

## **ARTICLE 6. USE REGULATIONS**

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### **6.1. USE TABLES**

This Article describes the uses permitted in zoning districts, associated accessory uses and home occupations, and any additional design standards that are required for specific uses.

#### **6.1.1. Types of Use**

All of the use categories listed in the use table are defined and described in Section 6.2. immediately following the use table.

A. Uses permitted by-right may be subject to supplemental standards

A "P" indicates that a use is allowed by right in the respective district. Additional specific use standards may be required as outlined in this Article. Permitted uses, whether by-right or special use permit, are subject to all other applicable regulations of this UDO.

B. Special uses

An "S" indicates that a use is allowed only if reviewed and approved as a special use permit in accordance with Article 4. Special uses are subject to all other applicable regulations of this UDO.

C. Conditional Zoning Districts

Any use identified as a special use and established through a conditional zoning shall still require approval via the special use review process.

#### **6.1.2. Uses not Allowed**

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

#### **6.1.3. Uses not Listed**

The Planning Director shall determine whether or not an unlisted use is part of an existing use category defined in or is substantially similar to an already defined use, using the criteria in Section 6.2., Use categories.

(Table of Permitted Uses begins on next page)

Table of Permitted Uses														
P = permitted by-right; see additional standards listed in Articles 5; S = Special Use Permit required.														
Specific Use	RESIDENTIAL DISTRICTS							NONRESIDENTIAL AND MIXED USE DISTRICTS					Notes	
	RA	R2	R4	R8	RMH	MF1	MF2	NC	CMU	TBD	AC	I1		I2
<b>RESIDENTIAL USE CATEGORY</b>														
Single-Family Detached	P	P	P	P										Includes Modular Home 6.4.4.A.
Two-Family Dwelling (2 dwelling units per structure, aka Duplex)		P	P	P			P							6.4.4.B.
Townhouse (3 or 4 dwelling units per structure)				P			P	P	P					6.4.4.C.
Townhouse (>4 dwelling units per structure)							P	P	P					6.4.4.D.
Multifamily (triplex or quadplex, up to 2,500 sq ft footprint)				P			P	P	P					6.4.4.D.
Multifamily (>4 units per structure or over 2,500 sq ft footprint)							P	P	S	P				6.4.4.D.
Upper-Story Residential							P	P	P	P	P			6.4.4.E.
Manufactured Home – Class A	P	P	P											Requires -MH floating overlay district in R2 or R4; 6.4.4.F.
Manufactured Home – Class B	P													6.4.4.G.
Manufactured Home Park					P									Includes Mobile Home Park and RV Park; 6.4.4.G.; 6.4.4.H.
Security or Caretaker's Quarters									P			P	P	6.4.4.I.
Other Group Living Uses Not Listed	S													(including Boarding House, Post-Incarceration Facilities, Halfway Homes, and Homes for the Mentally Ill (per G.S. 122-3(11)b); 6.4.4.J.
Group Care (with 9 or fewer residents)	P	P	P	P			P	P	P					Including Family Care Home, Intermediate Care Home, and, Nursing Home, Congregate Living Facility, Assisted Living Facility, Group Care Facility, Handicapped Institution, Intermediate Care Institution, Nursing Care Institution, Mental Health Facility, Continuing Care Retirement Facility; 6.4.4.K
Group Care (with more than 9 residents)							S	P	P	P				6.4.4.K.
<b>CIVIC AND INSTITUTIONAL USE CATEGORY</b>														
Other Civic and Institutional Uses Not Listed									S					6.5.4.A.
Assembly, Civil, Service Fraternal Clubs, Lodges and Similar Uses	P	S	S	S					P	P		P	P	6.5.4.B.
Library, Museum, Art Gallery									P	P	P	P		6.5.4.C.

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	RA	R2	R4	R8	RMH	MF1	MF2	NC	CMU	TBD	AC	I1	I2	
Community Center	P	P	P	P	P	P	P	P	P	P	P			6.5.4.D.
Higher Education	S								P		P	P		Includes Business School / Satellite; 6.5.4.E.
School, Primary or Secondary	P	P	P	P		P	P	P	S					6.5.4.F.
Emergency Services	P	S	S	P	P	P	P	P	P	P	P	P	P	6.5.4.G.
Prison, Jail, Detention Facility	S											S	S	6.5.4.H.
Cemetery	P	P						S	S			S		6.5.4.I.
Hospice						P	P	P	P					6.5.4.J.
Hospital									P*			S		6.5.4.K.
Ambulatory Health & Emergency Care Facility									P*			S		6.5.4.L.
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P		6.5.4.M.
<b>RECREATIONAL AND ENTERTAINMENT USE CATEGORY</b>														
Other Indoor Recreational and Entertainment Uses Not Listed									S					6.6.4.A.
Bar, Nightclub, Tavern									P	P	P	P		6.6.4.B.
Golf Course or Country Club, Private	P	P	P											6.6.4.C.
Horse Stables and Related Facilities	P	S												6.6.4.D.
Indoor Athletic or Entertainment Facility (not theater)								S	P	S	P	P		Including Gym, Spa, Indoor Pool, etc.; 6.6.4.E.
Electronic Gaming Centers									S		S			6.6.4.F.
Outdoor Athletic or Entertainment Facility									P			S		Including Water Park , Golf Driving Range, Miniature Golf, Batting Cage, Go-Cart, etc.; 6.6.4.G.
Theater									P	S	S			6.6.4.H.
Other Outdoor Parks and Open Space Uses Not Listed	S								S					6.6.4.I.
Public Park, Passive Open Space, Nature Park	P	P	P	P	P	P	P	P	P	P	P			Including accessory sports facilities (basketball, tennis, pickleball, etc.); 6.6.4.J.
Sexually Oriented Business									S					6.6.4.K.
Theater, Drive-In									S			S		6.6.4.L.
<b>OVERNIGHT ACCOMMODATION USE CATEGORY</b>														
Other Overnight Accommodation Uses Not Listed									P	P	S			Includes Short Term Rentals; 6.7.4.A.
Bed and Breakfast Home, 8 rooms or fewer	P	S	S	S	S	P	P	P	P	P				Includes Boutique Hotel; 6.7.4.B.
Bed and breakfast Inn, 9-30 rooms							P		P	P	S			6.7.4.B.

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	RA	R2	R4	R8	RMH	MF1	MF2	NC	CMU	TBD	AC	I1		I2
Hotel / Motel									P	S	P	P		Includes Extended Stay Facility; In TBD or AC district, only small lobby permitted on the ground floor; 6.7.4.C.
<b>COMMERCIAL, OFFICE, RETAIL, SERVICE USE CATEGORY</b>														
Other Office Uses Not Listed								P	P	P	P	P		6.8.4.A.
Medical Office								S	P	P	P	P		Includes Medical Clinic or Urgent Care Clinic; 6.8.4.B.
Other Restaurant and Food Service Uses Not Listed								S	P	S	P			6.8.4.C.
Restaurant, Sit-down Establishment								P	P	P	P	P		6.8.4.D.
Restaurant, with Drive-In or Outdoor Curb Service								S	P		S			6.8.4.E.
Convenience Store, without Fuel Sales								P	P	P	P	P		6.8.4.F.
Convenience Store, with Fuel Sales									P			P	P	6.8.4.F.
In Home Family Child Care Home	P	P	P	P	P	P	P	P						6.8.4.G.
Day Care Center								P	P		P			includes Adult and Child Day Care, Family Child Day Care; 6.8.4.H.
Gym, Spa, or Pool								P	P	P	P			SF max for TBD; 6.8.4.I.
Funeral Home									P			P		6.8.4.J.
Crematorium	S											S	P	6.8.4.K.
Personal or Professional Services (up to 5,000 sqft ground floor footprint)								P	P	P	P	P		Including Hair Salons, art studio, dance studio (excludes commercial greenhouses or any use with outdoor operations); 6.8.4.L.
Personal or Professional Services (over 5,000 sqft ground floor footprint)									P	S	P	P		6.8.4.L.
Banks or Financial Institution								P	P	P	P			6.8.4.M.
Banks or Financial Institution, with Drive-thru or Vehicular ATM								S	P					6.8.4.M.
Sales / Retail (no outdoor operations)								P	P	P	P	P		6.8.4.N.
Sales / Retail (with outdoor operations up to 25% of total sales area)								S	P	P	P	P		6.8.4.N.
Sales Oriented Use (with outdoor operations greater than 25% of total sales area)									S			P	P	Includes Open Air Market; 6.8.4.N.
Parking Lot or Deck, Commercial									P	S	S	P		6.8.4.O.
Self Storage, Mini Storage									P			P		6.8.4.P.

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	RA	R2	R4	R8	RMH	MF1	MF2	NC	CMU	TBD	AC	I1	I2	
Manufactured Home Sales													P	6.8.4.Q.
Veterinarian / Kennel, Indoor								P	P		P	P		6.8.4.R.
Veterinarian / Kennel, with Outdoor Operations									P			S		6.8.4.R.
Vehicle Sales, Rental, Service, Repair									P			P	P	Includes Vehicle Sales, Rental, Limited, Service; 6.8.4.S.
Vehicle Towing, Storage													P	6.8.4.T.
<b>INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY</b>														
Flex Space, Other Light Industrial, Manufacturing, Warehousing, or Transportation Uses Not Listed												P	P	Any uses with outdoor component or noxious emissions, vibrations, or by-products are considered Industrial, Manufacturing, or Production with Outdoor Operation; 6.9.5.A.
Microbrewery / Microdistillery								S	P	P	P	P		Includes accessory tasting room; 6.9.5.B.
Wholesale Sales												P	P	6.9.5.C.
Industrial, Manufacturing, or Production, Indoor Only												P	P	6.9.5.D.
Industrial, Manufacturing, or Production with Outdoor Operation													P	6.9.5.E.
Outdoor Storage (greater than 10' above grade)													P	6.9.5.F.
Resource Extraction													S	6.9.5.G.
Passenger Terminals									S	S	S	S	P	6.9.5.H.
Truck Terminal, Fueling Terminal													P	6.9.5.I.
Aviation Service and Freight													S	6.9.5.J.
Warehouse and Freight Movements													S	6.9.5.K.
Other Waste Related Services													S	6.9.5.L.
Recyclable Materials Collection Center													P	6.9.5.M.
Sanitary Landfill, Junk or Salvage Yard													S	6.9.5.N.
<b>UTILITIES USE CATEGORY</b>														
Other Utilities Uses Not Listed													P	6.10.4.A.
Water Treatment, Wastewater Treatment, Natural Gas, Electric Substation	S											S	P	6.10.4.B.
Minor Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	Includes Elevated Water Storage Tank, pump stations; 6.10.4.C.
Solar Farms	S													6.10.4.D.
Telecommunication Facility	P								P			P	P	6.10.4.E.
Concealed Telecommunication Facility						P	P	P	P	P	P	P	P	6.10.4.F.

AGRICULTURAL AND MISCELLANEOUS USE CATEGORY														
Other Agricultural Uses Not Listed	S													6.11.4.A.
Agriculture or Silviculture	P	P												6.11.4.B.
Greenhouse, Nursery (Commercial), indoor operations	P							P	P			P	P	6.11.4.C.
Greenhouse, Nursery (Commercial), outdoor operations	S								P				P	6.11.4.C.
ACCESSORY, TEMPORARY, AND HOME OCCUPATION USE CATEGORY														
Accessory Uses and Structures														6.12.
Home Occupations														6.13. and 6.14.
Temporary Uses														6.15.

(Remainder of this page blank. End of Table of Permitted Uses.)

## **6.2. USE CATEGORIES**

### **6.2.1. Basis for Classification**

- A. Use categories classify land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
- B. Residential uses encompass all uses within the residential use category. All other uses are nonresidential.
- C. In a mixed-use development, where nonresidential and residential uses both exist, the uses shall be counted separately where it is pertinent. For example, when evaluating parking reductions for nonresidential uses, only the floorspace housing nonresidential uses shall be counted.

### **6.3. PRINCIPAL USES**

Principal uses are assigned to the category that most closely describes the nature of the principal use. The characteristics, definitions, examples, and exceptions subsections below describes the common identifying features of each principal use and may be used to classify uses.

#### **6.3.1. Developments with Multiple Principal Uses**

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. If a principal use is not listed for a given district, it may not be developed in that district, whether as part of a proposed mixed-use project or a stand-alone project.

#### **6.3.2. Accessory Uses**

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in this UDO. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

#### **6.3.3. Use of Examples**

The "examples" subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "wholesale warehouse" but that sells mostly to consumers, is included in the retail sales and service category rather than the wholesale sales category. This is because the actual activity on the site matches the description of the retail sales and service category.

#### **6.3.4. Similar Use Interpretation Criteria**

The following considerations shall be used in making similar use interpretations:

- A. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
- B. The relative amount of site area or floor space and equipment devoted to the activity.
- C. Relative amounts of sales from each activity.



- D. The customer type for each activity.
- E. The relative number of employees in each activity.
- F. Hours of operation.
- G. Building and site arrangement.
- H. Vehicles used with the activity.
- I. The relative number of vehicle trips generated by the use.
- J. How the use advertises itself.
- K. When multiple options for a classification of a use exist, the more specific option shall prevail.

## **6.4. RESIDENTIAL USE CATEGORY**

### **6.4.1. Characteristics**

- A. Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis.
- B. Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see overnight accommodations and community service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training or treatment, as long as the care givers also reside at the site.

### **6.4.2. Examples**

Examples include single-family residential uses, multifamily housing of all scales, townhomes, and mobile homes. Group care can include boarding house or rooming house, family care home, immediate care home dormitories, monasteries, convents, group homes for persons with physical or mental disabilities, nursing care institutions, some residential programs for drug and alcohol treatment.

### **6.4.3. Exceptions**

- A. Lodging where tenancy may be arranged for periods of less than a month is classified in the overnight accommodations category.
- B. Lodging where the residents meet the definition of household and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as household living.
- C. Continuing care facilities where individual units meet the definition of a dwelling unit in Article 13 are classified as household living.

### **6.4.4. Specific Uses**

- A. Single-Family Detached
  - 1. Defined
    - One (1) dwelling unit in a single structure on a single lot.

2. Use Standards

See Article 5 for more single-family detached dwelling regulations.

B. Two-family Dwelling (Duplex)

1. Defined

Two dwelling units in a single structure on a single lot or on two lots where the dwelling units share a wall.

2. Use Standards

(None)

C. Townhouse (Townhome, Rowhome)

1. Defined

A form of single-family attached dwelling in which three or more units share common side walls and are often designed in rows and have individual entrances on the ground floor. Units are purchased on a fee-simple basis on small individual parcels of land, fronting on either a public or private street, and have parking located on each lot or attached to each dwelling unit, although garages may be separated from the dwelling. Yards are typically small or shared, and privacy requires careful protection. A townhouse with only two units is classified as a duplex.

2. See Article 9 for more townhome regulations.

D. Multifamily (Apartment, Condominium)

1. Defined

Three or more attached residential dwelling units in a single structure, with either shared entrances or shared parking areas. Also multiple detached single unit residential structures or duplexes sharing parking areas on a single lot. Units are often stacked and at least one or more units does not have its only individual, ground-level entrance. An apartment or condo with only two units is classified as a duplex.

2. See Articles 5 and 9 for more multi-family apartment and condominium regulations.

E. Upper-story Residential

1. Defined

A dwelling unit located on a floor above a nonresidential use.

2. See Article 9 for Upper-Story Residential standards.

F. Manufactured Home (Class A)

1. Defined

A structure, transportable in two or more sections that when combined the total is a minimum of 24 feet in width, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

2. Use Standards

- a. The home shall have a continuous, permanent brick, or stone foundation, constructed in accordance with standards of the North Carolina Residential Building Code, shall be installed under the perimeter of the manufactured home. The foundation shall be un-pierced except for required ventilation and access.
- b. The home shall have windows set to the inside wall face.
- c. A covered front porch or covered front stoop shall be provided at the entrance and should project from the primary façade a minimum of four feet and be no less than four feet in width.
- d. The manufactured home shall front on a street such that the principal entrance is aligned to the street.
- e. All towing apparatus, wheels, axles, and transporting lights shall be removed.
- f. The pitch of the roof of each home shall have a minimum vertical rise of three and one-half feet for each 12 feet of horizontal run.
- g. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
- h. The length and width of the home shall be no smaller than the average single-family detached dwelling units within 1,000 feet of the lot.

G. Manufactured Home (Class B)

1. Defined

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing,

heating, air conditioning and electrical systems contained therein. The structure exceeds 40 feet in length and eight feet in width.

2. Use Standards

- a. Each home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the shorter axis.
- b. No manufactured home shall front the narrow end of the manufactured unit to the street or drive unless the width of the unit is greater than 24 feet.
- c. The towing apparatus, wheels, axles, and transporting lights of each home shall be removed and shall not be included in measurements.
- d. The exterior of each home shall consist of one or more of the following:
  - i. Vinyl or metal siding (whose reflectivity does not exceed that of flat white paint);
  - ii. Cedar or other wood siding;
  - iii. Weather resistant press board siding; and/or
  - iv. Stucco siding, brick, or stone siding, which shall be comparable in composition, appearance and durability to the exterior siding commonly used in the standard residential construction of the surrounding neighborhood.
- e. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from each manufactured home, shall be installed or constructed in compliance with the standards of the North Carolina Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. Use of wood stairs without a porch is prohibited at any entrance to a manufactured home.
- f. All manufactured housing units shall conform to the State of North Carolina Standards for manufactured housing anchorage, tie downs, and blocking.

## H. Manufactured Home Park

### 1. Defined

A site in an RMH district which contains the location of manufactured homes (Class A and B) or recreational vehicles that may include services and facilities for residents.

- a. Mobile Home Park is defined as a site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.
- b. Recreational Vehicle (RV) Park is defined as any single parcel of land upon which two (2) or more recreational vehicles, occupied for sleeping purposes, are located regardless of whether or not a charge is made for such purposes. Recreational Vehicle Parks are referred to in this Ordinance as "RV Park(s)."

### 2. Use Standards

- a. The minimum land area required for a manufactured housing park is three acres.
- b. Any lot or tract of land occupied by a manufactured housing park shall have a maximum density of five dwellings units per acre.
- c. Site Plan  
Prior to the development of any new manufactured housing park established after October 1, 2003, and prior to the enlargement of any existing manufactured housing park, a site plan conforming to the requirements of this subsection shall be approved by the Planning Director. The required site plan shall be drawn to scale and shall explicitly illustrate at least the following features:
  - i. Location and dimensions of all park boundaries;
  - ii. Location of pavement on adjoining street rights-of-way;
  - iii. Location and dimensions of any permanent improvements existing or planned within the park, including but not limited to:
    - (A) Improved surfaces for common driveways, off-street parking, and recreation areas;
    - (B) Buildings for management, maintenance, and recreational purposes;

- (C) Any other recreational facilities;
- (D) Any fences or walls; and
- (E) The location of pipelines and systems for potable water distribution, sewage collection, and fire protection, including location of all fire hydrants.

d. Rental Space Standards

- i. Each dwelling unit requires a minimum 5,000 square foot rental space for sites with both public water and sewer available, or a 10,000 square foot rental space where either a well and/or septic system is used. Wake County Health Department regulations may require larger lots.
- ii. Every rental space shall have at least 20 feet of frontage on either a public street or a private drive, measured at the street right-of-way line or private drive "reserved area" limit.
- iii. The minimum rental space width for each dwelling unit shall be 50 feet. This measurement will be made at the forward-most point of the home along a line that runs across the rental space parallel to the public or private street that provides access to the space.
- e. Every service building shall be set back at least 25 feet from the boundary of any adjacent property in a residential zoning district.
- f. Accessory structures shall be limited to one per manufactured home space.
- g. A minimum of two off-street parking spaces shall be provided for each dwelling unit.
- h. Phasing may be allowed, provided the proposed phasing is approved by the Town Council and will not create undue hardships for the residents of the park or those vehicles that can reasonably be expected to service the park.

I. Security or Caretaker's Quarters

1. Defined

A permanent residence, secondary and accessory to an existing main dwelling for persons employed principally on-site for purposes of care and protection of the site.

2. Use Standards

- a. Per accessory dwelling unit in the district in which it occurs.
- b. May not be placed in the front yard.
- c. Must be screened from view of public right-of-way by an opaque, year round, minimum six-foot tall, visual barrier.
- d. If in a separate structure, may not be taller than two stories or the height of the primary structure.

J. Other Group Living Uses Not Specifically Identified

1. Defined

This includes uses not listed below, for up to nine persons, such as boarding house, post-incarceration facilities, halfway homes, group homes for persons with a mental illness who are dangerous to others as defined in G.S. §122C-3(11)b, as amended. For more than nine people, see the Institutional Use Category.

a. Boarding House

A rooming house or a structure which contains four or more rooms, each of which have no kitchen facilities, and are designed or intended to be used for residential occupancy on a rental basis.

b. Post-incarceration Facility

See Correctional Facility.

c. Halfway House

A residence within a single dwelling unit for at least six but not more than nine persons who are on release from more restrictive custodial confinement or treatment, together with not more than two persons providing care or assistance to such persons, all living together as a single unit where supervision, rehabilitation, and counseling are provided.

d. Family Care Home

Subject to the regulations of G.S. Chapter 131D, an adult care home with two to six residents.

e. Intermediate Care Home

See "Group care home".



f. Nursing Home

A facility that provides care for persons who have remedial ailments, or other ailments, for which medical and nursing care are indicated, who however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision.

g. Assisted Living Facility

A facility which is (i) operated under State law to provide residential care for the aged or disabled whose principal need is a home which provides personal care appropriate to their age or disability; or (ii) meets the requirements for licensure under G.S. Chapter 131D.

h. Group Care Facility

A facility whose primary purpose is for the care, treatment, habilitation, or rehabilitation of individuals with mental illnesses or intellectual or other developmental disabilities or substance abusers including 24-hour facilities that are not hospitals.

i. Handicapped Institution

An institutional facility housing and providing care or assistance for more than nine persons who are physically or mentally handicapped or infirm. Persons residing in such homes, including the aged or disabled, principally need residential care rather than medical treatment.

j. Nursing Care Institution

An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

k. Mental Health Facility

A facility or institution for diagnosing, treating, caring for, or counseling people requiring mental health services in confinement.

l. Continuing Care Retirement Facility

A property designed to provide a continuum of care within a single community. The living accommodations and care provided within a continuing care retirement facility are a combination of the accommodations and services provided by seniors apartments, independent living units,

assisted living residences, and skilled nursing beds.

2. Use Standards

- a. No family or group care home shall be established or maintained without trained supervisory personnel on site.
- b. Fifteen square feet of common living area other than kitchens, hallways, and bathrooms shall be provided per occupant.
- c. The property shall not be located within 1,000 feet, as measured in any direction from property line to property line, of another of this defined use type.

K. Group Care

1. Defined

A home where rehabilitation and/or care services are provided in a residential setting and family environment including support and supervisory personnel who may reside in the home. According to G.S. §168A-3(7a), a person with a disability is defined as a person with a temporary or permanent, physical, emotional or mental disability. A group care home is a residential use of property and permissible by right in all residential districts, subject to additional requirements.

2. Use Standards

- a. Requires trained supervisory personnel on site.
- b. Shall not include persons being housed in a correctional facility or mentally ill persons who are dangerous as defined in G.S. §122C-3(11).
- c. Group care homes shall not be located closer than one-half mile to any other existing group care home, family care home, an intermediate care home or another form of group living permitted through a variance; measured by a straight line from the nearest property lines.
- d. Group care homes with a significant juvenile population shall be required to have the rear yard area enclosed by a fence at least six feet in height.
- e. Group care homes shall be separated by a 15-foot wide buffer with 50 percent screening to height of six feet from any abutting property located in a residential district.
- f. One off street parking space shall be provided for every two beds in a group care home or facility plus one space

for each staff person per shift. Parking improvements shall be constructed in accordance with all applicable parking standards.

- g. A residence used for a group care home shall maintain a residential appearance which is compatible with the surrounding neighborhood and no exterior alterations are permissible without prior approval from the Planning Director.
- h. Minimum 200 square feet per occupant and one full bath per five occupants.
- i. Use standards applicable to continuing care and retirement facilities:
  - i. The number of persons who may be housed in non-independent rooms or apartments (not including hospital or clinic beds) does not exceed the number of persons housed in independent dwelling units by a ratio of 3:1.
  - ii. The continuing care retirement facility does not exceed a density of 10 units per acre, not including the number of persons occupying hospital or clinic beds.
  - iii. The number of hospital or clinic beds shall not be more than 50 percent of the total number of permitted dwelling units.
  - iv. Retail stores and personal service establishments located within the continuing care retirement facility are permissible only when:
    - (A) Such uses exclusively serve the residents of the facility;
    - (B) There is no exterior evidence of such uses outside of the building they are located in and have a separate outdoor entrance for customers separate from the main entrance of the activity or administrative building;
    - (C) The floor area devoted to such uses shall not exceed 50 percent of the floor area of the building where the uses are located;
  - v. The facility is located on a minor or major thoroughfare;
  - vi. The total number of persons residing in the continuing care retirement facility does not exceed 500; and

- vii. A minimum of 25 percent of the tract must be retained on site as permanent open space.

## **6.5. CIVIC AND INSTITUTIONAL CATEGORY**

### **6.5.1. Characteristics**

Facilities in this category are typically places of public assembly that serve an ongoing purpose to the greater community, but some private uses are also included. Many, but not all, uses are institutional such as schools or religious institutions. Uses in this category also include centers of public service such as community centers, museums, healthcare centers, prisons, and cemeteries. Most of the uses have a set schedule but some may serve as sites for intermittent gatherings such as weddings.

### **6.5.2. Examples**

Examples include libraries, museums, art galleries, art centers, senior centers; community centers, youth club facilities, and social service facilities; Town hall; public/community buildings; government offices; municipal service facilities; maintenance and utility facilities; fire stations, police stations and emergency medical and ambulance stations; prisons and jails; post offices and federal, state or local offices; medical centers, hospices, continuing care facilities, mental health facilities, ambulatory health and emergency care facilities without overnight care, and hospitals.

### **6.5.3. Exceptions**

- A. Preschools are classified as day care uses.
- B. Day care provided when parents are not on the premises is classified as child care.
- C. Private schools providing a K-12 curriculum similar to public schools are classified as schools.
- D. Passenger terminals for airports and regional bus service are classified as passenger terminals.
- E. State, county or city parks are classified as parks and open space.
- F. Water and wastewater facilities, gas, electric and other infrastructure services, whether public or private, are classified as utilities.
- G. Waste and recycling services are classified as waste related services.
- H. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the institutional category.
- I. Medical clinics that provide care where patients are not kept overnight are classified as office.

#### 6.5.4. Specific Uses

- A. Other Civic and Institutional Uses Not Listed
  - 1. Defined
    - Regular or intermittent gathering spaces for people for purposes of socialization, performing arts, special events, conferences, or deliberation.
  - 2. Use Standards
    - (None)
- B. Assembly, Religious Institutions, Civic, Service, Fraternal Clubs, Lodges, and Similar Uses
  - 1. Defined
    - a. Assembly
      - A site or facility open to the public or membership groups for social, civic, political, educational or (generally passive) recreational purposes.
    - b. Religious Institution
      - A place of worship or religious assembly with customary related facilities and uses. This may include retreats, convents, seminaries or other similar uses owned or operated by a tax-exempt religious group. Customary accessory uses include child care and book sales.
    - c. Civic Club
      - Buildings and facilities, owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, to which membership is required for participation, and not primarily operated for profit nor to render a service that is customarily carried on as a business.
  - 2. Use Standards
    - All uses in or abutting residential districts shall comply with the following:
      - a. A minimum setback of 40 feet from all exterior lot lines is required.
      - b. The minimum distance between any exterior lot lines and the perimeter of a parking area shall be 25 feet where such boundaries adjoin a residential zoning district.

- c. The principal vehicular entrance and exit shall be located on an arterial street, or on a collector street at least 150 feet distant from its intersection with an arterial.
- d. The principal building and accessory uses must be on a contiguous site.

C. Library, Museum, Art Gallery

1. Defined

A facility involved in the display and use of books, arts, or other material of artistic or educational value.

2. Use Standards

(None)

D. Community Center

1. Defined

Governmentally owned and operated building(s) and facilities which may provide a wide range of activities predominately indoors to the general community such as but not limited to the following use: recreational, cultural, dining, educational, and social.

2. Use Standards

(None)

E. Higher Education (including but not limited to College or University)

1. Defined

An institution of higher learning offering post-high school, undergraduate, or graduate degrees, licenses, or certificates, and including the buildings required for educational or support services, including, but not limited to, classrooms, laboratories, and dormitories. Includes study in vocational, technical, or other special subjects.

2. Use Standards

a. Business schools, colleges or universities in the NC district are permitted, provided that:

- i. Only a single building is used for the school, college or university; and
- ii. All activities are conducted in a completely enclosed building.

F. School, Primary or Secondary

1. Defined

A public or private institution offering a curriculum of education authorized by the state giving regular instruction at the primary, secondary level, or a school for the mentally or physically handicapped.

2. Use Standards

Where in or abutting Residential districts, a primary or secondary school shall meet the following:

- a. A minimum setback of 40 feet from all exterior lot lines is required;
- b. The minimum distance between any exterior lot lines and the perimeter of a parking area shall be 25 feet where such boundaries adjoin a residential zoning district;
- c. Have its principal vehicular entrance and exit on an arterial street (or arterial roadway), or on a collector street within 150 feet of its intersection with an arterial; and
- d. The principal building and accessory uses must be on a contiguous parcels.

G. Emergency Services

1. Defined

Emergency service providers and associated equipment and response facilities, including training facilities. Includes Ambulance Service, Rescue Squad, Police or Fire Station.

2. Use Standards

(None)

H. Prison, Jail, or Detention Facility

1. Defined

A facility that houses persons in the custody of Wake County, the North Carolina Department of Correction the state of North Carolina, federal government, or their agents as a result of an arrest or conviction of a criminal offense or persons on parole.

2. Use Standards

(None)

I. Cemetery

1. Defined

A place used or to be used and dedicated or designated for interments of human remains or pet animal remains. A



cemetery may include an office, chapel, mausoleum or columbarium as customary accessory uses.

2. Use Standards

- a. When a cemetery abuts or is across a street, alley, or easement from a residential district, a 20-foot buffer shall be provided, and the following conditions shall be observed:
  - i. No burials shall be permitted in the buffer;
  - ii. The buffer shall be landscaped with grass and trees, shrubs, or other ornamental horticultural materials; and
  - iii. The buffer shall be maintained in a neat and orderly condition at all times.
- b. Warehouses, storage or maintenance buildings, mausoleums, crematories, or columbaria shall be located not less than 150 feet from the nearest residential property line.

J. Hospice

1. Defined

A facility which provides palliative and supportive medical and other health services to terminally ill patients and their families in a group residential setting.

2. Use Standards

(None)

K. Hospital

1. Defined

A facility licensed by the State of North Carolina which maintains and operates organized facilities for medical or surgical diagnosis, overnight and outpatient care, and treatment of human illness. A hospital may include customary accessory related support facilities such as a helipad, laboratories, out-patient departments, staff offices, food services, and gift shops.

2. Use Standards

The following provisions shall only apply to hospitals with heliport operations:

- a. Structures shall be designed and placed in a manner that is not to be detrimental to adjoining properties within a

1,000-foot radius of the heliport site measured from the center of final approach and take off area;

- b. Proof of airspace clearance from the Federal Aviation Agency must be provided prior to the issuance of a certificate of occupancy;
- c. Evidence of applicable approvals required by the North Carolina Department of Transportation for helicopter flight operations must be provided prior to the issuance of a certificate of occupancy;
- d. The Town Council may require the applicant to implement noise reduction measures or flight operational restrictions deemed reasonable in order to protect the public health, safety and welfare of surrounding residents and businesses; and
- e. A six-foot tall, opaque, year round landscape buffer is required in order to mitigate visual impacts to surrounding ground-floor residential properties.

L. Ambulatory Health and Emergency Care Facility

1. Defined

A stand-alone emergency department which operates under the governance of a hospital operator and is licensed by the State of North Carolina pursuant to G.S. Chapter 131E as amended. A heliport may be considered a customary accessory use for this type of health care facility provided all applicable sections of the UDO are met.

2. Use Standards

The following provisions shall only apply to ambulatory health/emergency care facilities with heliport operations:

- a. Structures shall be designed and placed in a manner that is not to be detrimental to adjoining properties within a 1,000-foot radius of the heliport site measured from the center of final approach and take off area.
- b. Proof of airspace clearance from the Federal Aviation Agency must be provided prior to the issuance of a certificate of occupancy.
- c. Evidence of applicable approvals required by the North Carolina Department of Transportation for helicopter flight operations must be provided prior to the issuance of a certificate of occupancy.

- d. The Town Council may require the applicant to implement noise reduction measures or flight operational restrictions deemed reasonable in order to protect the public health, safety and welfare of surrounding residents and businesses.
- e. A six-foot tall, opaque, year round landscape buffer is required in order to mitigate visual impacts to surrounding uses.

## **6.6. RECREATIONAL AND ENTERTAINMENT USE CATEGORY**

### **6.6.1. Characteristics**

Entertainment uses are generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities. Facilities vary greatly in sizes depending upon uses, from small bars or taverns to large indoor athletic facilities. This category also includes public parks and open space.

### **6.6.2. Examples**

Examples include public parks; publicly-owned golf courses; cemeteries; public squares; plazas; public swimming pools; public tennis courts; recreational trails, botanical gardens and nature preserves, athletic facilities; commercial amusements; private entertainment facilities; horse stables; privately-owned golf courses, golf driving ranges; miniature golf facilities; private country club; privately-owned tennis facilities; skateboard park; water slide; privately-owned active sports facilities such as ballfields and basketball courts; bar, night club and tavern; indoor entertainment activities such as bowling alleys, game arcades, pool halls, dance halls, indoor firing ranges, theaters; membership clubs.

### **6.6.3. Exceptions**

- A. Banquet halls that are part of hotels or restaurants are accessory to those uses.
- B. Publicly-owned golf courses are classified as parks and open areas.
- C. Civic, service, fraternal clubs, lodges and similar uses are defined in the Civic and Institutional Category.

### **6.6.4. Specific Uses**

- A. Other Recreational and Entertainment Uses Not Listed
  1. Defined  
Other recreational or entertainment uses not listed below, but sharing similar characteristics as outlined above.
  2. Use Standards  
(None)
- B. Bar, Nightclub, Tavern
  1. Defined  
A use or facility engaged primarily in the preparation and retail

sale of alcoholic beverages for consumption on the premises. This use is also known as tavern, bar, nightclub or similar use; but does not include restaurant or alcohol sales for off-premises consumption.

2. Use Standards

- a. In the CMU, I-1 and I-2 districts, a bar, nightclub or tavern shall not be permitted within 500 feet of any residential use or residential district.
- b. In the TBD district, a bar, nightclub or tavern shall have a minimum of 250 square feet devoted to food preparation (kitchen, food refrigeration/freezers, etc.)
- c. In the TBD district, a bar, nightclub or tavern shall be open no later than 1:00am.

C. Golf Course or Country Club, Private

1. Defined

A facility providing a golf recreation area designed for executive or regulation play along with accessory support facilities, excluding miniature golf.

2. Use Standards

(None)

D. Horse Stables and Related Facilities

1. Defined

A facility containing indoor and outdoor spaces for the breeding, boarding, training, or raising, or care of horses owned by the occupants or owners of the premises.

2. Use Standards

(None)

E. Indoor Athletic or Entertainment Facility

1. Defined

A business enterprise, as a principal use or as an accessory use where persons utilize more than six electronic machines, including, but not limited to: computers and gaming terminals; to conduct games including but not limited to: sweepstakes, lotteries games and/or games of chance; and where cash, merchandise or items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes,

but is not limited to: internet sweepstakes, video sweepstakes or cybercafes. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina or arcade games of skill.

2. Use Standards  
(None)

F. Electronic Gaming Centers

1. Defined

A business enterprise, as a principal use or as an accessory use where persons utilize more than six electronic machines, including, but not limited to: computers and gaming terminals; to conduct games including but not limited to: sweepstakes, lotteries games, and/ or games of chance; and where cash, merchandise, or items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to: internet sweepstakes, video sweepstakes, or cybercafes. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina or arcade games of skill.

2. Use Standards

No electronic gaming center shall be located within one quarter of a mile of another electronic gaming center. The distance shall be measured from the closest point on the perimeter of the parcel on which the described establishments are located.

G. Outdoor Athletic or Entertainment Facility

1. Defined

Amusement activities where any portion of the activity takes place outside or in the open. Typical uses include batting cages, golf driving ranges, go-cart tracks, outdoor paint ball, drive-in theater, outdoor skating rink and miniature golf courses. This use does not include recreation centers or public parks.

2. Use Standards  
(None)

H. Theater

1. Defined

An establishment for the performing arts with open-air or cinema with seating for audiences. Such establishments may include related customary uses such as food and beverage sales and other concessions.

2. Use Standards

(None)

I. Other Parks and Open Spaces Not Listed

1. Defined

Any outdoor space with few structures intended for active or passive recreation.

2. Use Standards

(None)

J. Public Park, Passive Open Space, Nature Park

1. Defined

A designated outdoor space for recreation that consists mostly of passive recreation and outdoor recreation. May contain some supporting structures.

2. Use Standards

(None)

K. Sexually Oriented Business

1. Defined

An adult bookstore, adult motion picture theater, adult mini-motion picture theater, cabaret or other adult entertainment business or massage business as defined in G.S. §14-202.10.

2. Use Standards

- a. No adult cabaret or adult establishment shall be located closer than a distance of 1,000 feet from a religious institution, school, park, residential zoning district or other adult cabaret or adult establishment. The 1,000-foot distance shall be measured from the closest point on the perimeter of the lot on which the described establishment is located to the nearest point on the lot on which the church, school, park, residentially zoned district, adult cabaret or adult establishment is located.

- b. Except as permitted in Article 12, Signage, no signs, logos, promotional materials or other distinctive decorations or markings shall be placed on the exterior of the establishment or shall be visible to the public from streets or highways, pedestrian sidewalks or adjacent properties.
- L. Theater, Drive-in
- 1. Defined  
An open lot devoted primarily to showing motion pictures to patrons seated in vehicles.
  - 2. Use Standards  
(None)



## **6.7. OVERNIGHT ACCOMMODATION USE CATEGORY**

### **6.7.1. Characteristics**

Dwelling units arranged for short term stays of less than 30 days for rent or lease.

### **6.7.2. Examples.**

Examples include bed and breakfast establishments, hotels, motels, inns, and extended stay facilities.

### **6.7.3. Exceptions**

(None)

### **6.7.4. Specific Uses**

#### **A. Other Overnight Accommodations Not Listed Below**

##### **1. Defined**

Other overnight accommodations not defined herein.

##### **2. Use Standards**

(None)

#### **B. Bed and Breakfast Home and Inn**

##### **1. Defined**

##### **a. Bed and Breakfast Home**

A business in a single family structure of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following criteria:

- i. Does not serve food or drink to the general public for pay.
- ii. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
- iii. Is the permanent residence of the owner or the manager of the business.
- iv. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as a separate charge on the overnight guest's bill rate at the conclusion of the overnight guest's stay.

b. Bed and Breakfast Inn

A business of at least nine but not more than 12 guest rooms that offers bed and breakfast accommodations for a period of less than one week, and that meets all of the following requirements:

- i. Does not serve food or drink to the general public for pay.
- ii. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals only to overnight guests of the business.
- iii. Includes the price of breakfast in the room rate. The price of additional meals served shall be listed as separate charge on the overnight guest's bill at the conclusion of the guest's stay.

2. Use Standards

In the TBD and AC districts, the use shall not be located on the ground floor except for a lobby (if applicable) and any nonresidential uses that are otherwise accessible to the general public.

C. Hotel/Motel

1. Defined

A facility that contains rooms for overnight guests containing registration facilities, on-site management, cleaning services, and combined utilities. May include food service facilities.

2. Use Standards

- a. In the AC district, the use shall not be located on the ground floor except for a small lobby (if applicable) and any nonresidential uses that are otherwise accessible to the general public.
- b. All guest rooms shall be accessible from an interior hallway.
- c. No guest rooms shall be accessible without passing through a secured area.
- d. Staff or management shall be on duty 24 hours per day, seven days per week.
- e. Each guest room shall have a minimum of 280 square feet.
- f. No outside storage or permanent parking of equipment or vehicles shall be permitted.

- g. No buildings constructed under this section may be converted to or used as apartments or condominiums.

## **6.8. COMMERCIAL, OFFICE, RETAIL, SERVICE USE CATEGORY**

### **6.8.1. Characteristics**

- A. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. No wholesale or external retail sales activity is included.
- B. Restaurants are establishments that sell food for on- or off-premise consumption.
- C. Retail Sales and Service firms are involved in the sale, lease, or rent of new or used products to the general public. They may also provide personal services, or provide product repair or services for consumer and business goods.
- D. Day care uses provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

### **6.8.2. Examples**

- A. Offices and services include professional services such as lawyers, accountants, engineers, or architects; banks; financial institutions such as lenders or brokerage houses; insurance agents or real estate agents; administrative offices; data processing; sales offices; radio and television stations/studios; and individual medical and dental offices.
- B. Restaurants include drive-ins, drive-throughs, fast food establishments, yogurt or ice cream shops and pizza delivery facilities.
- C. Retail sales include stores selling, leasing or renting, consumer, home, and business goods.
- D. Service-Oriented facilities include banks; dry cleaner/laundry; emergency medical care offices; funeral home; household equipment rental; photographic studios; printing services; hair, tanning and personal care services; health clubs and gyms; office equipment rental; travel agencies; animal hospital/grooming; repair services; and tailors.

### **6.8.3. Exceptions**

- A. Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity.

Headquarters offices, when in conjunction with or adjacent to another principal use, are considered part of the other use.

- B. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored outside and fabrication, services, or similar work is not carried on at the site.
- C. Laundry and dry-cleaning plants are considered light industrial services.
- D. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.
- E. Taxicab and limousine operations or facilities are classified under Transportation and Terminals.
- F. Day care does not include public or private schools or facilities operated in connection with an employment use, shopping center, religious institution, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

#### **6.8.4. Specific Uses**

##### **A. Other Office Uses Not Listed**

###### **1. Defined**

An establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting. The majority of the traffic generated from offices comes from employees and not the general public.

###### **2. Use Standards**

- a. In the NC district, the footprint may not exceed 7,000 square feet.
- b. Prohibited on the ground floor in the TBD and AC districts.

##### **B. Medical Office**

###### **1. Defined**

A facility providing medical care to patients, typically on an appointment, out-patient basis, but that does not provide overnight care.

2. Use standards
  - a. In the NC district, the footprint may not exceed 5,000 square feet.
  - b. Prohibited on the ground floor in the TBD and AC districts.
- C. Other Restaurant and Food Service Uses Not Listed
  1. Defined

Restaurant and food preparation or food services other than those listed below.
  2. Use Standards

(None)
- D. Restaurant, Sit-down Establishment
  1. Defined

An establishment providing food and food service, whereby at least 51 percent of the establishment's revenue is derived from such food sales and does not contain a drive through window. Pickup, curbside, and to-go food sales are allowed.
  2. Use Standards
    - a. In the NC district, the use may not exceed 5,000 square feet in gross floor area.
- E. Restaurant with Drive-Through Window or Outdoor Curb Service
  1. Defined

A restaurant devoted to the preparation and offering of food and beverage for sale to the public for consumption either on or off the premises. Food ordering and delivery can occur prior to arrival, at a counter, drive-through window, or take-out window.
  2. Use Standards
    - a. In the NC district, the use may not exceed 5,000 square feet in gross floor area.
- F. Convenience Store
  1. Defined

A store selling a limited selection of daily essentials which may or may not include fuel retail sales to the public.
  2. Use Standards
    - a. In the NC and TBD districts, the use may not exceed 5,000 square feet in gross floor area.

- b. Canopy/gas island operational vehicular areas shall be screened from all public streets to a minimum height of three feet. Where abutting a residential district or use the screening shall be increased to a minimum of six feet tall.

G. In-Home Family Child Care Home (up to three nonresident children as a Home Occupation)

1. Defined

Per G.S. §110-86, an arrangement where, at any one time, not more than three children who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

2. Use Standards

- a. At least 100 square feet of outdoor play area shall be provided for each child. The outdoor play area shall be enclosed by a fence having a minimum height of four feet, which shall be maintained in good condition.
- b. An off-street drop-off and loading area shall be provided.
- c. Family child day care shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m.
- d. A 10-foot wide buffer with a 50 percent visual screen to a minimum height of six feet is required around the outdoor play area adjacent to any residentially-zoned or residentially-used property.

H. Child Care Center

1. Defined.

Per G.S. §110-86, an arrangement where, at any one time, children who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

2. Use Standards

- a. At least 100 square feet of outdoor play area shall be provided for each child. The outdoor play area shall be located at least 50 feet from the lot line of any residential property, and enclosed by a fence having a minimum

Commentary: The State of North Carolina requires a license for the care of three or more persons (G.S. 110-86).

height of four feet, which shall be maintained in good condition.

- b. An off-street drop-off and loading area shall be provided.
  - c. Child day care is licensed by the North Carolina Department of Health and Human Services.
  - d. Day care shall only be permitted to operate between the hours of 6:00 a.m. and 10:00 p.m.
  - e. A 50 percent visual screen to a minimum height of six feet is required adjacent to any residentially-zoned property.
- I. Gym, Spa, or Pool, Private
- 1. Defined  
See sections 13.2.7., 13.2.19., 13.2.16.
  - 2. Use Standards
    - a. In the NC district, a private gym, spa, indoor tennis court or pool may not exceed 5,000 square feet in gross floor area.
    - b. In the NC district, the hours of operation are restricted to between 6:00 a.m. and 10:00 p.m.
- J. Funeral Home
- 1. Defined  
An establishment for the arrangement and management of funerals and preparation of the human deceased for burial.
  - 2. Use Standards  
(None)
- K. Crematorium
- 1. Defined  
A place used and dedicated to the cremation of human remains or pet animal remains.
  - 2. Use Standards
    - a. All crematorium operations must be conducted entirely within a structure; outdoor storage is prohibited.
    - b. All crematorium operations must provide certification from the N.C. Division of Air Quality that a permit is or is not required.



- c. Warehouses, storage or maintenance buildings, shall be located not less than 150 feet from the nearest residential district.

L. Personal or Professional Services

1. Defined

A facility involved in providing personal or repair services to through traffic as well as the surrounding neighborhood. Professional services shall include the following personal services: beauty, hair, nail or tanning salon; massage therapy; pack-and-ship facility; animal grooming; photography, blueprint or quick-sign service; psychic or medium; security service; taxidermist; catering service or any similar use. Professional services shall also include the repair services for bicycles and mopeds, canvas products, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, furniture, watches, or any similar product. Also includes tailors, milliners, upholsterers, or locksmiths. Includes the instruction of the arts, such as individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items; art classrooms; music studios or classrooms; dance studios or classrooms; martial arts instruction; or similar uses. This definition does not include any adult-oriented business or adult entertainment establishment.

2. Use Standards

- a. In the NC district, a repair-oriented use may not exceed 5,000 square feet in gross floor area.
- b. In the NC district, no outdoor storage at a repair-oriented use shall be permitted.

M. Banks or Financial Institutions

1. Defined

A building use or facility providing banking, savings and loan, credit union, or mortgage services. May include an ATM as a customary accessory use.

2. Use Standards

- a. Within the TBD and AC districts, no ground floor operations are permitted, with the exception of a lobby or banking kiosk of 1,000 square feet or less or an ATM.
- b. In the NC district, a bank, credit union, or other financial institution shall:

- i. provide only indoor transactions (no external automated teller machine, drive-through windows, or night drop windows shall be permitted); and
- ii. be limited to hours of operation between 6:00 a.m. and 10:00 p.m.

N. Sales / Retail

1. Defined

The wholesale or retail sale, lease or rental of new or used products. Sale or rental of items with incidental service of rented items is allowed but excludes those services and sales classified more specifically by another category.

2. Use Standards

- a. Outside display of goods for sale and/or outside storage areas with direct frontage along street rights-of-way must be screened to a minimum height of two and one-half feet planted every five feet on center at installation.
- b. For new development:
  - i. A maximum of 50 percent of the total property frontage may be devoted to outside display or storage of goods when vehicular parking areas (excludes vehicular loading/service areas) are located in the street yard area.
  - ii. A maximum of 66 percent of the total property frontage may be devoted to outside display or storage areas when vehicular parking/service areas are located in side or rear yards.
- c. For new development, all outside displays of goods for sale or outdoor storage areas shall have a minimum setback distance of 15 feet from the street right-of-way.

O. Parking Lot, Commercial

1. Defined

- a. Commercial parking facilities that provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.

- b. Parking facilities that are accessory to a principal use, but that charge the public to park for occasional events nearby, are not considered commercial parking facilities.
  - c. Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
  - d. Public transit park-and-ride facilities are classified accessory to those uses.
  - e. Open air market is defined as an area, open or partially enclosed, at which vendors gather to sell personal property.
2. Use Standards
- a. In the TBD and AC districts, commercial parking uses shall not be permitted to front public streets on the ground floor; structures must offer an active use on the ground floor perimeter adjacent to public streets.
- P. Self-Storage, Mini Storage
1. Defined
- a. Self-service storage uses provide separate indoor storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. May or may not have an outdoor vehicle storage component that is not greater than 25 percent of the enclosed floorspace of the facility.
  - b. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is defined as “warehouse and freight movement”.
2. Use Standards
- a. Accessory uses may include living quarters for a resident manager, security and leasing offices, and outside storage of boats and campers.
  - b. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use.
  - c. The rental of trucks or equipment is also not considered accessory to a self-service storage use.

Q. Manufactured Home Sales Lots

1. Defined

A site devoted to the display and sale of manufactured homes. May include several models for display and a unit to house administrative and office functions.

2. Use Standards

- a. Model display units only are allowed in front areas (measured 100 feet from the right-of-way line) directly visible to the street.
- b. All display model units must have foundation planting and underskirting material matching the unit.
- c. All storage units must be located in the rear of display model area and have appropriate screening if visible from the street.

R. Veterinarian / Kennel

1. Defined

a. Veterinarian

A commercial operation that provides medical care for animals.

b. Kennel

A commercial operation that provides food, shelter, and care for animals. A kennel may: (i) be run by or associated with a veterinarian; or (ii) engage in the breeding of animals for sale.

2. Use Standards

- a. No veterinarian or kennel with outdoor operations shall be located within 500 feet of any residential district.
- b. A pet walking area up to 25 percent of the floor area of the indoor operations may be considered accessory, so long as animals are not housed in this area or left there unsupervised.
- c. In the NC and TBD districts, no veterinarian or kennel shall exceed 5,000 square feet gross floor area.
- d. In the NC and TBD districts, all activity associated with the operation shall take place within a completely enclosed building.

S. Vehicle Sales, Rental, Repair, and Service

1. Defined

Vehicle sales, rental, service, and repair uses provide direct services to motor vehicles. They may include firms that rent or service passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles. Also includes establishments primarily engaged in the repair or maintenance of motor vehicles (inclusive of paint, body, fender), and major engine and engine part overhaul. Typical uses include auto and truck rental, lease and sales; boat rental and sales; mobile home and recreational vehicle sales; construction equipment rental yards; moving trailer rental, and large implement sales or rental. Examples also include automobile rental; automobile sales; car washes; quick lubrication services; vehicle repair, transmission or muffler shop; towing service; auto body shop; alignment shop; auto upholstery shop; auto detailing; and tire sales and mounting.

2. Use Standards

- a. Except in the CMU and I-1 districts, no overnight outdoor storage is permitted.
- b. Outdoor storage is restricted to the rear of a building and must be 100 percent screened from all street views.
- c. No vehicles shall be stored for more than 30 days.
- d. All service bay areas shall be oriented so as not to directly face U.S. 70 or U.S. 401.
- e. All service bay areas shall have a 100 percent screen to a minimum height of three and one-half feet if such areas are visible from a public street. Such screening height must be achieved within two years.
- f. Two elevated display racks are permitted per motor vehicle sales lot and shall not exceed five feet in height.
- g. All vehicle display areas with frontage along a public right-of-way shall be screened to a minimum height of two and one-half feet.

T. Vehicle Towing, Storage

1. Defined

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

2. Use Standards

- a. No vehicle towing or storage facility shall be located within 500 feet of any residential use or district.
- b. All overnight storage of vehicles shall be completely screened from view from the public right-of-way and adjacent properties by a six-foot fence or other methods that achieve the 100 percent opaque, year round screening objective.

## **6.9. INDUSTRIAL, MANUFACTURING, WAREHOUSING, WASTE SERVICES, AND TRANSPORTATION USE CATEGORY**

### **6.9.1. Characteristics**

Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. The uses may have indoor or outdoor operations.

### **6.9.2. Examples**

Examples include manufacturing facilities, industrial plants and campuses, warehouses and logistics facilities, junkyards, recycling yards, transfer stations, dumps, airports, bus passenger terminals, taxicab and limousine operations and facilities, and helicopter landing facilities.

### **6.9.3. Exceptions**

- A. Contractors and others who perform services off-site are included in the office category, if major equipment and materials are not stored on-site and fabrication or similar work is not carried on at the site.
- B. Private helicopter landing facilities that are accessory to another use.
- C. Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.
- D. Manufacture and production of goods from composting organic material is classified as waste related service.
- E. Bus passenger stations for local service such as mass transit stops and park-and-ride facilities are classified as minor utilities.
- F. Uses that involve the transfer or storage of solid or liquid wastes are classified as waste related service.
- G. Flex space is classified as light industrial service.

**6.9.4. Standards for All Industrial, Manufacturing, Warehousing, Waste Services, and Transportation****A. Smoke**

1. To determine the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Info. Circular 8333, May 1967, shall be used. The Ringlemann numbers cited refer to the area of the Ringlemann Chart that coincides most nearly with the visual equivalent opacity of the smoke emission observed.
2. All measurements shall be taken at the point of emission of the smoke.
3. In the NC, CMU, TBD, and AC districts, no industrial use classification use may emit from a vent, stack, chimney, or combustion process any smoke that is visible to the naked eye.
4. In the I-1 district, no industrial use classification use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent opacity of Ringlemann No. 1, except one emission not exceeding an equivalent of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight hour period if the emission source is not within 250 feet of a residential district.
5. In the I-2 district, no industrial use classification use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent opacity of Ringlemann No. 2, except that an emission not exceeding an equivalent of Ringlemann No. 3 is permissible for a duration not more than four minutes during any eight hour period if the source of emission is not located within 500 feet of a residential district.

**B. Noise**

1. The following definitions shall apply in this section. All definitions shall be in conformance with those contained in ANSI/ASA S1.1-2013, Acoustical Terminology.
2. With respect to the standards established in the Table of Maximum Permitted Sound Level, dB(A) are expressed in terms of the tenth percentile sound level (L10), which must be calculated by taking 100 instantaneous A-weighted sound levels at ten second intervals and computing the (L10).
3. No person may operate or cause or permit the operation of any stationary source of sound that exceeds the limits set



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forth herein for the following receiving land use districts when measured at the boundary or at any point within the property affected by the noise:

<b>Table of Maximum Permitted Sound Level [dB(A)]</b>		
<b>Receiving Use Districts</b>	<b>Day (7:00 a.m.— 10:00 p.m.)</b>	<b>Night (10:00 p.m.— 7:00 a.m.)</b>
Residential, Mixed Use, or with residential component	60	55
Commercial and non-industrial / nonresidential	65	60
Industrial	75	75

4. When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.
5. For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the standards defined herein shall be reduced by five dB(A).
6. The standards set forth in this section shall not apply to the following sources:
  - a. Emergency warning devices and emergency equipment including medical transport helicopters;
  - b. Lawn care equipment used during daytime hours; or
  - c. Equipment being used for construction.
7. Notwithstanding any other nonconformity provisions in this UDO, any person who operates or permits to be operated any new stationary noise source after the effective date of this section shall comply with the standards defined herein.
8. Measurement techniques to determine compliance with this section are set forth in ANSI/ASA S1.13 - 2020.

C. Vibration

1. No industrial, manufacturing, warehousing, waste services, and/or transportation use classification may generate any ground-transmitted vibration perceptible to the human sense of touch measured at either:
  - a. The outside boundary of the space leased, rented or occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot; or

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- b. The lot line if the enterprise generating the vibration is the only enterprise located on a lot.
- 2. In the NC, CMU, TBD, AC, I-1 and I-2 districts, no industrial use classification use may generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth below.
- 3. The instrument used to measure vibrations shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- 4. The vibration maximum set forth below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three components recorded.

<b>Table of Maximum Ground Transmitted Vibration</b>		
<b>Zoning District</b>	<b>Adjacent Lot Lines</b>	<b>Residential District</b>
NC, CMU, TBD, and AC	0.10	0.02
I-1	0.10	0.02
I-2	0.20	0.02

- 5. The values stated above may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second between pulses.
- 6. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

**D. Odors**

1. For purposes of this section, the odor threshold is defined as the minimum concentration in air of a gas, vapor, or particulate matter than can be detected by the olfactory systems of a panel of healthy observers.
2. No Industrial use classification in any district may generate any odor that reaches the odor threshold, measured at
  - a. The outside boundary of the space leased, rented or occupied by the enterprise generating the odor; or
  - b. The lot line if the enterprise generating the odor is the only enterprise located on a lot.

**E. Air Pollution**

1. Any industrial use classification that emits any air contaminant (as defined in G.S. §143-213) shall comply with applicable state standards concerning air pollution, as set forth in G.S. Chapter 143 Article 21B.
2. No development approvals or permits may be issued with respect to any development covered above until the State Division of Environmental Management has certified to the permit-issuing authority that the appropriate state permits have been received by the developer (as provided in G.S. §143-215.108) or that the developer will be eligible to receive such permits, and that the development is otherwise in compliance with applicable air pollution laws.

**F. Disposal of Liquid Wastes**

1. No industrial use classification in any district may discharge any waste contrary to the provisions of G.S. §143-214.2.
2. No industrial use classification in any district may discharge into the City of Raleigh's sewage treatment facilities any waste that cannot be adequately treated by biological means or otherwise violates applicable City of Raleigh requirements or standards.

**G. Water Consumption**

No industrial use classification that requires for its operations a one and one-half inch or larger meter is permissible in any district unless specifically approved to do so by the Town Council.

**H. Electrical Disturbance or Interference**

No industrial use classification may:

1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
2. Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

#### 6.9.5. Specific Uses

##### A. Flex Space, Other Light Industrial, Manufacturing, or Warehousing Uses Not Listed

###### 1. Defined

###### a. Flex Space

The sale, lease, or rental of space within a structure or multiple structures that will allow a combination of non-residential uses.

###### b. Other Light Industrial

Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared material, which activities are conducted wholly within an enclosed building.

###### c. Manufacturing

The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products and the blending of materials including but not limited to oils, plastics, resins, etc.

###### d. Warehousing

Facilities characterized by extensive, frequent heavy trucking activity, open storage of material or nuisances such as dust, noise and odors, but not involved in manufacturing or production.

###### 2. Use Standards

- a. Changes in products, services, and square footage of the permitted uses within a flex-space structure do not require approval of the Town.

- b. Any portion of the gross floor area in each flex space structure may be commercial space provided sufficient off-street parking is available on-site.

B. Microbrewery / Microdistillery

1. Defined

A facility for the production and packaging of beer, liquor, hard cider, and other malt beverages for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. Areas for demonstration, education, retail sale, or tasting are included in this definition as incidental to the primary use of producing beverages.

2. Use Standards

(None)

C. Wholesale Sales

1. Defined

- a. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.
- b. Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.
- c. Firms that are primarily storing goods with little on-site business activity are classified as warehouse and freight movement.

2. Use Standards

(None)

D. Industrial, Manufacturing, or Production

1. Defined

Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few

customers come to the manufacturing site.

2. Use Standards

- a. No vibration shall be produced which is transmitted through the ground (and is discernible without the aid of instruments) at or at any point beyond the lot line.
- b. All noise shall be muffled so as to not be objectionable.
- c. Visible emissions of air pollutants of any kind at ground level, past the lot line of the lot on which the source of emissions is located, are prohibited.
- d. No person shall cause or permit any materials to be handled, transported, or stored in such a manner which allows or may allow particulate matter to become airborne.
- e. No direct glare from high temperature processes such as combustion or welding, which is visible at the lot line, shall be permitted.
- f. There shall be no emission or transmission of heat or heated air so as to be discernible from the lot line.
- g. Any condition or operation which results in the creation of odors of such intensity or character as to unreasonably interfere with the comfort of the public shall be removed, stopped, or modified so as to remove the odor.
- h. Manufacturing and production uses shall not be a permissible use within existing commercial buildings in downtown Garner located along Main Street between Montague Street and Griffin Street, and zoned TBD.

E. Outdoor Storage

1. Defined

An area used for intended for the storage of materials, property, refuse, or vehicles and equipments not in service.

2. Use Standards

- a. All outdoor storage areas shall be screened from view from any public right-of-way or adjacent property with a minimum six-foot tall opaque fence, wall, or other methods that achieve the year-round screening requirement.
- b. Where outdoor storage exceeds 10 feet above grade or is adjacent to residential uses of two stories or greater, there shall be a minimum 12-foot tall opaque fence, wall, or

other methods that achieve the year-round screening requirement and a minimum 20-foot wide landscaping buffer.

F. Resource Extraction

1. Defined

Resource extraction uses include those uses that rely on mining, quarrying, or other similar activity to extract resources from the ground. Examples include mines, borrow pits, and quarries.

2. Use Standards

Operations must be a minimum of 100 feet from neighboring non-industrially-zoned properties with 100 percent opaque, year-round, visual screening up to a height of 12 feet.

G. Passenger Terminals

1. Defined

Passenger terminal also includes passenger terminals for bus service and taxicab or limousine operations or facilities.

2. Use Standards

(None)

H. Truck Terminal, Fueling Terminal

1. Defined

The premises used for loading and unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

2. Use Standards

(None)

I. Aviation Service and Freight

1. Defined

Aviation service firms engaged in storage, repair, and/or servicing of airplanes, helicopters, and aviation equipment; charter aviation services; flying-related education; and/or warehousing related to air shipping.

2. Use Standards

(None)

## J. Warehouse and Freight Movement

## 1. Defined

Warehouse and freight movement firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. May include recycling of materials, offices, and repackaging and transshipment of by-products.

## 2. Use Standards

(None)

## K. Other Waste Related Services

## 1. Defined

Waste related services are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.

## 2. Use Standards

- a. Waste and recyclable materials shall be stored within a weather-tight container or a durable material container. An individual container shall not exceed a height of eight feet. The use of containers with self-closing doors is strongly encouraged.
- b. Storage of waste and recyclable materials may be located inside or outside of an enclosed building. If located outside of an enclosed building, recyclable materials shall be stored within a trailer that is drawn by motor power and bears a valid and current state license. Or, such material located outside an enclosed building may be stored within weather tight metal containers which do not exceed a height of eight feet.
- c. Waste and recyclable material collection centers outside of an enclosed building should be located on a site to avoid direct street view, such as but not limited to being located in the rear of existing building(s). Direct street view of outside collection centers is permissible only when a 100 percent screen on all sides of the receptacle is completed by the developer according to the standards outlined below prior to the start of collection operations. Plans



detailing how an outside collection center is to be screened shall be submitted as part of the site or plan application.

- d. Where an outside collection receptacle is a trailer, screening shall be accomplished by solid fencing sufficient to screen tires of all trailer wheels and shall be located a maximum of six feet from the designated trailer location closest to street view. A minimum of 50 percent of the solid fence shall be softened with vegetation consisting of a combination of shrubs and trees and shall extend 15 feet on either end of said fencing.
- e. Where an outside collection receptacle is a weather tight metal container, a 100 percent solid screen shall be provided on all sides with a direct street view. Screening shall be accomplished by solid fencing to a minimum height of eight feet; located a maximum of four feet from the container. A minimum of 50 percent of the fence shall be softened with vegetation consisting of a combination of shrubs and trees.
- f. Processing equipment, such as but not limited to crushers and sorting equipment, shall not be part of an outside collection operation.
- g. Collection containers shall be located a minimum of 50 feet from any property line adjoining a residence or residential district. A Type A buffer (Section 10.6.7.) shall be required along such property lines.
- h. Waste and recyclable material collection center sites shall be kept clean and free of materials, rubbish, or debris. The exterior of outside collection containers shall be kept clean and kept in a good state of repair at all times. The Planning Director shall have the authority to order painting, repair, alteration, or removal of receptacles and the cleaning of collection sites which constitutes by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, a public nuisance or hazard to public health, safety, or welfare.
- i. All applicable setback requirements of Article 5 shall apply to situations where all collection and storage operations are conducted inside a completely enclosed building.
- j. In situations where collection and storage operations occur outside of an enclosed building the following setbacks shall apply:

Outside Collection/Storage Setbacks		
	Adjacent to or Across from Nonresidential Use or District	Adjacent to or Across From Residential Use or District
Front	50 feet	75 feet
Interior side	25 feet	50 feet
Corner side	50 feet	75 feet
Rear side	25 feet (50 feet if site abuts a street)	50 feet (75 feet if site abuts a street)

- k. A minimum of five parking spaces per waste and recyclable material collection center site or two parking spaces for each receptacle, whichever is greater, shall be required.
  - l. Signage for waste and recyclable material collection centers shall be subject to the sign regulations set forth in Article 12.
  - m. Waste and recyclable material collection centers with outside operations shall not be located on a lot which abuts U.S. 401, U.S. 70, N.C. 50, or Mechanical Boulevard.
- L. Recycling Materials Collection Center
- 1. Defined
 

A permanent facility designed and used for receiving, separating, storing, converting, baling or processing of non-hazardous recyclable materials that are not intended for disposal. The use may include construction debris recycling or other intensive recycling processes such as composting, chipping, and mulching.
  - 2. Use Standards
 

Same as Section 6.9.5.K.2.

### M. Recycling Collection Point

#### 1. Defined

An incidental use that is considered an accessory use to only the principal uses. Recycling collection points serve as a neighborhood drop-off point outside of a fully enclosed building for temporary storage of small amounts of recyclable materials. Does not include donation drop-off points.

#### 2. Use Standards

- a. Recycling collection points shall be limited to one operation per principle use (i.e., one per shopping center, or office complex or building).
- b. Recycling collection points shall present an appropriate appearance in the community. This objective may be accomplished by the use of containers which are uniform in size, color and shape, or by the use of sufficient measures to screen recycling collection points from external views.
- c. Materials collected at recycling collection points shall be limited to aluminum, plastic, glass, or paper materials which may be recycled for re-manufacture or reuse.
- d. Outside recycling collection points should be located on a site so as to avoid direct street view such as side or rear areas of existing building. The location of a recycling collection point shall be situated on a site so as not to create unsafe or hazardous traffic movements on or off the site.
- e. Processing equipment shall not be a part of a recycling collection point.
- f. The area immediately surrounding recycling collection points shall be kept clean and in a good state of repair at all times. The Planning Director shall have the authority to order, at the owner's expense, painting, repair, alteration, screening or removal of containers or receptacles and the cleaning of recycling collection point areas which constitute by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, a public nuisance or hazard to public health, safety or welfare. Failure to comply with the provisions of this section shall result in enforcement action according to the requirements of Article 7, Enforcement.

- g. The setback requirements that apply to the principal use of property where a recycling collection point is located shall also apply to individual recycling collection containers.
- h. Signage for recycling collection points shall be subject to the sign regulations set forth in Article 12. The use of the recycling symbol as the only signage for recycling collections points is required.
- i. A minimum of five parking spaces per recycling collection point or one parking space for each receptacle, whichever is greater, shall be required.

N. Sanitary Landfill, Junk Yard, Salvage Yard

1. Defined

A facility for the disposal of solid waste on land in a sanitary manner in accordance with G.S. Chapter 130A Article 9, or a lot, land, or structure, or part thereof, used for the collection, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, salvaging, or sale of parts or machinery or vehicles not in running condition.

2. Use Standards

Same as Section 6.9.5.K.2.

## **6.10. UTILITIES USE CATEGORY**

### **6.10.1. Characteristics**

Major utilities are infrastructure services providing Town-wide service. Minor utilities are infrastructure services that need to be located in or near the area where the service is provided. Utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

### **6.10.2. Examples**

- A. Examples of major utilities include water towers; radio and television broadcast towers; telecommunication towers; solar farms; water plants; wastewater plants; and electrical substations.
- B. Examples of minor utilities include water and sewage pump stations; stormwater retention and detention facilities; bus stops; and telephone exchanges.

### **6.10.3. Exceptions**

- A. Maintenance yards and buildings, or other facilities with outdoor storage are classified as government.
- B. Utility offices are classified as offices.

### **6.10.4. Specific Uses**

- A. Other Utilities Uses Not Listed
  - 1. Defined

Public and private utilities other than those listed in this subsection. Includes Water and Wastewater Treatment Plants. Also includes Electric and Natural Gas Substations, although any of these facilities less than one-half acre in size are considered Minor Utilities.
  - 2. Use Standards

Mechanical equipment shall be screened from view from public rights of way and ground floor residences.
- B. Water Treatment, Wastewater Treatment, Natural Gas, Electric Substation
  - 1. Defined
    - a. Water Treatment

Any facility or facilities used or available for use in the collection, treatment, testing, storage, pumping, or distribution of water for a public water system.

b. Wastewater Treatment

A facility or group of units used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters.

c. Natural Gas

A facility with the respect to natural gas distribution, including distribution pipelines and metering-regulating stations that are operated by a local distribution company.

d. Electrical Substation

A subsidiary station of electricity generation, transmission, and distribution system where high voltage is transformed from high to low or the reverse using transformers.

2. Use Standards

(None)

C. Minor Utility, Elevated Water Storage Tank

1. Defined

Public facilities in the form of: (a) structures (e.g., poles, lines, pipes); (b) minor sewer, water, and storm drainage structures and collection system improvements (e.g., pump stations, lines, manholes, valves, hydrants, drains, on-site detention facilities); (c) new or extended public streets (including lane additions); and (d) minor improvements to existing streets (e.g., overlays, catch basins, signs, control devices, widening, curbs, gutters, sidewalks). Includes:

- a. Electric power, telephone, cable televisions, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way;
- b. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or Town) of the right-of-way;
- c. Wells, pumping stations, or other similar facilities that are owned or operated by the City of Raleigh as part of the public water and sewer system;
- d. On-site water or wastewater treatment facilities that are authorized pursuant to an approved permit for a development project; provided such facilities are designed and constructed to primarily serve said development; and

- e. Electric or natural gas substations less than one-half acre in size.

2. Use Standards

- a. Mechanical equipment on the ground shall be screened from view from public rights-of-way and ground floor residences.
- b. Where ground-mounted or underground mechanical equipment exists, at least one parking space shall be provided for maintenance.

D. Solar Farms

1. Defined

An entire tract or portion of a tract that contains a collection of ground-mounted solar panels and related equipment designed to convert sunlight into electrical power for direct on-site consumption or for interconnection with the power grid system for off-site consumption; the size of a solar farm may vary.

2. Use Standards

- a. The maximum height for all solar panels, mounts and related equipment or structures shall not exceed 15 feet. This includes solar panels at maximum tilt.
- b. The solar farm area shall be enclosed with a minimum six-foot tall security fence along its entire perimeter. Gates shall be locked and secured.
- c. The minimum front and corner side setback is 30 feet from the right-of-way of a public or private road, or private road easement.
- d. In the case of a public road that is designated by the current Town of Garner Transportation Plan as a minor or major thoroughfare, freeway or interstate, the minimum setback from the right-of-way of said designated road shall be 50 feet.
- e. The minimum interior side and rear setbacks shall be equal to the applicable buffer width specified in Section 10.6.7.
- f. With the exception of the perimeter security fence required in subsection (b), all other solar farm structures; including but not limited to: mechanical equipment, panels and mounts; and materials shall be set back a minimum of 100 feet from footprint of any existing residential dwelling.

- g. Solar farms shall meet the screening of objectionable views requirements of Section 10.9.5.: Solar Farms.
- h. Solar farms shall meet the industrial performance standards of Section 6.10.4.B.: Noise.
- i. Solar panels shall not create a traffic or safety hazard; solar panels shall be arranged, angled or sited to minimize glare or reflection onto adjoining properties and rights-of-way. Panels shall have a textured or anti-reflective surface or coating. Mirrors or mirrored panels are prohibited.
- j. Decommissioning Plan: A Decommissioning Plan shall be approved and recorded as a condition of the SUP. At a minimum, the Decommissioning Plan shall address the following requirements:
  - i. Responsible parties.
  - ii. Timeline for the completion of all decommissioning plan activities within 6 months of power ceasing to be provided to the recipient client.
  - iii. Removal and disposal of all equipment and materials; including but not limited to: panels, mounts, structures, pads, foundations, underground wiring, and fencing.
  - iv. Site reclamation and surface restoration; including but not limited to: retention of installed landscaping, putting down new topsoil, re-grading, and re-seeding.
  - v. An “Estimated Net Cost of Decommissioning” prepared by a licensed engineer, inclusive of salvage proceeds; and a mechanism to annually report to the Town of Garner Planning Department a “Revised Estimate of the Net Cost of Decommissioning” that accounts for items such as, but not limited to, inflation, deflation, and depreciation.
- k. Decommissioning Surety: Prior to the issuance of any building permits, a surety acceptable to the Town Attorney of the Town of Garner naming the Town of Garner as beneficiary shall be posted for 125 percent of the Estimated Net Cost of Decommissioning established within the approved Decommissioning Plan or \$25,000, whichever is greater.
- l. If at any time, the Revised Estimate of the Net Cost of Decommissioning exceeds 90 percent of the value of the posted surety, a new or amended surety shall be posted in



the amount of 125 percent of the newly Revised Net Cost of Decommissioning.

E. Telecommunication Facility

1. Defined

- a. Any structure that is designed and constructed primarily for the purpose of supporting one or more personal wireless service facility antennas.
- b. Does not include small cell facilities up to 35 feet tall.

2. Use Standards

- a. A setback radius as measured from the center of the tower base shall be required as follows for all cell towers

Adjacent Lot Type	Setback	Notes
Developed Residential District	200' from property line	
Undeveloped Residential District	100% Tower Height	
Non-Residential Districts	60% Tower Height or 110% BMD*	<i>110% BMD may not be less than the minimum side or rear yard zoning district setbacks</i>

*\* Breakpoint Minimum Distance (BMD) is the distance from the top of the structure to the breakpoint level of the structure.*

- b. The Town Council may allow the setback adjacent to undeveloped residential districts to be reduced to a minimum of 60 percent of the tower height based on competent engineering evidence provided by the applicant certifying that the structural integrity of the tower is designed to collapse completely within the reduced setback distance and that affected owners of record adjacent to the reduced setback distance provide written documentation (which must be recorded with the Wake County Register of Deeds) that they do not object to such setback reduction.
- c. Breakpoint design technology is defined as: The engineering design of a tower wherein a specified point on the tower is designed such that in the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the tower. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided

together with the other information required herein from an applicant.

- d. The Town Council encourages the co-location of antennas on existing towers in the Towns planning jurisdiction where possible in order to reduce the amount of visual clutter that new towers create in the community.
- e. The applicant shall attend a pre-application meeting with the Planning Department. The applicant shall provide information regarding the proposed facility's service area requirements, co-location opportunities and review a checklist of information required for the formal application. Additional information necessary to review the impact of the proposed facility on surrounding properties may be required at the time of pre-application meeting.
- f. Telecommunication tower facilities shall be built in accordance with all Fire Code requirements for turnarounds in driveways of a certain length.
- g. The applicant shall provide competent evidence to the Town Council that all reasonable efforts have been made to co-locate on an existing tower, building, or structure or that no existing tower, building or structure will technically satisfy the applicant's needs.
- h. The applicant shall certify to the Town Council that a new tower location will be constructed for co-location of future users and that radio, television or similar reception for adjoining properties will not be disturbed or diminished.
- i. Advertising copy or any logo which constitutes a sign is prohibited on any tower and antenna or satellite dish antenna in any zoning district.
- j. The proposed tower location must be in conformity with the Comprehensive Growth Plan, the Transportation Plan and other plans officially adopted by the Town Council and applicable zoning overlay districts.
- k. To assure that the proposed tower will be in conformity with the adopted plans and policies of the Town, the Town Council may require a specific type of tower construction. Monopole towers shall be required for sites that fall within a conservation or transportation overlay district. The Council may require specific tower construction types in other areas of the Town, based on site specific needs and characteristics of the surrounding neighborhood.

- l. A setback radius (a circle whose center is the tower base) shall be required as follows for all towers that are permissible in districts except where stricter standards are required in the RA district (see subsection (v.) below).
- m. Where any side of a tower site adjoins undeveloped property zoned residential, the required setback distance from the tower to any property line shall be equal to at least 100 percent of the tower height. The Town Council may allow this setback requirement to be reduced to a minimum of 60 percent of the tower height based on competent evidence provided by the applicant clearly showing that the structural integrity of the tower is designed to collapse within the reduced setback distance and that affected owners of record adjacent to the reduced setback distance provide written documentation that they do not object to such setback reduction.
- n. The Town Council may require that a tower setback radius area not contain any buildings, structures or land uses if the Council concludes that such buildings, structures or land uses could be impacted by the structural failure of the tower.
- o. Landscaping.
  - i. The buffer design requirements of Section 10.6.7. shall apply between a tower and all adjacent land uses with the exception of manufacturing, airport, armory and crematorium uses.
  - ii. The required landscape buffer shall be required between the base of a tower and any street right-of-way from which the tower is visible.
  - iii. When the site conditions are such that tower base location will create a more effective visual screen from the adjacent property line or street right-of-way, the landscape buffer may be provided adjacent to the fencing surrounding the tower base rather than at the property line.
- p. The Town Council may require the applicant to apply to the Federal Aviation Administration (FAA) for compliance with FAA standards for a dual lighting system rather than the red and white marking pattern, when such marking pattern is determined to be aesthetically blighting due to the location of surrounding land uses or the visibility of the tower.

- q. When tower lighting is proposed, the applicant shall certify as part of the conditional or special use permit application, that the lighting planned for the tower does not exceed the minimum standards of the FAA, as amended.
- r. The exterior appearance of all buildings associated with a telecommunications tower located adjacent to any residential zoning district may be required by the Town Council to resemble a residential dwelling, including a pitched roof(s), and frame or brick veneer construction.
- s. The exterior appearance of all buildings associated with a telecommunications tower located in a residential or non residential zoning district, which is visible from a public right-of-way, may be required by the Town Council to have architectural enhancements, such as, siding, split face block or brick veneer on all facades visible from the public right-of-way.
- t. A tower that has been abandoned or has not been actively used for a period of six consecutive months shall be removed by the tower user that currently owns or leases the facility upon notice from the Town of Garner, unless the Town Council grants a time extension at the owner's request, for a period not to exceed one year from the date of official notice.
- u. The tower shall be a tapered monopole construction unless otherwise approved by the Town Council. The tower shall not exceed a height of 200 feet (measured from the finish grade elevation to the top of the tower). However, the Town Council may require a tower be of a certain height, not to exceed the maximum permitted, if it finds that such a requirement is necessary to support the design for co-location of additional users or is needed to address the impact of the tower on adjacent properties and uses.
- v. In the RA district, telecommunication towers shall also meet the following:
  - i. There shall be a minimum setback from all sides of a tower equal to two-and-one-half times the tower height measured in a straight line to an existing residence, excluding the applicant's residence.
  - ii. Towers located in RA district greater than 75 feet in height shall not be located closer than 2,500 feet to another tower greater than 75 feet in height. This

separation provision applies only to communication towers which transmit or receive telephone, telecommunication, radio, or TV signals and does not include amateur or ham radio towers and antennas.

- iii. Associated buildings used in connection with a tower located in RA districts may not be used as an employment center for any worker. This provision does not prohibit periodic maintenance and monitoring of equipment and instruments.
- iv. The applicant shall apply stealth technologies for towers located in the RA district where practical. However, all antennas on towers in the RA district shall employ a type of stealth application that visually screens antennas from any off-site location in a manner approved by the Town Council.
- v. The base of the tower, including associated structures and fences, shall be surrounded by a 75-foot landscaped buffer providing a 100 percent screen to at least eight feet in height. Existing vegetation may be used to reduce the buffer width requirement if the screening standard can be met.
- vi. Landscaped berms may be allowed in lieu of the required landscaping provided the berm is appropriate for the tower location and it achieves the required screening standards outlined above.

#### F. Concealed Telecommunication Facility

##### 1. Defined

Any structure designed and constructed primarily for the purpose of supporting one or more personal wireless service facility antennas, which is housed within a framework design to resemble another structure, or is attached to a primary structure.

##### 2. Use Standards

- a. All telecommunication standards listed in Subsection E.
- b. Telecommunication structure shall not protrude more than five feet from the surrounding structure.
- c. The facility shall be 100 percent screened from public rights-of-way and adjacent properties through landscape screening or fencing.

## **6.11. AGRICULTURAL AND MISCELLANEOUS USE CATEGORY**

### **6.11.1. Characteristics**

Cultivation of plants or animals for consumption or use.

### **6.11.2. Examples**

Examples include breeding or raising of fowl or other animals; barn/stable for private animal livestock; catfish farm; riding academies; crop production; farming; pasturage; community garden; truck gardening; and wholesale plant nurseries or greenhouses.

### **6.11.3. Exceptions**

- A. Processing of animal or plant products are classified as manufacturing and production.
- B. Plant nurseries or greenhouses that are oriented to retail sales to the general public are classified as retail sales and service.

### **6.11.4. Specific Uses**

- A. Other Agricultural Uses Not Listed
  1. Defined

N.C. bona-fide farms, agri-tourism, community garden, and agricultural uses other than those listed below.
  2. Use Standards
    - a. Structures for keeping and raising of livestock and poultry shall be separated from residentially-zoned property by 300 feet, except those in locations exempted by G.S. §160D-903.
- B. Agriculture or Silviculture
  1. Defined

Activities that primarily involve raising, producing, or keeping plants or animals, forest management, tree farms, and timber areas. Also includes direct sales of such products at wholesale. Also, see definition of “bona fide farm purposes”, Article 13.
  2. Use Standards
    - a. Structures for keeping and raising of livestock and poultry shall be separated from residentially-zoned property by 300 feet.

- b. To account for future perimeter buffers and street tree areas, no timbering or clearing of trees or understory vegetation will be permitted within 65 feet of any adjoining parcel or street right-of-way, except for any road/driveway necessary to serve the property. Future site or subdivision plans may be denied by the permit issuing authority for a period of three to five years based on the willfulness of any timbering or clearing of the areas herein.

C. Greenhouse, Nursery (Commercial)

1. Defined

A use involving the sale and/or growth of horticultural and floricultural specialties both in open and enclosed structures and may include the sale of mulch and accessory hardscape materials such as decorative stones intended for ornamental or landscaping purposes.

2. Use Standards

- a. In the NC district, total building footprint is limited to 7,000 square feet.

## 6.12. ACCESSORY USES AND STRUCTURES

### 6.12.1. Applicability

Whenever a use is conducted in conjunction with another principal use, and the first use (1) constitutes only an incidental or insubstantial part of the total activity on a lot; or (2) is commonly associated with the principal use and integrally related to it, then the first use may be regarded as accessory and may be carried on under the umbrella of the permit issued for the principal use.

### 6.12.2. General

#### A. Fences and Walls

Fences and walls are permitted in any yard or along the edge of any yard and to such heights as follows, provided the vision necessary for safe vehicular and pedestrian movement on driveways and streets is not impeded:

##### 1. All Residential, CMU districts

Open and solid fences to four feet in front and corner side yards; solid fences to six feet in side and rear yards; open fences to any structurally-sound height in side and rear yards; solid rear and side yard fences to eight feet as a variance if granted by the Board of Adjustment.

##### 2. Industrial Districts (I-1, I-2)

Solid and open fences to any structurally-sound height.

##### 3. Salvage Operations

Solid fences not less than eight feet in height must be provided to enclose any salvage, scrap or reclamation operation.

##### 4. Swimming Pools

Swimming pools shall be completely isolated from adjacent properties and from streets by a fence or wall having a minimum height of four feet, and a maximum height as provided above, constructed so as to prevent the passage of small children.

#### B. Towers, Antennas, and Satellite Dishes

##### 1. 35 feet tall or less.

Towers and antennas or satellite dishes 35 feet tall or less, mounted on the ground are considered accessory uses and structures in all zones provided they meet the following criteria:



- a. Towers and antennas or satellite dish antennas shall not be located in a public right-of-way or public easement.
  - b. Towers and antennas or satellite dish antennas shall be prohibited in front and corner-side street yards in all residential districts.
  - c. Towers and antennas or satellite dish antennas shall meet the applicable rear or interior side yard setback requirement in all residential zoning districts.
  - d. Satellite dish antennas in all residential zoning districts shall not exceed a height of 20 feet and 12 feet in diameter and shall be limited to one device per lot. A satellite dish that exceeds four feet in diameter shall be constructed of black mesh material.
  - e. Towers and antennas or satellite dish antennas shall meet the applicable yard setback requirement in all nonresidential districts.
  - f. In addition, the following criteria must be met:
    - i. The owner of a tower and antenna or satellite dish shall certify that radio, television or similar reception for adjoining properties will not be disturbed or diminished.
    - ii. Advertising copy or any logo which constitutes a sign are prohibited on any tower and antenna or satellite dish antenna in any zoning district.
    - iii. A satellite dish antenna located in a residential zoning district shall be screened from all street views. The screen shall be made of plant materials enclosed fences or walls, earthen beams or any combination thereof which is immediately adjacent to the dish antenna. Such screening shall be a height of six feet above ground elevation.
2. 20 feet tall or less
- Towers and antennas or satellite dishes, 20 feet tall or less, mounted on the roof of a building or structure are considered accessory uses in all zones provided they meet the following criteria:
- a. The applicant shall submit a site plan and roof plan showing the exact location of the satellite dish antenna and how its location and/or architectural enhancements will provide a 50 percent screen of the structure from all

street views for dish antennas located in nonresidential districts and a 75 percent screen from all street views in residential districts.

- b. The applicant shall certify that radio or television or similar reception for adjoining properties will not be disturbed or diminished by a satellite dish.
  - c. Advertising copy or logos which meets the definition of a sign shall not be permitted on any tower and antenna or satellite dish antenna in any zoning district.
  - d. A roof mounted satellite dish antenna in a residential district that exceeds four feet in diameter shall be constructed of black mesh material.
  - e. The Board of Adjustment may grant an exception to these requirements regarding the location, height and setback requirements provided the Board concludes the following conditions have been satisfied.
    - i. The applicant provides acceptable evidence that literal compliance with the required locational or dimensional standards will result in the obstruction of the antenna or satellite dish's reception and will not permit the normal use of the antenna or satellite dish.
    - ii. The applicant provides acceptable evidence to the Board of Adjustment that the granting of the exception is the minimum necessary to operate the antenna or satellite dish in a normal manner according to the manufacturer's specifications.
    - iii. In addition to the above required findings, in order to grant an exception the Board of Adjustment must find the following:
      - (A) That the request will be in general harmony with adjoining properties;
      - (B) That the request will not endanger the public safety or welfare; and
  - f. That the request does not violate any other local, state or federal laws or regulations.
- C. Accessory solar energy systems
- 1. Accessory solar energy systems are allowed in all zoning districts.
  - 2. Solar panels shall not create a traffic or safety hazard.

3. Solar panels shall be arranged, angled or sited to minimize glare or reflection onto adjoining properties and rights-of-way.
4. Mirrors or mirrored panels are prohibited.
5. In nonresidential and mixed use zoning districts:
  - a. The maximum height for all ground-mounted solar panels and related equipment shall not exceed 15 feet. This includes solar panels at maximum tilt.
  - b. The area for ground-mounted panels and equipment shall be no more than 25 percent of the principal building's footprint, unless in an approved Solar Farm.
  - c. Ground-mounted panels are restricted to the interior side and rear yards only, and shall not be located within any perimeter buffer required by Article 10.
  - d. Flush-mounted roof panels are exempt from the screening of objectionable views requirements of Article 10.
  - e. Minimum setbacks shall meet those specified for accessory structures; however, the area shall not count towards any accessory structure allowances.
  - f. Any roof panel not installed flush to the roof surface shall be 100 percent screened from view in accordance with the screening of objectionable views requirements of Article 10.
6. TBD and all residential zoning districts and in multifamily and townhome developments: Only flush-mounted solar roof panels or solar shingles are permitted.

D. Prohibited Uses

The following activities shall not be regarded as accessory to any principal use and are prohibited in all districts, except as a principal use as described in this article.

1. Junked or abandoned vehicles
  - a. Abandoned and junked motor vehicles are defined as follows:
    - i. An abandoned motor vehicle is a self-propelled, land operated vehicle (e.g., truck, car, tractor, etc.) that:
    - ii. Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
    - iii. Is left on property owned or operated by the Town for longer than 24 hours; or

- iv. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
    - v. Is left on any public street or highway for longer than seven days.
  - b. A junked motor vehicle is an abandoned motor vehicle that also:
    - i. Is partially dismantled or wrecked; or
    - ii. Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
    - iii. Is more than five years old and worth less than \$100; or
    - iv. Does not display a current license plate.
- E. Design Standards
  - 1. Accessory uses shall be subordinate to the primary use, including but not limited to lot coverage, gross floor area, or structure height and size, except for barns and other agricultural-related structures in the RA district, or as otherwise expressly permitted herein

### **6.12.3. In Residential Districts**

#### **A. Permitted Uses**

The following are specifically regarded as accessory to residential principal uses so long as they satisfy other criteria of this section:

- 1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot to carry on administrative or artistic activities, so long as such activities do not fall within the definition of a home occupation.
- 2. Hobbies or recreational activities of a non-commercial nature.
- 3. The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to persons who are not part of the family that resides in the single-family dwelling.
- 4. Daycare for up to five days a week of up to three non-related individuals for less than four hours per day.

#### **B. Restricted Use – Accessory Dwelling Units (ADUs)**

- 1. Districts

Subject to approval of a Zoning Compliance Permit per Article 3, ADUs are permitted in the specified districts as follows:

- a. In the RA district, one ADU is allowed per a lot;
- b. In the R2 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 175 percent of the district standard; and
- c. In the R4 district, one ADU is allowed per lot provided that the resulting density of the parcel is not greater than 150 percent of the district standard.

2. Specific Use and Design Standards

- a. ADUs are only permitted to be used for residential purposes or for purposes accessory to the principal dwelling;
- b. ADUs shall have permanent access to utilities;
- c. ADUs must be on a permanent foundation;
- d. Square footage is less than 50 percent of the square footage of the principal dwelling, with a maximum size of 800 square feet;
- e. The ADU may not be taller than the principal dwelling when measured at the highest point, unless the ADU is located on an upper floor attached to the primary structure;
- f. Two additional off-street parking spaces are required per ADU in addition to the parking required for the principal dwelling;
- g. The ADU must be accessible from an existing driveway;
- h. An ADU may not be sold separately from its principal dwelling unit;
- i. Any accommodations for an extra public utility meter or meter billing service for the ADU is the responsibility of the property owner and shall be registered in their name; and

C. Prohibited Uses

The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

1. Storage or parking of any vehicle or trailer overnight or for a longer period of time, if said vehicle or trailer is licensed or regularly used for commercial or industrial purposes, and meets any of the following criteria:

- a. A vehicle for which a commercial driver's license is required by state law;
  - b. A vehicle or trailer with more than two axles;
  - c. Any trailer bearing commercial signage, logo, or actually carrying commercial or industrial equipment or materials;  
or
  - d. A vehicle or trailer having a height in excess of 90 inches stored or parked in any required front yard.
2. The UDO shall not prohibit the overnight parking or storage of pickup trucks or of trailers used exclusively for non-commercial or non-industrial purposes.
  3. Automotive repair, including engine, body or other repair or repainting of any vehicle owned by a person not residing at that address, notwithstanding whether compensation was paid for said service.
  4. Skateboard ramps, except as follows:
    - a. Ramps that do not exceed four feet in height off a horizontal plane at the highest point of ground where the structure is immediately erected; and
    - b. That meet all side and rear yard setback requirements.
- D. Development Standards
1. Residential accessory buildings, on lots of record prior to March 1, 1984, may encroach into designated CBAs as provided in Section 5.13.1.
- E. Design Standards
1. Number
    - a. Only two accessory structures are allowed per lot.
    - b. Pools and associated mechanical equipment, restroom facilities, and shade structures are counted as one structure.
  2. Height
    - a. The maximum height of a garage shall not exceed the height of the principal structure.
    - b. The maximum height of an accessory building other than a garage shall be 20 feet.
  3. Setbacks
    - a. The minimum setback from a side lot line is ten feet;

- b. The minimum setback from a rear lot line is five feet;
  - c. If an easement exists along such lot line, the minimum setback will be coincident with the easement line if the easement is greater than the applicable minimum stated above.
4. Floor area

The floor area of the total number of accessory buildings shall not exceed one-half of the heated square footage of the principal building served, except in the RA district. This does not apply to in-ground swimming pools.

#### **6.12.4. In Nonresidential or Mixed-Use Districts**

##### **A. Restricted Uses**

##### **1. Automatic one-bay (non-wand) car wash facility.**

A one-bay automatic (non-wand) car wash facility that is completely enclosed except for openings necessary to allow entry and exit of vehicles is permissible, provided:

- a. The facility serves as an accessory use to the principal use of a convenience store only;
- b. The car wash building or structure cannot exceed a height of 20 feet or exceed an overall building dimension of 25 feet in width and 50 feet in length;
- c. The car wash accessory building shall have the same architectural character as the onsite principal building and shall house car wash related storage and/or rest rooms only. The doors of the car wash building shall be architecturally compatible with the car wash building. The doors of the car wash accessory building shall be closed when the facility is not in operation;
- d. The car wash building and storage of auxiliary equipment related to the car wash facility shall be located behind the rear building line of the principal use building;
- e. The orientation of a one-bay automatic car wash structure shall be sited so as to discourage direct street view of the facility. Direct street access of a one-bay automatic car wash structure and related auxiliary equipment is permissible only when appropriate landscaped areas such as, but not limited to, planter islands or other landscaped features are used to provide a 50 percent screen of the facility and related equipment from street view;

- f. All one-bay (non-wand) automatic car wash structures shall meet the applicable setback standards of Article 6. The use shall be subject to the noise standards;
- g. In addition to meeting the screening standards outlined above, the provisions of Article 10, regarding buffer/screen requirements shall apply to a one-bay automatic car wash facility;
- h. The property on which an accessory automatic non-wand car wash is located shall abut the major thoroughfares, U.S. 401 and U.S. 70 and N.C. 50, as designated on the adopted greater Capital Area Metropolitan Planning Organization Transportation Plan; and
- i. All car wash facilities shall be equipped with a water recycling system that meets all applicable standards and regulations of the Town, City of Raleigh, Wake County, and State, or connect to the Town of Garner Sewer System upon the approval of the Town Engineer.

2. Automatic car wash facility

An automatic (non-wand) car wash facility that is completely enclosed except for openings necessary to allow entry and exit of vehicles is permissible as an accessory use to the principal use of a vehicle sales, rental, repair, and service facility provided the following standards are met:

- a. The number of car wash bays shall be limited to a maximum of two, provided the number of car wash bays does not exceed more than one-third of the total number of bays contained in the entire building.
- b. The car wash bays shall be architecturally integrated into the overall building to present a unified building design in a manner that utilizes the same building materials and colors as the other portions of the building.
- c. Hours of operation for the automatic car wash shall be limited to between 6:00 a.m. and 11:00 p.m. each day.
- d. Appearance and landscaping
  - i. The orientation of the automatic car wash bays shall be sited so as to discourage direct street views of the facility where practical.
  - ii. Vehicle sales, rental, repair, and service facilities with automatic car wash bays as an accessory use not located within a special overlay district shall provide a



100 percent screen of the facility and related equipment from street views to a minimum height of four feet within two years of initial planting.

- e. All car wash facilities shall be equipped with a water recycling system that meets all applicable standards and regulations of the Town, City of Raleigh, Wake County, and State, or connect to the Town of Garner Sewer System upon the approval of the Town Engineer.

B. Design Standards

1. Except in the I-2 district, all accessory structures in nonresidential and mixed-use districts, industrial districts, and multifamily and townhome developments shall be consistent (in materials and design) with the primary structure, including but not limited to external materials and roof type (in the case of pitched roofs).
2. Retail sales, offices, and other permissible uses with outside display or storage of goods for sale shall meet the following standards:
  - a. Outside display of goods for sale with direct frontage along or visibility from street rights-of-way must be screened to a minimum height of two and one-half feet;
  - b. Outside storage areas with direct frontage along or visibility from street rights-of-way must be screened to a minimum height of eight feet; and
  - c. All outside displays of goods for sale or outdoor storage areas shall have a minimum setback distance of 15 feet from the street right-of-way.

## **6.13. HOME OCCUPATIONS IN RESIDENTIAL ZONING DISTRICTS**

### **6.13.1. Characteristics**

A home occupation in a residential zoning district is defined as commercial activity in any residential district that:

- A. Is conducted by a person on the same lot where such person resides; and
- B. Is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

### **6.13.2. Exclusions**

- A. A use shall be regarded as having a significant adverse impact on the surrounding neighborhood if:
  - 1. The home occupation changes the outside appearance of the dwelling.
  - 2. Goods, stock in trade, or other commodities are displayed.
  - 3. It results in the outside storage or display of anything.
  - 4. Any on-premises retail sales occur.
  - 5. More than one person not a resident on the premises is employed in connection with the occupation.
  - 6. It generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood.
  - 7. It results in the off-street or on-street parking of more than two vehicles at any one time not owned by members of the occupant household.
  - 8. It creates a hazard to persons or property.
  - 9. It is a nuisance.
  - 10. It creates objectionable traffic, noise, fumes, odor, dust, or electrical interference.
  - 11. More than 25 percent of the total gross floor area of the residential building plus other buildings used for the occupation, or more than 500 square feet of gross floor area, whichever is less, is used for home occupation purposes.
- B. The following are expressly prohibited as home occupations:
  - 1. Animal hospitals, stables, or kennel.

2. Barber, beauty, and other personal service shops.
3. Mortuaries.
4. Private clubs.
5. Repair shops.
6. Restaurants.
7. Automobile paint or repair shops.
8. Doctor, dentist, veterinarian, or other medically related office.

### **6.13.3. Standards**

- A. The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation.
- B. See Article 12 for home occupation signage regulations.
- C. No additional buildings or structures shall be added on the property to accommodate the home occupation.
- D. Outdoor storage is prohibited.
- E. Instruction in music, dancing, and similar subjects shall be limited to two students at a time.
- F. Any activities involving outside visitors or clients shall be limited to the hours between 8:00 a.m. and 8:00 p.m.

## **6.14. HOME OCCUPATIONS IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT**

### **6.14.1. Characteristics**

A commercial activity in a single family dwelling located in the Neighborhood Commercial district that:

- A. Is conducted by a person on the same lot where such person resides; and
- B. Is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

### **6.14.2. Exclusions**

- A. A home occupation use is not allowed if:
  - 1. The home occupation changes the outside appearance of the dwelling;
  - 2. Goods, stock in trade, or other commodities are displayed;
  - 3. It results in the outside storage or display of anything;
  - 4. Any on-premises retail sales occur;
  - 5. More than six people that are not residents on the premises are employed in connection with the occupation;
  - 6. It generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
  - 7. It results in any on-street parking of vehicles;
  - 8. Creates a hazard to persons or property;
  - 9. Is a nuisance;
  - 10. It creates objectionable traffic, noise, fumes, odor, dust, or electrical interference; or
  - 11. More than 50 percent of the total gross floor area of the residential building plus other buildings used for the occupation, or more than 700 square feet of gross floor area, whichever is less, is used for home occupation purposes.
- B. The following are expressly prohibited as home occupations:
  - 1. Animal hospitals, stables, or kennels.
  - 2. Mortuaries.
  - 3. Private clubs.

4. Repair shops.
5. Restaurants.
6. Automobile paint or repair shops.
7. Doctor, dentist, veterinarian, or other medically related office.

### 6.14.3. Standards

- A. The residential character of the lot and dwelling shall be maintained. The dwelling must comply with all applicable NC Building Codes necessary to accommodate the home occupation.
- B. A sign up to four square feet in area and four feet in height may be allowed as noted in Article 12 provided a sign permit is obtained.
- C. No additional buildings or structures shall be added on the property to accommodate the home occupation.
- D. No outdoor storage or separate entrance shall be permitted.
- E. Instruction in music, dancing, and similar subjects shall be limited to two students at a time.
- F. Any activities involving outside visitors or clients shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
- G. Off-street parking shall be provided in the amount of one parking space per employee in addition to required parking for the residential use of the dwelling. All parking must be designed to meet the requirements of Article 10.
- H. Commercial vehicles as defined in Section 6.12.3.C. are prohibited as part of the home occupation.

## **6.15. TEMPORARY USES**

### **6.15.1. Permit Required**

A temporary use or structure for one or more of the following described uses below shall be permitted in any district. All temporary uses and structures shall obtain a temporary use permit pursuant to the procedures set forth in Article 4.

### **6.15.2. General Regulations**

The general regulations of this section shall apply to all allowed temporary uses unless otherwise expressly stated.

A. Permanent Changes Prohibited.

Permanent changes to the site of a temporary use are prohibited.

B. Accessory Signage

1. Permanent signs accessory to temporary uses are prohibited;
2. Signs accessory to temporary uses shall be limited to the premises of the temporary use except as specifically permitted under Article 12;
3. Not more than one double-faced, non-illuminated sign shall be permitted;
4. Said sign shall not exceed 32 square feet in area nor eight feet in height and shall be set back not less than five feet from the front and/or side property line;
5. Signs accessory to temporary uses require a permit; and
6. All signs accessory to temporary uses shall be removed when the activity ends.

C. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.

D. The operator must obtain all other required permits applicable to the activity, such as health department permits.

E. All temporary structures shall be erected in a safe manner in accordance with any applicable Town codes, ordinances, or standards, including the following:

1. No temporary use shall be placed on any public sidewalk, public street, or other public property except as provided in the Town of Garner Code of Ordinances; and
2. Electrical and utility connections, if applicable, shall be approved by the Town.

### 6.15.3. Prohibited Temporary Uses

- A. Sales or raffles of firearms.
- B. Sales of any materials characterized by an emphasis on specified anatomical areas or specified sexual activities.

### 6.15.4. Permitted Temporary Uses

Temporary uses shall be allowed in accordance with the standards of this section. The Planning Director may approve temporary uses and activities or special events including specific time limits, other than those specifically listed herein, if it is determined that such uses would not jeopardize the public health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

Table of Permitted Temporary Uses					
Allowable Temporary Use	RA, R2, R4, R8	RMH, MF-1, MF-2	NC, TBD	CMU, AC	I-1, I-2
Carnivals, Fairs, Circuses, Concerts and Similar Uses; 6.15.5.	Permit Required; Rodeos in RA or R-22 require all activities being located a minimum of 100 feet from any lot line zoned residential or used as a residence.	Not Allowed;	Permit Required	Permit Required	Permit Required
Natural Disasters and Emergencies Offices; 6.15.6.	Allowed	Allowed	Allowed	Allowed	Allowed
Parking Lot Sales; 6.15.7.	Not Allowed	Not Allowed	Not Allowed	Permit Required	Permit Required
Seasonal Outdoor Sales; 6.15.8.	Not Allowed	Not Allowed	Permit Required	Permit Required	Permit Required
Temporary Construction, Security, Real Estate Sales Offices; 6.15.9.	Permit Required	Permit Required	Permit Required	Permit Required	Permit Required
Yard or Garage Sales; 6.15.10.	Allowed	Allowed	Not Allowed	Not Allowed	Not Allowed
Temporary Storage Container; 6.15.11.	Registration Required	Registration Required	Registration Required; Permit Required after 15 days	Registration Required; Permit Required after 15 days	Registration Required; Permit Required after 15 days

### **6.15.5. Carnivals, Fairs, Circuses, Concerts, and Other Public Entertainment**

Such temporary, outdoor events shall be governed by the provisions of the Town of Garner Code of Ordinances. No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of 500 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property, unless the standards of this section are met.

#### **A. Exclusions**

1. This section shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies that do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held.
2. This section shall not apply to government-sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the Town.

#### **B. Required Facilities**

Prior to commencement of the assembly, the organizer shall provide the following facilities to ensure the assembly causes as little disruption and inconvenience as possible to adjacent properties, neighborhoods and traffic patterns:

1. A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass;
2. Potable water meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day;
3. Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males, together with an efficient, sanitary means of



- disposing of waste matter deposited, which is in compliance with all state and local laws and regulations;
4. A sanitary method of disposing of solid waste in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with V-lids and personnel to perform the task;
  5. EMS personnel and at least one emergency ambulance must be available for use at all times;
  6. If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot-candles, but not to shine unreasonably beyond the boundary enclosed location of the assembly;
  7. Security guards, either regularly employed, duly sworn, off-duty North Carolina peace officers or private security guards licensed in North Carolina, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people;
  8. Fire protection, including alarms, extinguishing devices, and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the North Carolina Administrative Code and ordinances of the Town, and sufficient emergency personnel to efficiently operate the required equipment;
  9. All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly; and
  10. Traffic control plan that is acceptable to the Planning, Engineering, and Police Departments.

#### **6.15.6. Natural Disasters and Emergencies**

Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency, but shall be coordinated with the Town Manager's office.

### **6.15.7. Parking Lot Sales**

Temporary outdoor retail sales on private property are permitted subject to the following:

- A. Temporary outdoor retail sales are only allowed on property – inclusive of outparcels in a commercial subdivision - with an already operating, permitted, and licensed (if applicable) commercial or industrial principal use. Locating on vacant property or on property with a vacant or abandoned use is not permitted, except on qualifying outparcels as noted herein.
- B. Temporary outdoor retail sales refers to the sale of goods or merchandise that are not generally sold as part of the principal use's inventory. Sales for the temporary outdoor retail operation shall be separate and apart from sales for the principal use.
- C. The proposed temporary outdoor use shall not conflict with principal activities conducted on the site.
- D. The sales and display area of the temporary outdoor retail use shall not exceed ten percent of the gross floor area of the principal building on the premises.
- E. Only one temporary outdoor retail use is allowed per site at a time. The use shall last no longer than three consecutive days. Permits for no more than three such temporary outdoor retail sales shall be issued for a given location within a single calendar year.
- F. The temporary retail use shall operate only when the principal use is operating.
- G. No sales shall be conducted from a truck or other vehicle.
- H. It shall be unlawful to conduct business within 500 feet of the entrance of any place of business that sells the same commodity.
- I. Items allowed for sale may include food, but may not include potentially hazardous food (such as uncooked and unprepared fish and seafood products).
- J. Second-hand goods may not be sold under this paragraph.

### **6.15.8. Seasonal Outdoor Sales**

Seasonal outdoor sales for Christmas trees or Halloween pumpkins are allowed at a religious institution or school regardless of zoning classification. Each seasonal sales activity is limited to a maximum of 45 consecutive days. Not more than three events per site are allowed per calendar year subject to the following provisions:

- A. Permits for Christmas tree sales shall expire on December 26<sup>th</sup>. The lot, and any abutting private or public property, shall be cleaned and any remaining trees shall be disposed of by an approved method on or before December 31<sup>st</sup> of the year of issue of said permit.
- B. The applicant is required to deposit such sum as specified in the schedule of fees to guarantee the proper cleaning of the site and proper disposal of any remaining materials.
- C. Any temporary outdoor storage shall be subject to the landscaping requirements of Article 10 for outdoor storage and display.
- D. A temporary use permit shall not be required for seasonal outdoor sales when such sales are part of the inventory of an established business holding a valid building permit.

#### **6.15.9. Temporary Construction, Security, Real Estate Sales Offices**

The applicant for a temporary use permit for such temporary office shall comply with all conditions imposed by the Planning Director, which conditions may include fencing, surfacing, setbacks, etc., as deemed necessary to ensure no undue interference with the use and enjoyment of neighboring property. Such office shall be located within 1000 feet of the primary development or improvement.

- A. The owner of a construction project may place on the construction site and utilize a trailer coach as a temporary office for use by construction, security, and real estate sales personnel.
- B. The temporary office shall be located on the lot on which construction or development is occurring and shall not be located within 25 feet of any abutting residential use.
- C. The office shall be removed within ten days after final inspection of the permanent structure or expiration of the corresponding building permit, whichever event occurs first. In the case of residential development projects, the office must be removed within ten days of sale or lease of all dwelling units.
- D. The owner of a permitted business who requires security protection during hours of closure may maintain a travel trailer for that purpose until a permanent facility can be constructed. In no case shall the use of such security trailer be for longer than a six month period.

#### **6.15.10. Yard or Garage Sales Accessory To a Dwelling**

No temporary use permit is required for a yard or garage sale accessory to a residential dwelling, religious institution, or school, subject to the following conditions.

- A. All yard and garage sales shall be conducted so that no goods offered for sale are located on any public street or sidewalk, and so that vehicle and pedestrian traffic on public streets and sidewalks is not obstructed.
- B. No sign advertising a yard or garage sale may be posted on any public property.
- C. Only goods of the property owner or tenant shall be sold.

#### **6.15.11. Temporary Storage Container**

A transportable unit designed and used primarily for temporary storage of household goods, commodities, building materials and other items on a limited basis.

- A. Residential Use or District
  - 1. Temporary storage containers in residential zoning districts or use must be registered by the service provider or property owner with the Town of Garner Planning Department. Storage containers are permitted for a total of 60 consecutive days.
  - 2. If placement of a storage container is in conjunction with an active construction permit for renovation, the container is permitted for the duration of the construction permit.
  - 3. Placement of unit is restricted to the driveway or designated parking area with a minimum distance of ten feet from the existing structure. If, because of lot size or obstructions the portable storage unit cannot be located in a driveway or designated parking area, then the placement of the unit shall be contiguous to the parking area and maintain a five foot setback from side and rear property lines.
  - 4. Temporary storage containers for any residential housing type other than single family detached residences shall be located in an onsite vehicular use area and shall not obstruct any drive aisle or block any required parking space.
  - 5. Temporary storage containers shall not be located in the street or in such a manner to impair a motor vehicle operator, bicyclist, or pedestrian's view, upon entering or exiting the street, or obstruct the flow of vehicular or pedestrian traffic.

6. Temporary storage containers shall be no greater than eight feet six inches in height, eight feet in width, and 20 feet in length.
  7. A maximum of two temporary storage containers may be placed on a property at any one time.
  8. Temporary storage containers may be placed on property for a maximum of two times per year.
  9. Temporary storage containers shall be in good condition; i.e., no rust, primer patches, etc. Signage may identify the owner or provider of the storage container only and shall not include the advertisement of any other product or service.
  10. Temporary storage containers on property at the effective date of this ordinance must comply with this section.
  11. Temporary storage containers may not be used as permanent accessory buildings.
  12. Storage containers used for new construction shall comply with the requirements outlined for temporary construction offices.
- B. Nonresidential Use or District
1. A temporary storage unit in nonresidential zoning districts or uses, for 15 days or less must be registered with the Town of Garner Planning Department by the storage unit provider or business owner.
  2. A temporary use permit is required for temporary storage containers in nonresidential zoning districts or use for more than 15 days. Applications for the temporary use permits shall include a site plan, showing the proposed location of the container on the site in relation to the building, street, driveway, and parking area; such other information as may be required to determine full compliance with this and other applicable ordinances of the Town; contact information for the leasing company or owner of the storage container.
  3. Temporary storage containers may be placed on property for a maximum of 90 consecutive days. Placement for greater than 90 days shall be considered permanent and requires site plan approval and compliance with applicable ordinances of the Town.
  4. If placement of a temporary storage container is in conjunction with an active construction permit for

renovations, the container is permitted for the duration of the construction permit.

5. Placement of temporary storage containers for nonresidential zoning districts and uses shall meet all of the following provisions:
  - a. The container shall be placed to minimize visibility from adjacent properties and rights-of-way; in the rear yard when possible.
  - b. The container shall meet building setbacks.
  - c. Placement is limited to areas that are surfaced with asphalt, concrete, gravel or other materials equal in quality.
  - d. Placement of the storage container in an existing parking area may not reduce the amount of available parking below the required minimum.
  - e. The storage container must be a minimum of ten feet from the primary structure.
6. Temporary storage containers shall be no greater than eight feet six inches in height, eight feet in width, and 40 feet in length.
7. A maximum of two temporary storage containers may be placed on a property at any one time.
8. Temporary storage containers shall be in good condition; i.e., no rust, primer patches, etc. Signage may identify the owner or provider of the storage container only and shall not include the advertisement of any other product or service.
9. Temporary storage containers on property at the effective date of this ordinance must comply with this section and secure a temporary use permit for the unit.
10. Storage containers used for new construction shall comply with the requirements outlined for temporary construction offices.