation in the public right-of-way shall replace existing utility or streetlight poles;

6. Wireless installations shall be on poles that meet or exceed current NESC standards and wind and ice loading requirements of ANSI 222 Version G for essential services.

7. All cabling and equipment shall either be placed inside the pole or inside a shroud. Any radios, network equipment and batteries shall be enclosed in a cabinet near the pole or in a pole-mounted cabinet under a pole-mounted shroud.

8. All Small Wireless Facilities shall be designed to accommodate the collocation of other antennas whenever feasible. Upon request of the applicant, the Planning Director may waive the requirement that new small wireless facility accommodate the collocation of other service providers if it finds that construction of a shorter wireless support structure with fewer antennas

will promote community compatibility, or that collocation of other service providers is technically unfeasible.

9. Signs shall meet the standards of Section 4.2.D(4)a.1(e)9.
10. Landscaping outside of the public right-of-way shall meet the standards of Section 4.2.D(4)a.1(e)6.
11. Equipment compounds may only locate outside the public right-of-way and shall meet the standards of Section 4.2.D(4)a.1(e)10.

**(b) Reasons for Denial of Application**

The City may deny an application for a small wireless facility only on the basis that it does not meet any of the following:

1. The City's applicable codes;
2. City code provisions or regulations that concern public safety, objective design standards for decorative utility poles, City utility poles, or reasonable and nondiscriminatory stealth and concealment requirements including screening or landscaping for ground-mounted equipment;
3. Public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or
4. The requirements of any Historic District.

**(c) Application Submission and Review**

1. Applications for zoning clearance permits to collocate small wireless facilities in the public right-of-way or in a Mixed-Use or Nonresidential district shall be submitted, reviewed, and decided upon in accordance with Section 2.5.C(1), Zoning Clearance Permit, and N.C.G.S. Chapter 160D, Art.9, Part 3, Wireless Telecommunications Facilities. In addition to the requirements of Section 2.5.C(1), an application for a small wireless facility must include a sworn, notarized attestation of the following:

- a. The small wireless facility shall be activated for use by a wireless services provider to provide service no later than one year from the permit issuance date; and
- b. Collocation shall commence within six months of the permit issuance date, and if it is not commenced within that period, the permit may be revoked.

2. Applications for small wireless facilities to be located in City rights-of-way shall meet the requirements of Chapter 15, Streets, of the City Code In addition to the requirements in subsection 1 above.

3. Applicants for zoning clearance permits for small wireless facilities may 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 Ordinance; however:

- a. The City may remove small wireless facility collocations from a consolidated application and treat separately small wireless facility collocations for which incomplete information has been provided or that have been denied; and
- b. The City may issue a separate permit for each collocation that is approved.

4. Review and processing shall be completed within 45 days of the City's receipt of a complete application. The City shall provide written notice that an application is incomplete within 30 days of the receipt of the application.

**b. COMMUNITY SERVICE USES**

**1. Childcare Center**

(a) The following shall be submitted with the application for a zoning clearance permit or certificate of zoning compliance:

1. A copy of the state license issued to the center; and
2. Evidence that NCDOT or the City, as applicable, has issued driveway permits for the center.

(b) The center shall be located a minimum of 1,000 feet from any hazardous materials collection and disposal.

(c) Ingress and egress directly onto a public street shall be provided by a paved or otherwise improved driveway that does not require vehicles to back onto the street right-of-way.

(d) Outdoor activity and play areas shall not be located in the front yard and shall have a minimum setback from abutting residential property of 1.5 times the applicable zoning district setback requirement.

**2. Public Assembly, Indoor**

(a) All buildings shall have a minimum setback from abutting residential property of 1.5 times the applicable zoning district setback requirement.

(b) In residential zoning districts, auditoriums shall be limited to no more than 350 seats.

**c. HEALTH CARE USES**

**1. Nursing Home**

(a) A copy of the state license issued for the operation of the facility shall be submitted with the application for a zoning clearance permit or certificate of zoning compliance:

(b) The facility shall be located a minimum of 1,000 feet from any hazardous materials collection and disposal.

(c) Nursing homes that provide care to patients who suffer from Alzheimer's disease, dementia, or other similar disability that may cause disorientation, shall provide a security fence having a minimum height of five feet along the perimeter of any portion of the site that is accessible to the patients.

**d. PARKS AND OPEN SPACE USES**

**1. Cemetery**

(a) All structures, except gatehouses, shall be set back a minimum of 100 feet from property lines on the perimeter of the site. There is no minimum setback required for gatehouses.

(b) All graves and burial plots shall be set back a minimum of 20 feet from property lines on the perimeter of the site, except where the property line is shared with an abutting parcel that contains an existing cemetery, in which case graves and plots shall be set back a minimum of five feet from the property line.

**e. TRANSPORTATION USES**

**1. Commercial Parking (As a Principal Use)**

In the MU-SC, MU-UC, MA-AC, TOD, and CC districts, surface parking lots as a principal use are not allowed.

**f. UTILITY USES**

**1. Solar Energy Collection Facility, Large Scale**

- (a) The minimum lot size is five acres.
- (b) All equipment and structures shall comply with the dimensional standards that apply to principal buildings in the district in which the facility is located.
- (c) The facility shall not create glare or shadows on adjacent land.
- (d) The application shall include a decommissioning plan that describes the timeline and manner in which the facility will be decommissioned and the site restored to a condition similar to its condition prior to the establishment of the facility.

**(5) COMMERCIAL**

**a. ANIMAL CARE USES**

**1. All Animal Care Uses**

- (a) Facilities for the boarding of dogs and other household pets shall comply with the following standards:
  - 1. Any building housing animals shall be located a minimum of 150 feet from any residentially zoned or developed property.
  - 2. Animal waste shall not be stored within 50 feet of any property line or surface waters.
  - 3. Any open exercise runs or pens shall be set back at least 50 feet from all property lines, and a Type C perimeter buffer yard in accordance with Section 5.3.G, Perimeter Buffer Yards, shall be provided between the run or pen and the property line.
- (b) Areas used for grazing, exercising or training of animals shall be securely fenced to prevent the animals from straying, or a suitable restraint shall be provided to prevent straying.
- (c) Outdoor areas where animals are kept shall be enclosed by a minimum six-foot high fence or other barrier providing comparable security to prevent animals from straying.

**2. Veterinary Hospital or Clinic**

- (a) The keeping of animals outside the principle building is prohibited.
- (b) The structure shall be insulated and soundproofed to minimize noise impacts on adjacent parcels.

**b. BUSINESS SERVICES USES**

**1. Conference or Training Center**

No products shall be sold on-site except those that are clearly incidental and integral to conference or training activities conducted in the center (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

**c. EATING OR DRINKING ESTABLISHMENTS**

**1. All Eating or Drinking Establishments**

Drive-through service and outdoor seating are allowed in accordance with Section 4.3.B, Accessory Use/Structure Table, and shall comply with all applicable standards in Section 4.3, Accessory Uses and Structures.

**2. Bar or Nightclub**

Bars and nightclubs shall comply with the standards in this section, unless located completely within a hotel or motel and occupying not more than 25 percent of the gross floor area of the hotel or motel.

(a) A bar or nightclub shall not be established within 200 feet of any of the following:

1. A Residential zoning district;
2. A private, charter, or parochial school or a public school;
3. A childcare center;
4. An indoor public assembly use; or
5. An existing bar or nightclub.

(b) The minimum distance in subsection (a) above, shall be measured from the outer building walls of the proposed use to the nearest property line of the other use.

(c) The application shall include a floor plan of the building in which the bar or nightclub is proposed to be located. The floor plan shall delineate separately the areas of the building which are used for the dispensing of food and beverages, entertainment, and/or dancing.

**3. Microbrewery**

(a) The microbrewery shall include a tap room that is oriented toward the street or main pedestrian entrance of the building. Tap rooms shall be open for business no less than one quarter of the time each week the microbrewery is operating.

(b) The microbrewery shall produce no more than 25,000 total barrels, or 775,000 gallons, per year of beer and other malt beverages.

(c) Crushing and fermentation operations shall be managed so that that byproducts are contained and disposed of in a manner that does not result in spill-over impacts on adjacent property, public spaces, or public rights-of-way.

(d) Outdoor storage of goods and materials is prohibited.

(e) If the microbrewery is located within 200 feet of any residential or institutional use, no loading or distribution activities shall take place outside an enclosed building between the hours of 9:00 p.m. and 7:00 a.m.

**4. Restaurant, Carryout**

The site shall be designed to minimize the potential for turning movement conflicts and to facilitate safe and efficient on-site circulation. Pedestrian and vehicular circulation shall be coordinated on-site and with the circulation on adjacent properties.

**d. PERSONAL SERVICES**

**1. Fortune telling establishment**

(a) Fortune telling establishments shall not be located within a one mile radius of any major gateways to the City, defined as the intersection of the City limits and any of the following streets:

1. NC-3;
2. NC-73;
3. Hwy 29;
4. Kannapolis Parkway;
5. Lane Street;

6. C Street;
7. Ridge Avenue;
8. Rogers Lake Road; and
9. Main Street.

(b)The establishment shall not be located within one mile of any other fortune telling establishment.

(c)At least 50 percent of the floor area that is open to the public, excluding restrooms, shall be devoted to the bona fide retail sale of merchandise.

(d)The outdoor sale of goods or merchandise of any kind is prohibited.

(e)Signage shall be limited to one ground sign per establishment. Each such sign shall have a maximum of two sides and maximum area of 32 square feet per side. Window signs are prohibited.

(f)Any use of the following lighting effects, when visible from the exterior of the establishment, is prohibited:

1. Neon or other effects which simulate the appearance of neon; and
2. Flashing, chasing, undulating, and other variable lighting effects.

**e. RECREATION/ENTERTAINMENT USES**

**1. Electronic Gaming Operation**

(a)The building housing the electronic gaming operation shall not be located within 500 feet of a tax parcel having a current tax-exempt designation from the County in which it is located, measured in a straight line from the outside of the building to the nearest boundary line of the tax parcel having the tax-exempt designation.

(b)The building housing the electronic gaming operation shall be set back a minimum of 200 feet from right-of-way of the following streets:

1. NC-3;
2. NC-73;
3. Hwy 29;
4. Kannapolis Parkway;
5. Lane Street;
6. C Street;
7. Ridge Avenue;
8. Rogers Lake Road; and
9. Main Street.

(c)Window signs are prohibited.

(d)The use of flashing, chasing, undulating, and other variable lighting effects, when visible from the exterior of the establishment, is prohibited.

**2. Outdoor Banquet Facility**

(a)The minimum lot size is five acres.

(b)A maximum of one single-family detached residence may be located on the site.

- (c) An outdoor banquet facility that abuts a Residential district or property developed for residential use shall provide a minimum of a Type B perimeter buffer yard in accordance with Section 5.3.G, Perimeter Buffer Yards, wherever the property abuts the Residential district or residential use.
- (d) Event areas shall be located at a minimum of 60 feet from any adjacent Residential district or property developed for residential use. This setback may be increased as a condition of approval of the special use permit.
- (e) Parking areas shall be located a minimum of 50 feet from adjacent properties and shall be screened from public streets and adjoining properties with perimeter landscaping.
- (f) The initial 50 feet of driveway from the public or private street providing access to the site shall be paved with concrete or asphalt. Internal drives and parking and service areas shall be paved with materials suitable to accommodate the anticipated traffic, such as gravel, crushed stone, or other similar materials, shall be maintained so as to minimize dust, and shall be maintained free of potholes, weeds, and other damage.
- (g) The hours of operation, including set-up and break-down for an event, shall be established as a condition of approval of the special use permit.

### 3. Sexually Oriented Businesses

#### (a) Purpose

1. This Ordinance is necessary to protect the City from the potential secondary effects of sexually oriented businesses including crime; to protect the City's retail trade; to prevent the blighting of neighborhoods and maintain property values; to protect and preserve the quality of the City's neighborhoods and the City's commercial districts; to protect the City's quality of life; to address the increased threat of the spread of sexually transmitted diseases; and to protect the peace, welfare, and privacy of persons who patronize sexually oriented businesses.
2. Experience in this City as well as in cities and counties within and outside of North Carolina including the County of Los Angeles, the City of Garden Grove and the cities of Renton, Washington; Seattle, Washington; Detroit, Michigan; Austin, Texas; Indianapolis, Indiana; and Phoenix Arizona; have demonstrated that such uses have objectionable secondary effects upon immediately adjacent residential and commercial areas. The City recognizes and relies upon the experience of these other cities and counties in adopting sexually oriented business regulations including the County of Los Angeles (as discussed in *Smith v. County of Los Angeles* 211 Cal. App. 3d 188 (1989)); City of Renton, Washington (as discussed in *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1976)); the City of Seattle Washington (as discussed in *Northend Cinema v. City of Seattle* 90 Wash. 2d 709, 585 P.2d 1153 (1978)); and the County of Palm Beach, Florida (as discussed in *Movie & Video Work v. Board of County Commissioners* 723 F. Supp. 695 (S.D. Fla. 1989)) in support of this Ordinance. The City also recognizes and relies upon the studies done by: (1) the 1979 Adult Use Study by the Phoenix Planning Department; (2) Tucson, Arizona (1990); (3) the 1991 report to the City of Garden Grove by Drs. McCleary and Meeker on the relationship between crime and adult business operations; (4) the City of Los Angeles in 1977; (5) the 1984 "Analysis of Adult Entertainment Businesses in Indianapolis" by the Department of metropolitan Development; (6) Minneapolis, Minnesota (1980); (7) Cleveland, Ohio (1977); (8) Oklahoma City, Oklahoma (1986); (9) Austin, Texas' study on effects of adult businesses; (10) Amarillo, Texas (1977); (11) Beaumont, Texas (1982); (12) Houston, Texas (1983); and (13) Seattle, Washington (1989).
3. The City Council believes the following statements are true, in part based upon its understanding of the experiences of the various jurisdictions identified.
  - a. Crime rates tend to be higher in residential areas surrounding sexually oriented businesses than in industrial areas surrounding sexually oriented businesses;

b. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented businesses;

c. Sexually oriented businesses should be located in specific areas of the City which are a specified distance from sensitive uses such as residences, parks, religious institutions and schools, irrespective of whether physical barriers are present. This necessary to (1) ensure that the impact on such sensitive uses by adverse secondary effects caused by sexually oriented businesses are mitigated to the maximum extent possible; (2) to prevent ad hoc decisions with respect to a potential sexually oriented business site which does not meet the criteria set forth herein; and (3) to provide certainty to the residents of the City and sexually oriented business operators with respect to potential adult use sites.

d. The image of the City as an attractive place to reside will be adversely affected by the presence of sexually oriented businesses in close proximity to residential uses, schools, religious institutions and parks;

e. The existence of sexually oriented businesses in close proximity to residential areas has been shown in some cities to reduce the property values in those residential areas;

f. A reasonable regulation of the location of sexually oriented businesses protects the image of the community and its property values and protects its residents from the adverse secondary effects of sexually oriented businesses while providing those who desire to patronize sexually oriented businesses an opportunity to do so in appropriate areas in the City; and

g. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by sexually oriented businesses, including but not limited to an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that sexually oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values. Regulations for sexually oriented businesses should be developed to prevent deterioration and/or degradation of the vitality of the community before the problem exists, rather than waiting for problems to be created.

4. The City Council recognizes and relies on the findings set forth in the 1986 N.C. Attorney General's Report on Pornography in support of this Ordinance including, but not limited to its recommendations that local governments ban certain features of video booths that facilitate carnal sexual encounters.

5. The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:

a. Evidence indicates that some dancers, models and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in sexually oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of sexually oriented businesses on the site of the sexually oriented business;

b. Evidence has demonstrated that performers employed by sexually oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

c. Evidence indicates that performers at sexually oriented businesses have been found to engage in acts of prostitution with patrons of the establishment; and

- d. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at sexually oriented businesses.
6. The City Council has determined that the establishment of a sexually oriented business development permit process is a legitimate and reasonable means of ensuring that:
  - a. Operators of sexually oriented businesses comply with the reasonable regulations of this Ordinance;
  - b. The recognized secondary impacts of a proposed sexually oriented business in a specific location are mitigated; and
  - c. Operators of sexually oriented businesses have specific guidelines with respect to where they can establish or operate a sexually oriented business.
7. It is not the intent of the City Council in adopting this Ordinance to suppress any activities protected by the First Amendment, but rather to enact a content neutral ordinance which addresses the secondary effects that sexually oriented businesses have on the City.
8. The City Council desires to protect the rights conferred by the United States Constitution to sexually oriented businesses in a manner that ensures the continued and orderly development of property within the City and diminishes those undesirable negative secondary effects the previously mentioned studies have shown to be associated with the development and operation of sexually oriented businesses.
9. The City Council and Planning and Zoning Commission have held duly noticed public hearings, to receive input and testimony from the public concerning the adoption of this proposed Ordinance.
10. These regulations are authorized by state law.

**(b)Standards**

1. A sexually-oriented business shall not be located within 100 feet of the following, measured from property line to property line:
  - a. Any other sexually-oriented business;
  - b. Any public or private school, public or private day care center, public or private recreation center, church or religious complex, or park used by the public for recreational purposes;
  - c. Any hotel, motel, or boarding house that has fewer than 30 sleeping rooms; and
  - d. Any residential or mixed-use zoning district.
2. Sexually oriented businesses shall be established only on properties with direct access and frontage on the section of South Cannon Boulevard (U.S. Highway 29) between the Martin Luther King Jr Avenue overpass and the intersection of Dale Earnhardt Boulevard (NC Highway 3).
3. A sexually oriented businesses shall be established only on an individual lot of record, and shall not be part of a combined development. Not more than one sexually oriented business or use shall be permitted on the same lot of record, or in the same building, structure, or portion of a building or structure.
4. Signage shall be regulated in accordance with Section 5.9, Sign Standards, except that no sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment.

Window signs are prohibited, except a one square foot sign may be placed on the door to state hours of operation and admittance to adults only.

5. Window areas shall not be covered or made opaque in any way.

6. No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building. Neither the performance nor any photograph, drawing, sketch, or other pictorial or graphic representation of a performance displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult oriented business.

7. Live or recorded voices, music, and sounds shall not be audible from outside the walls of the establishment.

8. A sexually oriented business shall not be open earlier than 8:00 a.m., later than 12:00 midnight, or on any Sunday.

9. A sexually oriented business shall be open to inspection at all reasonable times by any law enforcement officer, the Planning Director, or such other persons as the Planning Director may designate in the normal course of their duties, upon presentation of proper credentials. Areas not open to the public may be inspected if appropriate consent is given or if an inspection warrant is secured.

10. All nonconforming sexually-oriented businesses which are not found in compliance with the requirements of this section shall either cease and desist or meet full compliance standards no later than five years following the effective date of this Ordinance or applicable amendment hereto provided however, that no existing open storage area may be expanded or enlarged except in accordance with the provisions herein.

11. Notwithstanding the above provisions, any sexually-oriented businesses that were subject to, and have complied with, the amortization provisions of the previous Kannapolis Zoning Ordinance shall not be subject to this section.

#### **f. RETAIL SALES AND SERVICES**

##### **1. Check Cashing, Auto Title, or Payday Loan Business**

(a) Hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m.

(b) A schedule of fees/charges shall be posted where they are immediately visible to persons entering the business, and a copy of the fee schedule shall be made available to all persons entering the business.

(c) The business shall not share floor space with any other business.

(d) Security lighting and cameras shall be provided on all open sides of the building to provide surveillance of the area within 100 feet of the building's exterior.

##### **2. Farmer's Market**

(a) Vehicular access to the subject property shall be from a street having a functional classification of collector or higher.

(b) Stalls, sales tables, and any other outdoor facilities related to the market shall be located at least 15 feet from any abutting street.

(c) Items for sale shall not be displayed or stored within customer pathways.

(d) The farmer's market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

**3. Prefabricated Building Sales**

(a) The following shall be designated or noted, as appropriate, on the site plan:

1. All display, storage, repair, office, and parking areas;
2. The number of building display pads;
3. Any accessory uses (such as sales of items not described in this section); and
4. Proposed landscaping and screening.

(b) Required setbacks for permanent structures shall be the greater of (1) the minimum setbacks that apply in the zoning district where the structure is located, or (2) the width of the required landscape planting yard if greater than ten feet.

(c) Display pads used to display prefabricated buildings for sale shall comply with the following standards:

1. The display pad shall be shown on an approved site plan;
2. The display pad shall be located at least ten feet from all property lines and public street rights-of-way;
3. Display pads used to display a manufactured home or a modular home shall have a maximum area of 120 percent of the home's footprint.
4. Display pads used to display manufactured homes or modular homes shall be separated by at least ten feet. Display homes shall be level and blocked, and access to the home shall be through a permanently constructed stairway or ramp. Display homes which are visible off-site shall be provided with skirting, a low fence, or landscaping around the base of the home to prevent open views underneath the home.
5. Display pads used to display prefabricated buildings other than manufactured homes and modular homes shall be separated by at least five feet.

(d) In addition to the landscaping requirements in Section 5.3, Landscaping and Buffer Standards, at least one ornamental tree or shade tree, two medium shrubs, and six small shrubs shall be planted in the area immediately surrounding each display pad used to display a manufactured home or modular home, and the area immediately around the display pad shall be grassed or mulched in order to provide each space with a permanent, residential appearance.

(e) Storage and repair activities, prefabricated buildings not for immediate sale, and replacement and discarded parts and accessories shall be screened from off-site views.

(f) Travel lanes, access lanes, areas, sidewalks, and parking spaces shall be paved. Storage and repair areas and display pads shall be paved or surfaced with gravel.

(g) Minimum four-foot-wide sidewalks shall be constructed throughout the site so as to provide complete pedestrian connections between parking areas, display pads, and sales offices.

(h) Signs shall comply with Section 5.9, Sign Standards. In addition, each prefabricated building displayed for sale may be posted with a sign having a maximum area of the three square feet.

(i) Manufactured homes displayed for sale shall comply with the Federal Manufactured Home Construction and Safety Standards and shall bear the required United States Department of Housing and Urban Development (HUD) tag and/or data plate.

(j) Modular homes displayed for sale shall be certified as complying with the North Carolina State Building Code in accordance with state law.

#### 4. Self-Service Storage

- (a) The maximum lot size is three acres.
- (b) Notwithstanding the building height standards in the district where the self-service storage is located, except in the GC District, buildings where storage units are accessed directly from the building's exterior shall have a maximum height of one story. For purposes of this section, one story shall mean and refer to a maximum interior ceiling height of ten feet, which may include a maximum of eight feet with an additional two feet to accommodate a garage-type sliding or roll up door.
- (c) The required setback shall be twenty-five (25) feet when adjacent to areas that are zoned residential.
- (d) A Type B perimeter buffer yard shall be provided in accordance with Section 5.3.G, Perimeter Buffer Yards, around the perimeter of the self-service storage facility.
- (e) Signs and other advertising mediums are prohibited within the buffer yard.
- (f) The establishment shall have an on-site manager or an electronic security system.
- (g) The sale of personal property and the conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units and incidental sales of storage-related materials (boxes, tape, labels, etc.) is prohibited.
- (h) No portion of any self-service storage shall be used, on a temporary or permanent basis, as a dwelling, except a single dwelling unit for use by an on-site manager or caretaker is allowed as an accessory use.
- (i) The repair, construction, or reconstruction of any boat, engine, motor vehicle on-site is prohibited.
- (j) On-site storage of a propane or gasoline engine or a propane or gasoline storage tank is prohibited. All rental contracts for storage units shall include clauses prohibiting (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
- (k) All outdoor lights must be shielded to direct light and glare only onto the lot which the self-service storage is located.
- (l) Building renderings are required to demonstrate that street facing facades present the appearance of an office or retail commercial use.
- (m) No outdoor storage within the General Commercial (GC) zoning district.

#### 5. Shopping Center

- (a) Prior to approval of any zoning compliance permit for development of a new shopping center, a site plan shall be submitted and approved showing how pedestrian and vehicle circulation, off-street parking and loading, landscaping, open space set-asides, and signage will be coordinated on the site.
- (b) To foster variations in roof lines to modulate and reduce the massive scale of large buildings, roofs in the shopping center shall have a minimum of three roof slope planes. Flat roofs and rooftop equipment shall be concealed from public view by parapets that:
  - 1. Feature three dimensional cornice treatment;
  - 2. Have a maximum height of one-third of the height of the supporting wall; and
  - 3. Are not of a constant height for a length greater than 150 feet.

(c) Each building shall have at least one customer entrance that includes a minimum of three of the following features:

1. Canopies or porticos;
2. Overhangs;
3. Arcades;
4. Raised corniced parapets over the door;
5. Peaked roof forms;
6. Arches;
7. Recesses or projections in the building façade;
8. Display windows;
9. Architectural details such as tile work and moldings;
10. Outdoor patios; and
11. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;

(d) External mechanical appurtenances such as heating and air conditioning equipment shall be screened from public view.

(e) In the MU-N District, the total gross floor area of a shopping center shall not exceed 32,000 square feet.

#### **6. TOBACCO AND VAPE PRODUCTS STORE**

(a) A minimum separation of four hundred (400) feet from any other tobacco and vape products store is required.

#### **g. VEHICLE SALES AND SERVICES USES**

##### **1. Car Wash**

(a) The site shall be designed such that vehicle stacking, circulation, and turning movements do not create obstructions to vehicular or pedestrian movement along adjacent streets, through parking areas, or in front of buildings.

(b) Bays for washing vehicles shall be oriented or screened so that the interior of the bay is not visible from ground level at the street.

##### **2. Commercial Vehicle Service and Repair**

(a) A commercial vehicle service and repair establishment shall be located at least 200 feet from any residential development, residential district, school, or child care center.

(b) The demolition or junking of commercial vehicles is prohibited. Commercial vehicles shall not be stored on site as a source of parts or for sale, lease, or rent.

##### **3. Personal Vehicle Sales and Rental**

(a) Accessory uses may include sales offices, parts and service facilities, body shops, and display areas.

(b) Outdoor display areas shall be paved. No such area shall exceed 60,000 square feet of continuous paved surface. In order to not be considered continuous paved surface, outdoor display areas must be separated by a Type A perimeter buffer yard, at a minimum, in accordance with Section 5.3.G, Perimeter Buffer Yards. The buffer yard may be penetrated by a driveway having a

maximum width of 18 feet, spaced at least 150 feet from any other driveway along the length of the buffer yard.

- (c) The storage or display of vehicles in required landscaping areas is prohibited. Vehicles for sale or rent shall not be stored in parking spaces required by Section 5.2.E, Off-street Vehicular Parking Space Standards.

#### 4. Towing Service

- (a) A towing service establishment shall not be located within a one-mile radius of any major gateways to the City, defined as the intersection of the City limits and any of the following streets:

1. NC-3;
2. NC-73;
3. Hwy 29;
4. Kannapolis Parkway;
5. Lane Street;
6. C Street;
7. Ridge Avenue;
8. Rogers Lake Road; and
9. Main Street.

- (b) In the GC District, a maximum of 20 motor vehicles may be stored on the premises at any time.

- (c) In the LI District, a maximum 50 motor vehicles may be stored on the premises at any one time.

- (d) A minimum six-foot-high opaque fence shall surround the vehicle storage area. If the fence abuts a public street frontage, a street yard landscaping buffer shall be required between the fence and the street.

- (e) Outdoor disassembly and salvaging of vehicles and parts is prohibited. The on-site sale of parts from stored vehicles is prohibited.

#### 5. Vehicle Fueling Station

- (a) The site shall have frontage on a street having a functional classification of collector or higher.

- (b) New stations shall be located a minimum of 100 feet from all residential districts, residential developments, schools, and childcare centers.

- (c) All above-grade equipment for the vehicular service of gasoline, oil, or other petroleum products, shall be located a minimum of 25 feet from public rights-of-way and a minimum of ten feet from adjacent parcels. Any pump island canopies shall be located a minimum of ten feet from public rights-of-way and adjacent parcels and shall have a maximum clearance height of 15 feet above grade except where state or federal law requires higher clearance.

- (d) Accessory uses and structures may include car washes, bays for light vehicle maintenance and servicing, canopies, automatic teller machines (ATM's), restaurants located within the primary building, and sales of prepackaged or fountain beverages, snack foods, tobacco products, and convenience household or travel items.

- (e) In all districts except the GC District, the floor area dedicated to sales and display of merchandise shall not exceed 2,000 square feet.

- (f) The site shall be designed to ensure safe and efficient circulation of vehicles and pedestrians.

- (g) All exterior lights shall be shielded to direct light and glare only onto the lot where the gas station is located.
- (h) All utility lines on the site shall be installed underground.

#### **h. VISITOR ACCOMMODATIONS**

##### **1. Bed and Breakfast Establishment**

- (a) A bed and breakfast establishment shall maintain a residential appearance.
- (b) Receptions, private parties, and similar events are prohibited unless expressly approved as part of the special use permit or site plan approval.
- (c) The maximum length of stay shall be 30 days.
- (d) All guest rooms shall be located within the principal structure.
- (e) Meals may be served to registered guests but shall not be served to the general public unless expressly approved as part of the special use permit or site plan approval. Cooking facilities are prohibited in guest rooms.
- (f) The maximum number of guest bedrooms shall be five, unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case the original number of bedrooms may be approved as allowable guest lodging.
- (g) All outdoor lights must be shielded to direct light and glare only onto the facility's premises.
- (h) Signage shall be limited to one non-illuminated ground sign per establishment that shall have a maximum area of five square feet and a maximum height of five feet.

##### **2. Short-Term Rental (as principal use)**

- (a) Activities on the site shall be limited to lodging.
- (b) The owner or operator shall ensure that all refuse is stored in appropriate containers, and that the containers are set out for collection on the scheduled collection day and removed from the street or alley on the scheduled collection day.
- (c) No display of goods, products, services, or other advertising related to the short-term rental shall be visible from outside of the dwelling.
- (d) The landowner or operator of the short-term rental shall maintain liability insurance on the property covering the short-term rental use.

#### **INDUSTRIAL USES CLASSIFICATION**

##### **i. EXTRACTION USES**

##### **1. All Extraction Uses**

- (a) The use shall comply with all applicable federal and state law.
- (b) Heavy machinery may be used for the extraction of natural material or deposits from the site but shall not be used for washing, refining, or other processing.
- (c) The use shall not be noxious, offensive, or otherwise objectionable by reason of dust, smoke, or vibration.
- (d) Driveways or access points shall be located so as not to endanger pedestrians or create traffic hazards.

#### **j. MANUFACTURING USES**

##### **1. Manufacturing, Assembly, of Fabrication, Heavy**

Facilities for manufacturing concrete or cement, asphalt, synthetic stone, stucco, or similar products shall comply with the following standards:

- (a) The facility shall be located a minimum of 400 feet from any residentially zoned or developed property and within 1,000 feet of Interstate 85.
- (b) Outside storage shall be limited to the finished product of the on-site manufacturing only.
- (c) In addition to the standards for buffers in Section 5.3, outside storage of finished product must be screened by an opaque fence that is at least eight feet in height.
- (d) Manufacturing process shall not be conducted outdoors. Noxious smokestack discharge is prohibited.

#### **k. WAREHOUSING, FREIGHT MOVEMENT, AND WHOLESALE SALES USES**

##### **1. All Warehousing, Freight Movement, and Wholesales Sales Uses**

Outdoor storage is prohibited in the GC district. Any outdoor storage in the LI district shall be located to the side or rear of a principal structure and shall be screened from view from the public right-of-way.

#### **l. WASTE-RELATED USES**

##### **1. Hazardous Materials Collection and Disposal**

A special use permit or zoning compliance permit shall not be issued for a hazardous materials collection and disposal facility unless the applicant demonstrates compliance in all respects with applicable state regulations.

##### **2. Junk/Salvage Yard**

Any junkyard or salvage yard that includes outdoor storage shall comply with the following standards:

- (a) Junkyards/salvage yards shall be screened in accordance with Section 5.3, Landscaping and Buffer Standards. Materials shall not be stacked so as to be visible at ground level from any public right-of- or buffer yard.
- (b) Storage of vehicles or parts within required setbacks is prohibited.
- (c) All tires not mounted on a vehicle shall be neatly stacked or placed in racks. The maximum height of a tire stack is six feet. No garbage or other putrescent waste that is likely to attract vermin shall be kept on the premises. Gasoline, oil, and any other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state, and local regulations. All other regulations of the state of North Carolina and the City of Kannapolis such as, but not limited to, building codes, fire codes, weed regulations, and health regulations shall apply to the operation of all such uses.

## **SECTION 4.3. ACCESSORY USES AND STRUCTURES**

### **A. GENERAL**

The purpose of this section is to authorize the establishment and continuation of accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section identifies the zoning districts in which accessory uses and structures are allowed (Section 4.3.B, Accessory Use/Structure Table), sets out general standards applicable to all accessory uses and

structures (Section 4.3.C, General Standards for All Accessory Uses and Structures), and sets out standards that apply to particular accessory uses and structures (Section 4.3.D, Standards Specific to Accessory Uses and Structures). This section is intended to allow a broad range of accessory uses and structures, so long as they comply with the standards set forth in this section to reduce potential adverse impacts on surrounding land.

## B. ACCESSORY USE/STRUCTURE TABLE

### (1) TABLE ORGANIZATION

Table 4.3.B(3): Accessory Use/Structure Table, is organized as follows:

- a. The left-most column in the table identifies accessory uses and structures in alphabetical order.
- b. The right-most column identifies any additional standards that are specific to a particular accessory use or structure, through a reference to use-specific standards in this Ordinance, primarily in Section 4.3.D, Standards Specific to Accessory Uses and Structures.
- c. The cells in the table use the following abbreviations to designate whether an accessory use or structure is allowed in the zoning district identified in the column heading.

P	<p><b>Permitted use.</b> A "P" in a cell of the table in a column other than a planned development district column indicates that the use in the left-most column in that row is allowed by right in the zoning district identified at the head of that column, subject to any use-specific standards referenced in the right-most column in that row and all other applicable requirements of this Ordinance.</p> <p>A "P" in a cell of the table in a planned development district column means that the use is allowed in the type of planned development district identified at the head of that column only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district (see Section 3.7.A(3)a, Planned Development (PD) Plan, and Section 3.7.A(3)b, Planned Development (PD) Agreement).</p>
S	<p><b>Special use.</b> An "S" in a cell of the table indicates that the use in the left-most column in that row is allowed in the zoning district identified at the head of that column upon approval of a special use permit in accordance with Section 2.5.A(5), Special Use Permit. Uses requiring a special use permit are subject to all other applicable requirements of this Ordinance.</p>
-	<p><b>Prohibited Use.</b> A "-" in a cell of the table indicates that the use in the left-most column in that row is prohibited in the zoning district identified at the head of that column.</p>

### (2) UNLISTED ACCESSORY USES

The Planning Director shall determine whether or not an unlisted accessory use is similar to an accessory use identified in Table 4.3.B(3): Accessory Use/Structure Table, in accordance with Section 2.5.E(1), Interpretation. In making the interpretation, the Planning Director shall consider the following:

- a. Accessory uses identified in Section 4.2.C(8), Interpretation of Unlisted Uses;
- b. The definition of "accessory use" (see Article 10, Definitions), and the general accessory use standards established in Section 4.3.C, General Standards for All Accessory Uses and Structures;
- c. The additional standards for specific accessory uses established in Section 4.3.D;
- d. The purpose and intent of the zoning district in which the accessory use or structure is located (see Article 3, Zoning Districts);

- e. Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses or structures permitted in the zoning district; and
- f. The compatibility of the accessory use or structure, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.

### (3) ACCESSORY USE/STRUCTURE TABLE

**Table 4.3.B(3): Accessory Use/Structure Table**

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; - = Prohibited

ACCESSORY USE/STRUCTURE	AG	RESIDENTIAL							MIXED-USE					NONRESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-TND	PD-C	CD	CD-R		C-1
Accessory dwelling unit	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	4.3.D(1)
Antenna support structure (amateur radio)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.D(2)
Animal boarding	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.3.D(3)
Apiary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.D(4)
Automated teller machine (ATM)	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	4.3.D(5)
Bike share station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Crematory (as accessory use to funeral home or mortuary)	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	P	P	P	-	-	-	
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	
Composting (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Drive-through facility	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	-	-	-	-	4.3.D(8)
Electric vehicle (EV) level 1 or 2 charging station	P	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.D(9)
Electric vehicle (EV) level 3 charging station	P	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.D(9)
Electronic gaming operation (as accessory use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.3.D(10)
Garage or carport	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
Greenhouse	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	-	P	-	P	4.3.D(11)
Ice vending machine	P	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	4.3.D(12)
Laundromat (as accessory use)	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	-	P	-	
Limited fuel/oil/gas distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	-	4.3.D(13)
Livestock, Keeping of	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.3.D(14)
Outdoor display of merchandise (as accessory to a retail sales use or wholesale sales)	P	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	-	-	P	-	-	4.3.D(15)
Outdoor seating/activity area (as accessory to an eating or drinking establishment use)	P	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P	4.3.D(16)
Outdoor storage area	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	-	4.3.D(15)

**Table 4.3.B(3): Accessory Use/Structure Table**

P = Permitted by right, or, in planned development district, if specified in PD Plan; S = Special use; – = Prohibited

ACCESSORY USE/STRUCTURE	AG	RESIDENTIAL							MIXED-USE					NONRESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-N	MU-SC	MU-UC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-TND	PD-C	CD	CD-R		C-1
Poultry, Keeping of	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	4.3.D(18)
Private recreation facility (as accessory to a residential development)	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-	P	-	
Produce stand (as accessory use to community garden)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	P	P	4.3.D(17)
Rainwater cistern or barrel	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.D(20)
Short-term rental, homestay	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	P	P	-	P	-	4.3.D(21)
Solar energy conversion system (small-scale)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.3.D(22)
Stable, Private	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4.3.D(14)
Storage building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Swimming pool (accessory use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	P	P	-	4.3.D(23)
Temporary family health care structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy conversion system (small-scale)	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	4.3.D(25)
Wireless telecommunications antenna or tower	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	4.2.D(4)a.1

### C. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

#### (1) APPLICABILITY

All accessory uses and structures shall comply with the standards in this section, except the following accessory uses and structures are exempt from the provisions of this subsection:

- a. Fencing and walls;
- b. Mailboxes;
- c. Plant materials; and
- d. Any structure or improvement that does not exceed a height of one foot above grade.

#### (2) NOT ESTABLISHED PRIOR TO PRINCIPAL USE

Accessory uses and structures shall not be established prior to the establishment of the principal use on the lot.

### (3) LOCATION ON LOT

- a. Accessory uses and structures shall only be located in side and rear yards, except on residential lots exceeding two acres, detached accessory buildings may be located in the front yard if they are setback a minimum of 75 feet from the front property line not visible from a public street.
- b. Except as otherwise specified in this Ordinance, accessory uses and structures shall be set back the following minimum distances from the side and rear lot lines:
  1. Ten feet in the AG and MU-N districts; and
  2. Five feet in all other districts.
- c. Accessory structures shall not be erected within three feet of a principal structure. Accessory structures that are located within three feet of a principal structure shall be considered as additions to the principal structure and shall conform to all applicable setbacks.

### (4) MAXIMUM COVERAGE IN REAR YARD

On residential lots having an area of two acres or less, the total area occupied by accessory structures in the rear yard shall not exceed 30 percent of the rear yard.

### (5) MAXIMUM HEIGHT

Accessory structures shall be subject to the same maximum building height standards that apply to principal structures in the district in which they are located, except accessory structures located within a required minimum yard shall have maximum height of 15 feet.

### (6) EXTERIOR LIGHTING

Exterior lighting of accessory uses and structures shall not direct or reflect light upon adjoining land.

## D. STANDARDS SPECIFIC TO ACCESSORY USES AND STRUCTURES

The standards set forth in this subsection for a specific accessory use or structure shall apply to the particular individual accessory use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance.

### (1) ACCESSORY DWELLING UNIT (ADU)

#### a. GENERAL STANDARDS

1. An accessory dwelling unit (ADU) must comply with all applicable local, State and Federal housing codes.
2. Only one accessory dwelling unit shall be permitted per lot.
3. The accessory dwelling unit shall comply with all dimensional requirements that apply to a principal structure in the zoning district where it is located, except that an accessory dwelling unit shall be set back a minimum of ten (10) feet from the side lot lines in the MU-N District.

#### b. ACCESSORY TO COMMERCIAL OR INDUSTRIAL USE

An accessory dwelling unit (ADU) that is accessory to a commercial or industrial use shall comply with the following standards, in addition to the standards in subsection a above.

1. The ADU shall be located on the same premises as the business where one residing family member is employed.
2. The use of a manufactured home as an ADU is prohibited.

**c. ACCESSORY TO RESIDENTIAL USE**

An accessory dwelling unit (ADU) that is accessory to a residential use shall comply with the following standards, in addition to the standards in subsection a above:

1. An ADU shall only be allowed on a lot on which a single-family detached dwelling is the principal use that is permitted in the zoning district where it is located.
2. Either the principal dwelling or the ADU shall be the primary residence of the landowner.
3. An ADU shall be located within or to the rear of the principal building, except that in the AG or R1 zoning districts on lots greater than ten acres, an ADU may also be sited to the side of the principal building.
4. An ADU shall not have a floor area that exceeds 50 percent of the floor area of the primary structure or 1,100 square feet, whichever is less.
5. The use of a manufactured home as an ADU is prohibited. Manufactured homes shall be permitted only in the MHO Manufactured Home Overlay District and shall conform to all requirements of KDO Section 4.2.D(3)a.2.
6. Adequate parking shall be provided to serve the residents of the ADU.

**(2) ANTENNA SUPPORT STRUCTURE (AMATEUR RADIO)**

Any number of antenna support structures are permitted on a lot in accordance with the following standards:

- a. In Residential districts, the maximum height of an antenna support structure shall be 75 feet.
- b. Antenna support structures shall not be located in the front yard, except where necessary to achieve acceptable signal quality.
- c. Reasonable and customary engineering practices supplied by the support structure's manufacturer shall be followed in the erection of amateur radio antennas.

**(3) ANIMAL BOARDING**

Any use that includes the commercial boarding of live animals other than livestock or poultry, including but not limited to as a part of veterinary hospitals and kennels, shall comply with the following standards:

- a. Facilities for boarding animals shall be located a minimum of 150 feet from any residentially zoned or developed property and shall not store animal wastes within 50 feet of any property line surface waters.
- b. Areas where animals are kept that are not wholly enclosed within a building shall be enclosed by a minimum six-foot-high security fence.

**(4) APIARY**

Five (5) or fewer hives shall be allowed in any zoning district.

- a. The hives shall be placed at ground level or securely attached to an anchor or stand. The hive may also be permanently attached to a roof surface if secured to an anchor or stand.
- b. The hive shall be removed if the owner no longer maintains the hive or if necessary to protect the health, safety, and welfare of the public. (Source NCGS § 106-645). City staff will consult a trained or knowledgeable beekeeper if it is determined that a hive may need to be removed.
- c. More than five (5) hives shall be considered agriculture for the purpose of this ordinance.

**(5) AUTOMATED TELLER MACHINE (ATM)**

- a. An automated teller machine (ATM) designed for walk-up use and located in the exterior wall of a building or within a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, and between parking areas and building entrances, and obstructions to vehicular movement in front of buildings and through parking areas.
- b. An ATM designed for use by people in vehicles shall comply with the standards (including districts where permitted) that apply to drive-through facilities (see Section 4.3.D(8), Drive-Through Facility).

**(6) COMPOSTING (SMALL SCALE)**

Composting areas shall be set back a minimum of twenty feet from all occupied buildings and outdoor gathering areas, such as decks and patios, on abutting lots.

**(7) CREMATORY (AS ACCESSORY USE TO FUNERAL HOME OR MORTUARY)**

- a. The use shall comply with all applicable federal and state law.
- b. In the Mixed-Use districts and in the OI and PD-TND districts, the use shall include a maximum of two cremation chambers.

**(8) DRIVE-THROUGH FACILITY**

A drive-through facility shall comply with the following standards:

- a. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure.
- b. Vehicular access to a drive-through facility shall be provided from a street having a functional classification of collector or higher.
- c. Each driveway providing access to the drive-through facility shall be at least 20 feet from any other driveway.
- d. Internal traffic circulation patterns on the site shall not cause vehicles to impede vehicular movement external to the site or block access to any required parking spaces located on the site. Stacking spaces and lanes shall be provided in accordance with Section 5.1.C(9), Vehicle Stacking Spaces and Lanes.
- e. Drive-through facilities shall not be located on the front façade of the building they serve.
- f. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
- g. No portion of a drive-through facility shall be located within 50 feet of a residential zoning district or a lot containing a residential use.
- h. In the CC Zoning District remote menu boards are prohibited.

**(9) ELECTRIC VEHICLE (EV) LEVEL 1, 2, OR 3 CHARGING STATION**

- a. Except as otherwise provided in subsection b below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.

- b. A required accessible parking space for persons with physical disabilities may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
- c. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

**(10) ELECTRONIC GAMING OPERATION (AS ACCESSORY USE)**

An electronic gaming operation as an accessory use shall comply with the standards in Section 4.2.D(5)e.1, Electronic Gaming Operation.

**(11) HOME OCCUPATION**

**a. PURPOSE**

This section establishes standards for home occupations as an accessory use to dwelling units in agricultural and residential districts in order to:

- 1. Ensure that such home occupations are compatible with, and do not have a deleterious effect on, adjacent and nearby residential properties and uses;
- 2. Ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupation to the extent that usage exceeds that which is normally associated with residential use;
- 3. Allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, subject to specified standards;
- 4. Enable the fair and consistent enforcement of these home occupation regulations; and
- 5. Promote and protect the public health, safety and general welfare.

**b. APPLICABILITY**

The standards in this section apply to all home occupations. A home occupation permit shall be required prior to the establishment of a home occupation in accordance with Section 2.5.C(5), Home Occupation Permit.

**c. HOME OCCUPATION STANDARDS**

A home occupation shall comply with the following standards.

- 1. The use shall be clearly incidental and secondary to residential occupancy.
- 2. The use shall be conducted entirely within the interior of the residence. Exception may be made for outside play areas of childcare facilities.
- 3. The use shall not change the residential character of the dwelling.
- 4. The use shall conform with applicable state and local laws.
- 5. The home occupation shall be operated by a resident of the premises.
- 6. A maximum of one non-resident employee may participate in the home occupation on the premises, except in the AG District on a lot greater than two acres in area, a maximum of three non-resident employees may participate in the home occupation on the premises.
- 7. A maximum of nine client visits related to the home occupation shall be permitted each day. Such client visits shall be limited to the period between 8:00 a.m. and 8:00 p.m.
- 8. A maximum of 25 percent of the gross floor area of the principal dwelling structure may be used for the home occupation.

9. Childcare provided on site for compensation shall be limited to a maximum of eight children.
10. Any equipment used for the home occupation must be safely accommodated by existing public facilities and utilities.
11. Storage of goods, materials, and materials used in the home occupation shall be permitted indoors only and shall not include storage of flammable, combustible, or explosive materials in greater quantities than is typical of a household setting.
12. Parking spaces shall be provided on the premises sufficient to accommodate all parking needs generated by the home occupation.
13. A maximum of three vehicles use to conduct the home occupation may be stored or regularly parked on-site, provided, such vehicles must be owned and/or operated by residents of the premises.
14. The generation of dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line is prohibited.
15. Deliveries and pickups shall not occur more frequently than is typical of a residence and shall
  - (a) Not block traffic circulation; and
  - (b) Be limited to the period between 6:00 a.m. and 8:00 p.m. Monday-Saturday.
16. Accessory Buildings shall not be used for home occupation purposes, except in the AG District on a lot greater than two acres in area.
17. Signage associated with the home occupation shall:
  - (a) Be limited to one sign having a maximum area of four square feet;
  - (b) Be mounted flush against the wall of principal dwelling unit; and
  - (c) Not be illuminated.

**d. PROHIBITED HOME OCCUPATIONS**

The following are prohibited as home occupations:

1. Medical or dental office/clinic;
2. Sexually-oriented businesses;
3. Animal Care uses;
4. Eating or Drinking Establishments uses;
5. Funeral and Mortuary Services uses;
6. Art, music, dance, yoga, or martial arts studio or school;
7. Tattoo or body-piercing establishment;
8. Recreation/Entertainment uses;
9. Retail sales uses;
10. Vehicle sales and service uses;
11. Industrial uses other than manufacturing, assembly, or light fabrication; and
12. Any home occupation that becomes dangerous or unsafe, or presents a safety hazard to the public, pedestrians on public sidewalks or motorists on public right-of-way, or presents a safety hazard to adjacent or nearby properties, residents, or businesses.

**(12) ICE VENDING MACHINE**

- a. A freestanding ice vending machine shall meet the minimum setback requirements that apply to principle uses in the zoning district in which it is located.
- b. Freestanding ice vending machines shall not be allowed in required parking areas, loading areas, or buffers.
- c. A roof structure constructed of either metal or wood shall be required to screen the mechanical equipment and other rooftop appurtenances. Fabric screening is prohibited.
- d. A planted buffer area with a minimum width of 24 inches shall be established around three sides of the base of the unit with evergreen shrubs spaced a maximum of 18 inches on center. Alternatives to the buffer area requirement may be allowed, so long as the original intent of the requirements is met. Machines located on individual lots shall meet all other landscaping requirements.
- e. Safety barriers shall be covered with a wood or brick façade.
- f. At least one individual parking space and one van accessible handicapped parking space shall be provided.
- g. All wheels, hitches, axels, transporting lights, and removable towing apparatus shall be permanently removed prior to approval of the certificate of compliance.

**(13) LIMITED FUEL/OIL/BOTTLED GAS DISTRIBUTION**

- a. Limited fuel/oil/bottled gas distribution is allowed as an accessory use to consumer goods establishments, grocery stores, and gas stations.
- b. Any structure housing fuel, oil, or bottled gas that is located on a sidewalk or other walkway shall be located to maintain at least five feet of clearance along the walkway for use by pedestrians.
- c. Limited fuel/oil/bottled gas distribution as an accessory use is prohibited within 1,000 feet of a school or hospital.

**(14) LIVESTOCK, KEEPING OF**

**a. APPLICABILITY**

This section applies to the keeping of livestock. This section shall not apply to lands in the AG District or to the keeping of poultry or dogs, cats, or other similar household pets.

**b. STANDARDS**

The keeping, maintaining, or stabling of livestock in residential zoning districts is subject to the following standards.

1. The minimum lot size is two acres.
2. The keeping of livestock shall be limited to one animal unit per 6,000 square feet of land.
3. A fence shall be provided to ensure the livestock are kept a minimum of 150 feet from any dwelling unit, except where the keeping of livestock was established prior to the dwelling unit, provided such keeping of livestock shall not be expanded further toward the newly-established dwelling unit.

**(15) OUTDOOR DISPLAY OF MERCHANDISE (AS ACCESSORY TO A RETAIL SALES USE)**

Outdoor display of merchandise is allowed as an accessory use to any retail sales use that is conducted within a building located on the same lot, subject to the following standards:

- a. Merchandise displayed shall be limited to that sold or rented by the principal use.
- b. Merchandise displayed shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items.
- c. All outdoor display of goods shall be located immediately adjacent to the front or side of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.
- d. Outdoor display areas shall be located to maintain a clearance area in front of primary building entrances for at least ten feet directly outward from the entrance width.
- e. An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without having to detour around the display area.
- f. Booths, stalls, and materials on display shall not be located within required setback areas.
- g. Outdoor display areas shall not be located in such a manner as to displace or otherwise interfere with any required parking spaces and maneuvering areas.
- h. Outdoor storage areas shall be prohibited within 30 feet of any public street right-of-way and within 100 feet of residential uses and/or residential zoning districts. This prohibition shall not apply to nursery stock in non-residential zoning districts.
- i. Non-enclosed areas for the storage and sale of seasonal inventory shall be:
  - 1. Identified on an approved site plan;
  - 2. Completely screened from view from public street rights-of-way and adjacent residential districts using walls or fences; and
  - 3. Comprised of materials, colors, and design of screening walls or fences that are consistent with those used as in the principal structure. If such areas are to be covered, the covering shall conform to the exposed roofing colors on the building.

**(16) OUTDOOR SEATING/ACTIVITY AREA (AS ACCESSORY TO AN EATING OR DRINKING ESTABLISHMENT)**

Outdoor seating/activity areas as an accessory use to any eating or drinking establishment shall comply with the following standards:

- a. Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.
- b. Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.
- c. The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use. A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

## (17) OUTDOOR STORAGE

### a. STORAGE OF COMMERCIAL, RECREATIONAL, AND WATERCRAFT VEHICLES

#### 1. Applicability

(a) Unless exempted by subsection (b) below, the parking of commercial vehicles, recreational vehicles, and watercraft vehicles (see Article 10: Definitions) shall comply with the standards in this section.

(b) The following are exempt from the requirements of this subsection:

1. Vehicles engaged in Bona fide farming operations;
2. Vehicles designed and operated in conjunction with typical residential purposes such as lawn mowers and garden tractors;
3. Vehicles engaged in loading or unloading household goods for a period of up to 48 hours;
4. Vehicles located on a lot containing a civic/institutional use which are necessary for normal operations; and
5. Emergency vehicles and vehicles used to carry out official government functions.

#### 2. Commercial Vehicles

The parking of commercial vehicles (see Article 10: Definitions) is prohibited in residential districts.

#### 3. Recreational Vehicles

(a) A maximum of one recreational vehicle may be parked/stored for any period exceeding 60 days on any lot within a residential district.

(b) Recreational vehicles shall not be occupied for a period exceeding thirty days.

(c) The parking/storage of recreational vehicles is prohibited in front yards in Residential districts.

#### 4. Watercraft Vehicles

The parking/storage of watercraft vehicles is prohibited in front yards in Residential districts.

### b. OUTDOOR STORAGE AREAS

Outdoor storage areas, other than storage areas associated with agricultural uses and outdoor display of merchandise in accordance with Section 4.3.D(15), shall comply with the standards in this section.

#### 1. In Residential districts, the following outdoor storage uses are prohibited:

(a) Storage of junk or salvage, including but not limited to scrap metal, used boxes or crates, used appliances, salvaged furniture or glassware, and salvaged automobiles or automobile parts

(b) Storage in connection with a trade; and

(c) Storage of building materials except in connection with active construction.

#### 2. Outdoor storage areas are prohibited within 50 feet of any public street right-of-way and within 100 feet of residential uses or residential districts. This provision shall not apply to outdoor storage of nursery stock in non-residential zoning districts.

#### 3. Outdoor storage areas are prohibited in front yards.

#### 4. Except as otherwise provided by Section 4.2.D(5)l.2, Junk/Salvage Yard, outdoor storage areas shall comply with the following screening requirements.

- (a) Such areas shall be completely screened from view at ground level from all rights-of-way, lots containing residential uses, and residential districts.
  - (b) Screening shall be constructed of durable, weather-proof, permanent materials such as concrete or stone block, metal, vinyl, wood, or similar material, and shall use materials and color that are consistent and compatible with those of the principal building(s) on the site.
  - (c) Fences constructed of chain link and fabric mesh or of sheet metal and barbed and razor wire, with or without slats of wood or metal inserted, shall not be considered as sufficient to screen outdoor storage areas.
  - (d) Except for integral units (see Article 10: Definitions), stored items shall not project above the screening.
- 5. Vehicles in need of major repair may be stored outdoors within an area screened from view from all public rights-of-way and adjacent property lines. This requirement shall not apply to vehicles scheduled for immediate repair that are stored on-site for no more than five working days (unless evidence can be provided to the Planning Director to indicate circumstances, such as part availability, prevent repair in within the five day period).
  - 6. Outdoor storage areas associated with a consumer goods establishment shall not occupy more than 50 percent of the lot area.
  - 7. No materials shall be stored in areas intended for vehicular or pedestrian circulation.

**(18) POULTRY, KEEPING OF**

The keeping of poultry as an accessory use shall comply with the following standards in all districts where it is allowed, except lands in the AG district are not subject to these standards:

- a. The keeping of poultry is allowed as an accessory use to a single-family detached dwelling on any lot that is at least one-half acre in area.
- b. All poultry shall be kept within an area that is completely enclosed by a fence or other enclosure. The enclosed area where the poultry are kept shall be located to the side or rear of the principal dwelling and shall be set back at least 10 feet from all lot lines when completely screened from view from the abutting property or at least 20 from lot lines when not so screened.
- c. The keeping of roosters is prohibited.
- d. Up to six total chickens or other poultry may be kept on a lot that is between one-half acre and one acre in area.
- e. Up to 12 chickens or other poultry may be kept on a lot that is one acre or more in area.

**(19) PRODUCE STAND (AS ACCESSORY USE TO A COMMUNITY GARDEN)**

A produce stand that is an accessory use to a community garden shall comply with the following standards:

- a. The produce stand shall not exceed 750 square feet in area and shall not be more than 15 feet in height.
- b. The produce stand shall be located on the lot where the community garden is located.
- c. The produce stand shall be:
  - 1. Limited to the retail sale of vegetables, fruits, or flowers grown on the premises.
  - 2. Located to minimize the visual impact of the structure from adjacent public streets.
  - 3. Situated so that adequate ingress, egress, and off-street parking areas are provided.

**(20) RAINWATER CISTERN OR BARREL**

An aboveground rainwater cistern or barrel is allowed as an accessory use or structure to any principal use or structure, subject to the following requirements:

- a. The cistern or barrel shall be located directly adjacent to the principal structure on the lot; and
- b. The cistern or barrel shall not serve as signage or have signage affixed to it.

**(21) SHORT-TERM RENTAL, HOMESTAY**

- a. The rental shall be managed by a person who: 1) is a full-time resident of the property; and 2) is present during the rental term for the entire time lodgers are staying at the property. To be a "full time resident," the person must reside on the property on a permanent basis, and it must be the person's primary home.
- b. A maximum of one homestay is allowed on the premises at any one time.
- c. In the R2 and R4 districts, a maximum of 24 homestays are allowed in any calendar year.
- d. The use of an accessory dwelling unit that is detached from the principal structure to house lodgers is prohibited.
- e. A minimum of one off-street parking space shall be provided for the homestay short-term rental, unless adequate on-street parking is available for the use. In no case shall the total number of parking spaces on the lot exceed four.
- f. The owner or operator shall maintain liability insurance on the property, which covers the homestay use and homestay guests.
- g. No display of goods, products, services, or other advertising related to the rental shall be visible from outside of the dwelling.
- h. The landowner shall maintain liability insurance on the property covering the rental use.
- i. The use of the premises for events or other non-lodging activities related to the rental is prohibited.
- j. The owner shall ensure that all refuse is stored in appropriate containers and set out for collection on the proper collection day, and the carts removed from the street or alley on the scheduled collection day.

**(22) SOLAR ENERGY CONVERSION SYSTEM (SMALL-SCALE)**

Small-scale solar energy conversion systems shall comply with the following standards:

- a. Solar energy equipment may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Section 4.3.C, General Standards for All Accessory Uses and Structures. Building-mounted photovoltaic systems are permitted in all districts subject to all necessary permit and building code requirements.
- b. A roof-mounted system may exceed the height standards of the district in which it is located by up to five feet, or, in the case of an existing structure that exceeds the maximum height standards of the district in which it is located, the system may extend up to five feet above the roof surface.
- c. Solar energy equipment shall be oriented so as to avoid casting glare onto adjacent lots.
- d. The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the system, and for recording any such solar easement with the appropriate County.

**(23) SWIMMING POOL**

- a. Any pool containing at least 450 square feet of water surface area or having a depth of 36 inches or greater at its shallowest point shall be either:
  - 1. Enclosed by any combination of the principal building, accessory buildings, solid walls, and protective fences having a minimum height of four feet; or
  - 2. Covered by a pool cover whenever the pool is not in use.
- b. The swimming pool shall be set back a minimum of five feet from all lot lines.
- c. Private swimming pools located in nonresidential zoning districts shall be screened from view of adjacent properties.

**(24) TEMPORARY FAMILY HEALTH CARE STRUCTURE**

**a. PURPOSE**

This section establishes standards for temporary family health care structures.

**b. DEFINITIONS**

The following terms shall have the definitions provided in this section:

**ACTIVITIES OF DAILY LIVING** – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

**CAREGIVER** -- An individual eighteen (18) years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.

**FIRST- OR SECOND-DEGREE RELATIVE** - A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

**MENTALLY OR PHYSICALLY IMPAIRED PERSON** - A person who is a resident of North Carolina and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in North Carolina.

**c. WHEN PERMITTED**

Subject to the requirements of this section, a maximum of one temporary family health care structure is permitted as an accessory use to a single-family detached dwelling that is allowed in the zoning district where it is located when the structure is used:

- 1. By a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver’s residence; or
- 2. By an individual who is the named legal guardian of the mentally or physically impaired person and the structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

**d. STANDARDS**

- 1. A temporary family health care structure shall comply with the setback requirements that apply to the primary structure on the site.
- 2. No signage may be placed on the exterior of the structure.

**e. PERMIT REQUIRED**

A permit is required before any temporary family health care structure may be installed on a site. The applicant shall submit an application on a form provided by the Administrator, along with any required fee. The Administrator shall review the form and issue a permit upon determining that the application demonstrates that the proposed temporary family health care structure complies with

the requirements of this section. A permit issued in accordance with the section is valid for one year and an applicant may file an application for renewal.

**f. REMOVAL OF STRUCTURE**

Any temporary family health care structure installed pursuant to this section shall be removed within sixty (60) days of the date on which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance with two or more activities of daily living as provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used or may be reinstated on the property within sixty (60) days of its removal, as applicable.

**(25) WIND ENERGY CONVERSION SYSTEM (SMALL-SCALE)**

Small-scale wind energy conversion systems shall comply with the following standards:

- a. Tower-mounted small-scale wind energy conversion systems shall not be located within a front yard, except in the AG District.
- b. A small-scale wind energy conversion system shall be set back a distance equal to its total extended height (e.g., if on a roof, roof height plus the height of any tower extending from the roof), plus five feet from all property lines, public street rights-of-way, and overhead utility lines. Guy wires and other support devices shall be set back at least five feet from all property lines.
- c. The maximum height of a small-scale wind energy conversion system (including the tower and extended blades) shall be the maximum height allowed in the zoning district plus 25 feet.
- d. Sound produced by the wind turbine under normal operating conditions, as measured at the property line abutting an existing residential use, shall not exceed 55 dBA at any time. The 55 dBA sound level, however, may be exceeded during short-term events that occur beyond the property owner's control, such as utility outages and/or severe wind storms.
- e. The wind turbine and tower shall be painted or finished in the color originally applied by the manufacturer, or a matte neutral color (e.g., gray, white) that blends into a range of sky colors, or a color consistent with that of the buildings on the site. Bright, luminescent, or neon colors are prohibited.
- f. The blade tip or vane of any small-scale wind energy conversion system shall have a minimum ground clearance of 15 feet, as measured at the lowest point of the arc of the blades. No blades may extend over parking areas, public right of ways, driveways, or sidewalks.
- g. No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration (FAA).
- h. On a freestanding tower, any climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.
- i. A wind generator, tower, building, or other structure associated with a small-scale wind energy conversion system shall not include any signage visible from any public street other than the signage installed by the manufacturer or signage required by local, state, or federal law.
- j. A small-scale wind energy conversion system intended to connect to the electric utility shall not be installed until evidence has been provided to the Planning Director that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- k. If use of the facility is discontinued for a continuous period of one year, the City shall deem it abandoned and provide the owner a written notice of abandonment stating that the owner has 90

days from the date of receipt of the notice to either resume use of the facility or file a notice of termination with the City. The owner shall remove the facility (including all towers, turbines, and above-ground structures and equipment) within 90 days after a notice of termination is filed.

## SECTION 4.4. TEMPORARY USES AND STRUCTURES

### A. GENERAL

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses and structures of a limited duration. This section identifies the zoning districts in which temporary uses and structures are allowed, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

### B. TEMPORARY USE/STRUCTURE TABLE

#### (1) ORGANIZATION

Table 4.4.B: Temporary Use/Structure Table, identifies the temporary uses and structures alphabetically.

#### (2) ABBREVIATIONS IN USE TABLE CELLS

Table 4.4.B: Temporary Use/Structure Table, uses the following abbreviations to designate whether and how a temporary use is allowed in a particular zoning district.

P	<p><b>Permitted use.</b> A "P" in a cell of the table in a column other than a planned development district column indicates that the use in the left-most column in that row is allowed by right in the zoning district identified at the head of that column, subject to any use-specific standards referenced in the right-most column in that row and all other applicable requirements of this Ordinance.</p> <p>A "P" in a cell of the table in a planned development district column means that the use is allowed in the type of planned development district identified at the head of that column only if so specified in the PD Plan for the particular district, subject to all other applicable requirements of this Ordinance, unless expressly modified in the PD Plan or PD Agreement for the district (see Section 3.7.A(3)a, Planned Development (PD) Plan, and Section 3.7.A(3)b, Planned Development (PD) Agreement).</p>
-	<p><b>Prohibited Use.</b> "-" in a cell of the table indicates that the use in the left-most column in that row is prohibited in the zoning district identified at the head of that column.</p>

#### (3) REFERENCE TO USE-SPECIFIC STANDARDS

A particular temporary use or structure identified as permitted in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the right-most column of Table 4.4.B: Temporary Use/Structure Table, through a reference to standards in Section 4.4.D, Standards Specific to Temporary Uses and Structures.

#### (4) UNLISTED TEMPORARY USES

The Planning Director shall determine whether or not an unlisted temporary use or structure is substantially similar to a listed temporary use and structure, and is allowed.

(5) TEMPORARY USE/STRUCTURE TABLE

Table 4.4.B: Temporary Use/Structure Table

P = Permitted by right – = Prohibited

TEMPORARY USE/STRUCTURE	AG	RESIDENTIAL							MIXED-USE					NONRESIDENTIAL				PD			LEGACY			USE-SPECIFIC STANDARDS	
	AG	R1	R2	R4	R6	R7	R8	R18	MU-ND	MU-SC	MU-JC	MU-AC	TOD	CC	OI	GC	LI	HI	PD	PD-TND	PD-C	CD	CD-R		C-1
Camping	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	P	P	P	P	4.4D(12)
Construction-related temporary structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.D(1)
Donation bin	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.D(2)
Farmers' market (as temporary use)	P	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-	P	4.4.D(3)
Flea market (as temporary use)	-	-	-	-	-	-	-	-	P	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	4.4.D(4)
Mobile food vending	P	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	P	P	P	P	-	P	4.4.D(5)
Mobile/modular classroom	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	-	-	P	4.4d(13)
Model sales home/unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	-	4.4.D(6)
Outdoor sales	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	P	-	-	-	P	4.4.D(7)
Religious or non-profit events, onsite	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Seasonal sale	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	P	-	P	-	P	4.4.D(8)
Special event	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	P	-	-	-	P	P	P	-	P	4.4.D(9)
Storage in portable shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.D(10)
Yard Sale	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	4.4.D(11)

C. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

(1) TEMPORARY USE PERMIT

a. Approval of a temporary use permit in accordance with Section 2.5.C(4), Temporary Use Permit, is required prior to the establishment of a temporary use or structure allowed by this section, except the following temporary uses do not require a temporary use permit:

1. Yard sales;
2. Storage in a portable shipping container;
3. Special events identified as not requiring a temporary use permit by Section 4.4.D(9)a, Applicability;
4. Camping.

b. A temporary use permit shall specify the date on which it becomes effective and the period of time during which it is effective. An applicant may request and the Planning Director may approve extensions to the effective period of a temporary use permit, up to the maximum time allowed for the use by Table 4.4.C(1): Temporary Use Permit Time Lengths. After a temporary use permit expires, an applicant may submit a subsequent application for a temporary use permit on the same

parcel during the same fiscal year (July 1 through June 30) only after the time period between permits specified in Table 4.4.C(1).

**Table 4.4.C(1): Temporary Use Permit Time Lengths**

TEMPORARY USE/STRUCTURE TYPE	MINIMUM TIME BETWEEN PERMITS [1]	MAXIMUM TIME ALLOWED [2]
Construction-related temporary structure	None	1 year
Farmers' market, Temporary	None	30 days
Flea market, Temporary	None	30 days
Mobile Food Vending	None	90 days
Mobile/modular classroom	None	2 years
Model sales home/unit	None	3 years [3]
Sales, outdoor	Promotional activity: 1 day Sidewalk vendor: 90 days	Promotional activity: 21 days Sidewalk vendor: 90 days
Seasonal Sales	Fireworks stand: 90 days All others: None	Fireworks stand: 45 days All others: 180 days
Special event	Carnivals, circuses, fairs, amusement rides, and similar amusement enterprises: 90 days All others: None	Carnivals, circuses, fairs, amusement rides, and similar amusement enterprises: 21 days On-site religious or non-profit events: None All others: 60 days
NOTES:		
[1] The minimum period of time between an expired temporary use permit on a parcel and application for another temporary use permit on the same parcel per fiscal year (July 1st to June 30th).		
[2] The maximum period of time of validity of the temporary use permit. Even if at any time the temporary use does not occupy the permitted site, the limit shall not be extended, except as expressly allowed for the specific use by Section 4.4.D, Standards Specific to Temporary Uses and Structures.		
[3] The temporary use permit shall remain valid no longer than the time required for the construction of the development		

- c. The temporary use permit required by subsection a above, shall be prominently displayed on the site.
- d. The issuance of a temporary use permit for the use of a recreational vehicle is prohibited.

**(2) LANDOWNER PERMISSION REQUIRED**

A temporary use or structure shall not be established or placed on a parcel of land unless approved by the landowner in writing.

**(3) LOCATION**

- a. Temporary uses and structures shall not be located in required yards or rights-of-way, except in the CC District.
- b. A temporary use or structure shall not be located in a sight triangle or required buffer, nor shall it impede use of any required parking space, drive aisle, loading or service area, pedestrian walkway, emergency access, or fire lane.

#### (4) PARKING, ACCESS, AND CIRCULATION

- a. Adequate off-street parking shall be provided to serve the use.
- b. The site, including entrance and exit drives, shall be designed to ensure safe movement of vehicles and pedestrians.
- c. The use or structure shall be located and configured to accommodate associated pedestrian, parking, and traffic movement without disturbing environmentally sensitive lands or creating traffic hazards.

#### (5) PROHIBITED ACTIVITIES

A temporary use or structure shall not:

- a. Include permanent alterations to a site;
- b. Interfere with the normal operations of any permanent use located on the site;
- c. Violate any conditions of approval that apply on the site;
- d. Maintain any temporary sign associated with the temporary use or structure after the activity ends; or
- e. Adversely affect the existing land uses in the immediate vicinity based on the location of the temporary use or structure or its potential generation of noise, odor, light, or dust.

### D. STANDARDS SPECIFIC TO TEMPORARY USES AND STRUCTURES

The standards set forth in this subsection for a specific temporary use or structure shall apply to the particular individual temporary use or structure, regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this Ordinance.

#### (1) CONSTRUCTION-RELATED TEMPORARY STRUCTURE

A construction-related temporary structure shall comply with the following standards:

- a. The temporary structure shall not be moved onto the project site prior to the issuance of a building permit and shall be removed within 30 days after issuance of the certificate of occupancy for the building or completed development.
- b. The temporary structure may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the structure on the construction site, provided the adjacent site is restored to its previous condition within 60 days after issuance of the certificate of occupancy for the building or completed development.
- c. Adequate off-street parking for the temporary structure shall be provided.
- d. Temporary fencing on a construction site may remain in place as long as a building permit for the initial construction remains active and has not expired.
- e. A temporary structure, such as a trailer or modular unit, may be used as a real estate sales office in a new development for the sale and promotion of properties within that project and its future phases. A real estate office shall not contain sleeping or cooking accommodation unless located in a model sales home/unit (see Section 4.4.D(6), Model sales home/unit).
- f. A construction trailer may be used as a contractor's office or for storage of construction equipment and materials.

- g. During the active construction period of a construction project involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time, one mobile home or trailer may be allowed on the same property to be used as a temporary residence by a security guard.
- h. The Planning Director shall issue the temporary use permit for an appropriate period of time not to exceed one year and may extend the temporary use permit for an additional period not to exceed one year on finding that the building construction or land development is proceeding in a reasonably timely manner.

**(2) DONATION BIN (OUTDOOR)**

A donation bin located outdoors shall comply with the following standards:

- a. A maximum of two bins shall be permitted on the premises.
- b. The bin shall not be located within a required parking space, a drive aisle, or a required landscaping area.
- c. The bin shall not exceed 8 feet in height nor have a footprint greater than 100 square feet.
- d. The bin shall be opaque and have a chute or a lid that is secured closed so as to screen the contents of the bin from view.
- e. All donated items shall be stored within the bin.

**(3) FARMERS' MARKET, TEMPORARY**

Temporary farmers' markets shall comply with the following standards:

- a. The market shall be located on an open area or parking lot, except it may operate inside a public or privately owned building during the months of November through April for up to 30 days.
- b. The market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the market shall be provided from a street having a functional classification of collector or higher.
- c. The market shall be open only during daylight hours, except when it is operated inside a building in accordance with subsection a above.
- d. Sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products primarily produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, cheeses), and incidental sales of crafts or similar home-made products made by the vendor. Up to 25 percent of gross sales of each vendor may be from products not produced or made by the vendor
- e. Items for sale shall not be displayed or stored within customer pathways.
- f. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- g. The market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

**(4) FLEA MARKET, TEMPORARY**

Temporary flea markets shall comply with the following standards:

- a. The market shall be located on an open area or parking lot of property owned by a public agency or a not-for-profit organization.

- b. The market shall operate for no more than 30 days in any one calendar year.
- c. The market shall be open only during daylight hours.
- d. Stalls, sales tables, and any other facilities related to the market shall be located at least 25 feet from any adjoining street. If located within a parking lot, the facilities shall be located so as to provide sufficient parking facilities for the patrons.
- e. Market sales shall be limited to merchandise, collectibles, crafts, antiques, and other items, excluding automobiles, automobile parts, and non-portable household appliances.
- f. Items for sale shall not be displayed or stored within customer pathways.
- g. The market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.
- h. The market shall have a manager authorized to direct the operation of all participating vendors during all hours of operation.

#### **(5) MOBILE FOOD VENDING**

Mobile food vending shall comply with the following standards, except in conjunction with special events recognized by the City where mobile food vendors are permitted or non-profit fundraising events of five days or less or in accordance with Section 4.4.D(5)b, below, for the Midway Area of the City:

- a. General Standards
  - 1. Mobile food vending is prohibited on vacant properties.
  - 2. A minimum separation of 400 feet from any other mobile food vending is required.
  - 3. Mobile food vending units shall not be located within minimum required setbacks, sight distance triangles, or required buffers. All sidewalk encroachments shall require permit approval from the City.
  - 4. Mobile food vending units shall not impede drive aisles, loading or service areas, or fire lanes.
  - 5. A minimum of one off-street parking space shall be provided, except in the MU-AC, TOD, and CC districts.
  - 6. The landowner shall ensure that trash receptacles are provided within ten feet of the location where food is ordered or consumed on site and that all trash, litter, and refuse are removed from the site at the end of each business day.
  - 7. The hours of operation shall be limited to between 8:00 a.m. and 9:00 p.m. Overnight storage of mobile food vending units on site is prohibited.
  - 8. The service shall not operate as a drive-through service.
- b. Standards Specific to Midway Area
  - 1. The following exceptions to the general standards shall apply only to properties located within the Midway Area, defined as commercially zoned parcels fronting on South Main Street between Dale Earnhardt Boulevard and Rogers Lake Road. All other provisions of this Ordinance shall remain in effect unless expressly modified.
  - 2. Mobile food vending shall be permitted on vacant properties, subject to the written consent of the property owner.
  - 3. Overnight storage of a mobile food vending unit is permitted on site.

4. A mobile food vending unit may operate a drive-through service, subject to traffic safety review and approval by the Planning Director.
5. The temporary use permit shall remain valid, provided that all required permits are maintained and the site remains in compliance with sanitation, parking, and access requirements.

#### **(6) MODEL SALES HOME/UNIT**

A single model sales home/unit may be located on a new development site and temporarily used for sales or leasing uses associated with a residential or mixed-use development with residential units, subject to the following standards:

- a. A model sales home/unit shall be located on a lot or building site approved as part of the development or within a building approved as part of the development.
- b. There shall be no more than one model sales home/unit per builder in the development.
- c. The model sales home/unit shall comply with all dimensional standards and other development requirements.
- d. The building shall be aesthetically compatible with the character of the surrounding area in terms of exterior color, predominant exterior materials, and landscaping.
- e. A model sales home/unit may be used for temporary sales/leasing until the last lot or residential unit is developed.
- f. On termination of the temporary real estate sales/leasing use of a model sales home/unit, the home/unit shall be converted into, or removed and replaced with, a permanent permitted use, and any excess parking shall be removed and landscaped in accordance with the development permits and approvals for the development.
- g. The storage of building materials is prohibited.
- h. A maximum of five employees may use the model sales home/unit as an office.
- i. A temporary use permit for the use shall be issued only when actual construction on or in the immediate vicinity of the development site necessitates the model sales home/unit. The permit shall be initially valid for no more than three years. The Planning Director may grant written extensions of this time period for completion of the development; however, the permit shall remain valid no longer than the time required for the construction of the development.

#### **(7) OUTDOOR SALES**

Outdoor sales shall comply with the following standards:

- a. Sales activities shall be incidental to the primary use.
- b. The use shall not involve the erection of permanent structures in the front yard but may involve movable tables, chairs, fences, walls, cordons, and accouterments, provided they are removed from the front yard whenever the establishment is not open for business. The front yard shall remain open and unenclosed.
- c. Sales and display areas shall not extend beyond the sidewalk or concrete apron entrance of the building, nor encroach into any public right-of-way.
- d. Sales and display areas shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use. A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

- e. Sales activities on vacant property or from vehicles is prohibited.

**(8) SEASONAL SALES**

Seasonal sales shall comply with the following regulations:

- a. Sales and display areas shall be located at least 25 feet from existing street lines and adjacent lot lines.
- b. Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.
- c. Off-street parking shall be adequate to accommodate the proposed sale of products.
- d. Fireworks stands shall be limited to of one portable structure, not to exceed 120 square feet in area.
- e. Agricultural products (such as Christmas trees) shall be allowed and may cover a maximum of 400 square feet. A maximum display area of 100 square feet shall be allowed in residential districts. Sales in residential districts are limited to selling excess vegetables and fruits incidental to residential use. Residential seasonal sales shall be limited to the daylight hours.
- f. All buildings and display booths shall be portable and shall be completely removed prior to the expiration of the temporary use permit.

**(9) SPECIAL EVENT**

**a. APPLICABILITY**

- 1. All special events (including but not limited to cultural events, religious events, musical events, celebrations, festivals, fairs, carnivals, circuses, and communal camping) shall comply with the standards in this subsection, unless exempted by section 2 below.
- 2. The following events and activities are exempt from the standards in this section and do not require approval of a temporary use permit for a special event; however, they are subject to all other applicable requirements of this Ordinance:
  - (a) Special events or activities occurring within, or on the grounds of, a single-family detached dwelling;
  - (b) Any event sponsored in whole or in part by the City;
  - (c) Any event conducted on public property, such as school sites and public parks, provided the event shall comply with any guidelines, regulations, and permitting process required by the authorizing agency (e.g., School District or a Parks and Recreation Department).
  - (d) Any organized activities conducted at sites or facilities typically intended and used for such activities. Examples of such exempt activities include, but are not limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; fairs and carnivals at fairgrounds; wedding services conducted at places of worship, reception halls, or similar facilities; and funeral services conducted at places of worship, funeral homes, or cemeteries.

**b. STANDARDS**

A special event shall:

- 1. Not create an unreasonable risk of significant:
  - (a) Damage to public or private property, beyond normal wear and tear;

- (b) Injury to persons;
  - (c) Public or private disturbances or nuisances;
  - (d) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
  - (e) Additional and impracticable or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and
  - (f) Other adverse effects upon the public health, safety, or welfare.
2. Be of a nature, size, and duration that can be reasonably accommodated by the particular location requested.
  3. Not occur at a time and location that has already been permitted or reserved for other activities.

**c. CONDITIONS OF APPROVAL**

In approving a temporary use permit for a special event, the Planning Director is authorized to require any one or more of the following as a condition of approval, in order to address the event's potential impacts:

1. The provision of temporary parking facilities, including appropriate means of vehicular ingress and egress;
2. Control of nuisance factors, including but not limited to, glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat;
3. Limitations on the placement, height, and size of temporary buildings, structures, and facilities and on the location of equipment and open spaces, including buffer areas and other yards;
4. Facilities and/or plans for the provision of
  - (a) Medical care;
  - (b) Solid waste collection and disposal; and
  - (c) Security and safety;
5. The modification or elimination of certain proposed activities; and
6. Limitations on operating hours and days or on the duration of the special event to a shorter time period than requested.

**(10) STORAGE IN PORTABLE SHIPPING CONTAINER**

Temporary storage in a portable shipping container shall comply with the following standards:

- a. Storage containers shall not exceed 160 square feet in floor area or be taller than eight feet.
- b. Containers shall be located within a driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.
- c. In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas, to the extent practicable.
- d. Nothing in these standards shall limit the placement of more than one container on a lot or site, provided compliance with all other applicable standards is maintained.
- e. Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 30 consecutive days per site per occurrence. This

time period may be extended for a maximum period of 30 days if a written request for an extension is submitted to the Planning Department prior to the expiration of the initial 30 days.

- f. Storage containers may be placed on a residential site a maximum of two occurrences per year.
- g. A minimum period of 180 days is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.

**(11) YARD SALE**

A yard sale may be conducted by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a civic or religious organization for the purpose of selling surplus household items. Yard sales shall comply with the following standards:

- a. Yard sales shall not be held by the same homeowner, coordinated group of homeowners, or civic or religious organization more than three times in a calendar year.
- b. A yard sale shall have a maximum duration of three consecutive days and shall be limited to the daylight hours.
- c. Yard sales on commercially developed properties or vacant lots are prohibited.
- d. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except while the sale is being held.
- e. Goods purchased for resale shall not be offered for sale.
- f. All signs shall comply with Section 5.9, Sign Standards.

**(12) CAMPING SHALL COMPLY WITH THE FOLLOWING REGULATIONS:**

- a. Camping shall be secondary to a residential dwelling and for recreational purposes;
- b. Camping shall be permitted only by the residents of the dwelling unit and their guests; and
- c. Camping shall not be permitted in the front or side yards of a dwelling.
- d. Camping shall have a maximum duration of ten (10) consecutive days and shall be limited to a maximum of thirty (30) days in a calendar year.

**(13) MOBILE/MODULAR CLASSROOM**

- a. A unit visible from the public right-of-way shall be screened with landscaping in accordance with Section 5.3, Landscaping and Buffer Standards.
- b. A unit visible from the public right-of-way shall be constructed with facade materials consistent with the standards of Section 5.7.E(4).