

CHAPTER 5
ZONING: OTHER STANDARDS
ARTICLE A
LAND USE DEVELOPMENT STANDARDS

9-5-1 DEVELOPMENT STANDARDS FOR ALL USES

(a) OUTDOOR LIGHTING

Outdoor lighting structures shall be located, angled, shielded, or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists.

High mast lighting fixtures greater than 50 feet in height and located in a residential district shall be subject to the Special Use Permit process and the development standards of Section 9-5-2(111).

(b) NOISE

(Reserved)

(c) DUST

(Reserved)

(d) SCREENING

(1) Where screening is required it shall be of an acceptable screening material approved by the Enforcement Officer.

(2) Dumpsters

a. All dumpsters or other similarly large trash receptacles, including compactors, shall be screened from view from the right-of-way of any public or private street, and from any adjacent residential zoning district (as seen from any point on the property line at a height of 6 feet).

b. Dumpsters may be screened by using a single opaque material wall or fence, or by using a combination of opaque materials, berming, and/or evergreen landscaping that provides the required screening effect. Dumpsters may also be screened by a wall(s) of a principal or accessory structure. Chain-link fencing with woven slats of opaque material is not acceptable for screening dumpsters.

- c. The number of sides of the dumpster enclosure or screening and its height will depend upon the location of the dumpster relative to any adjacent residentially zoned property and the view from public or private streets.
- d. Screening of a dumpster shall not be required in the Heavy Industrial (HI) District, unless the dumpster is located within 100 feet of an existing residential land use.
- e. Existing nonconforming dumpsters shall be brought into compliance with this Ordinance if one of the following occurs:
 1. If additions or expansions of buildings exceed 1,000 square feet of gross floor area (GFA) or the total of additions or expansions of buildings, parking areas or open uses of land occur that individually or collectively exceed 3,000 square feet; or
 2. If there is a change in the existing use of the property requiring a change of use permit from the Enforcement Officer.

(e) MEMBRANE STRUCTURES

Membrane structures shall be permitted only for temporary use as specified in the North Carolina building Code, or as otherwise specified in this Ordinance for Market Showrooms (Section 9-5-2(tt) Development Standards for Market Showrooms), and for Residential Accessory Structures (Section 9-4-13(b) Residential Accessory Structures).

(f) SIDEWALKS

- (1) *General:* Sidewalks shall be installed along public streets that abut a property subject to site plan approval by the Technical Review Committee.
- (2) Required Locations:
 - a. Along the abutting side of major thoroughfares and minor thoroughfares, not otherwise subject to lesser requirements.
 - b. Along one side of new and existing collector and sub-collector streets, not otherwise subject to lesser requirements, except that upon review by the Technical Review Committee, the abutting side may be required where one or more of the following conditions exists:
 - i. The current or projected average daily traffic volume is greater than 8,000 vehicles per day.

- ii. The posted speed limit is greater than 35 miles per hour.
 - iii. The street is identified as a pedestrian route on the City of High Point Pedestrian Plan.
 - iv. Other pedestrian safety, access, or circulation needs are identified.
- c. Along one side of new and existing local streets not otherwise subject to lesser requirements, unless other pedestrian safety, access, or circulation needs are identified.
- d. As required by the regulations of the Traditional Neighborhood District in Section 9-4-3(b)(5)d.
- (3) Exempt Locations:
- a. Along new and existing local and sub-collector residential streets where, upon review by the Technical Review Committee, the following conditions are found to exist:
 - i. The proposed development is within an area consisting predominantly of existing single-family residential development, where no sidewalks are present; and
 - ii. The character and size of the proposed development will not result in substantial additional pedestrian facility needs; and
 - iii. There are no new pedestrian facilities planned that would provide a pedestrian connection to the proposed development.
 - b. Along existing streets in predominantly industrial areas where no sidewalks are present and where, upon review by the Technical Review Committee, a sidewalk is not deemed necessary or feasible.
 - c. Along new and existing cul-de-sac streets and permanent dead-end streets, which are eight hundred (800) feet or less in length, and which are not strategic pedestrian routes.
 - d. Along streets that are North Carolina Department of Transportation controlled access facilities.
- (4) *Extent.* Sidewalks required by this Ordinance shall be constructed along that portion of the street or streets that the parcel abuts, for the full length of the property line abutting the street or streets. Where sidewalks are required to be installed on one side of a street, the Technical Review Committee shall determine upon which side the sidewalks are to be installed.

- (5) *Construction Standards.* All sidewalks, whether required by this Ordinance or installed voluntarily, shall meet or exceed all applicable standards as specified herein and in accordance with the City’s standard specifications for sidewalks. Preliminary subdivision plats and/or site plans shall address phasing and timing criteria and shall propose a maximum time frame for sidewalks to be installed.

(Ord. No. 01-93, Pt. 3, (§ 1), 11-1-01; Ord. No. 03-39, Pt. 3, (§ 1), 6-19-03)

9-5-2 DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

(a) ADDITIONAL REQUIREMENTS

The development standards listed herein are additional to other requirements in this Ordinance. These development standards are use-specific and apply to those uses designated with a "D" in Table 9-5-1 (Permitted Use Schedule). Uses requiring approval of a Special Use Permit shall be subject to any additional standards set forth herein.

(b) GENERAL RULES

The following rules apply for the types of development standards listed below (See Appendix-Illustrations):

- (1) Property Separation: All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed use is to be located to the lot line of the closest use (or zoned property) from which the proposed use is to be separated.
- (2) Use Separation: All measurements shall be made by drawing straight lines from the nearest point on the wall of a proposed or existing principal building to the nearest point on the wall of the principal building from which the subject building is to be separated, unless otherwise specified.

(c) ACCESSORY DWELLING UNITS (TO SINGLE FAMILY DWELLINGS) (SEE APPENDIX: ILLUSTRATIONS):

- (1) Where Required: AG, all residential, GO-M, GO-H, LO, CB, LI and HI Districts.
- (2) General Provisions: The following requirements apply to all accessory dwelling units, whether attached or detached.

a. Design Standards:

1. No more than one (1) accessory dwelling unit is permitted on the same zone lot with a principal dwelling unit.
2. The accessory dwelling unit and principal dwelling unit shall have the same address and use the same mailbox.

3. No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multifamily dwelling or family care home.
 4. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from that of the primary residence.
 5. The accessory dwelling unit shall have a maximum of two (2) bedrooms.
 6. The accessory dwelling unit shall be designed to maintain the architectural design, style, appearance and character of the principal residence. The accessory dwelling unit shall incorporate design elements of the principal residence by using similar and compatible materials, façade treatment, colors, window style/treatment and roof design & pitch.
- b. Dimensional Requirements:
1. The principal residence must be located on a lot that meets the minimum area requirements of the zoning district.
 2. The accessory dwelling unit shall be subject to the provision of Section 9-4-13 (*Accessory use building and structure requirements*) of this ordinance. In the event there is a conflict between sections of this Development Ordinance, the more restrictive provision shall apply.
 3. The lot shall not exceed the maximum building coverage with the addition of an accessory dwelling unit.
- c. Utilities & access
1. Have water, sanitary sewer, gas and electrical utilities as part of the principal building.
 2. The accessory dwelling unit shall not be served by a driveway separate from that serving the principal residence, unless the accessory dwelling is accessed from a right of way not used by the principal residence such as a rear alley or separate street access on a corner or through lot.
- (3) Accessory Dwelling Unit Within a Principal Single Family Building:
- a. The principal building shall not be altered in any way so as to appear from a public or private street to be multifamily housing. Prohibited alterations include, but are not limited to: multiple primary or front entranceways. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the NC State Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.

b. The accessory dwelling unit shall have an area no more than 800 square feet.

(4) Detached Accessory Dwelling Units:

a. A detached accessory dwelling unit may be:

1. A dwelling unit which is part of an accessory garage; or
2. A freestanding dwelling unit meeting the NC State Building Code.

b. The accessory dwelling unit shall:

1. Be erected behind and at least ten (10) feet from the principal building;
2. The accessory dwelling unit shall not exceed fifty percent (50%) of the gross floor area of the principal building, excluding any garage area, carport, porches, decks, patios, crawl spaces and other non-living areas of the principle building.

(d) **ADVERTISING SERVICES, OUTDOOR**

- (1) Where Required: GB, HB and MS Districts.
- (2) Outdoor Storage: No outdoor storage of any materials related to outdoor advertising shall be permitted.

(e) **AGRICULTURAL CHEMICALS, PESTICIDES, AND FERTILIZERS (WHOLESALE)**

- (1) Where Required: AG District.
- (2) Setback: All structures, buildings, mechanical equipment, or enclosed areas used for the operation shall be a minimum of one hundred (100) feet from all property lines.
- (3) Noise: Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
- (4) Dust: All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (5) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around all outside storage areas.

(f) **AGRICULTURAL PRODUCTION (LIVESTOCK AND BEES)**

- (1) Where Required: AG, RS-40, RS-20, RS-15, RS-12, and HI Districts.

- (2) Types of Livestock Permitted: Bees, fowl, horses, cows, sheep, goats, and other livestock, with the exception of hogs. Hog production is prohibited inside the City limits.
- (3) Setback: Animals and bees shall be housed and/or fenced not less than two hundred (200) feet from any property line.
- (4) Minimum Area: The minimum lot size shall be five (5) acres.
- (5) Maximum Density: (Except for the AG and HI Districts)
 - a. Horses, Cows and Other Similar Sized Animals: No more than one (1) such animal over six (6) months of age shall be permitted for every thirty thousand (30,000) square feet of fenced lot area.
 - b. Apiaries (Bees): No more than one (1) colony of bees shall be permitted for every ten thousand (10,000) square feet of lot area.
 - c. Sheep, Goats and Other Similar Sized Animals: No more than one (1) adult animal over six (6) months of age shall be permitted for every ten thousand (10,000) square feet of fenced lot area.
 - d. Fowl: No more than one (1) adult over six (6) months of age shall be permitted for every five hundred (500) square feet of lot area.
- (6) Security Fencing: A minimum four (4) foot high fence, of an acceptable material approved by the Enforcement Officer, shall be provided to prevent animals from leaving the property.

(g) AGRICULTURAL PRODUCTS, OTHER (WHOLESALE) (REFER TO AGRICULTURAL CHEMICALS, ETC. FOR DEVELOPMENT STANDARDS)

(h) AIRPORTS

- (1) Where Required: AG District.
- (2) Minimum Area: Fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA requirements.
- (3) Use Separation: There shall be a minimum three hundred (300) foot distance between airport property and the nearest residence.
- (4) Security Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

(i) AMMUNITION, SMALL ARMS

- (1) Where Required: HI District.
- (2) Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residentially or public and institutionally zoned property.
- (3) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such a facility.
- (4) Operation: The facility and its operation shall observe all fire prevention and protection requirements.

(j) AMUSEMENT OR WATER PARKS, FAIRGROUNDS

- (1) Where Required: AG, HB, and LI Districts.
- (2) Minimum Area: Minimum lot size shall be five (5) acres.
- (3) Setback: No principal buildings or structures shall be located within fifty (50) feet of any property line.
- (4) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the park activities.
- (5) Use Separation: No amusement equipment, machinery or mechanical device of any kind may be operated within two hundred (200) feet of any developed residentially or public and institutionally zoned property.

(k) ANIMAL FEEDER/BREEDER

- (1) Where Required: AG District.
- (2) Setback: All structures, buildings or enclosed areas, used for housing poultry, hogs, cattle or other livestock shall be a minimum of one hundred (100) feet from all property lines.
- (3) Operation: Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Ordinance.
- (4) Noise: Mechanical equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

(l) ANIMAL SERVICES (OTHER)

- (1) Where Required: GO-M, GO-H, LB, GB, HB, CB, MS, SC, and CP Districts.

(2) Outside Storage: Outdoor pens and runs are prohibited.

(m) ANIMALS AND ANIMAL PRODUCTS, OTHER (WHOLESALE) (REFER TO AGRICULTURAL CHEMICALS, ETC. FOR DEVELOPMENT STANDARDS)

(n) ANTIQUE STORES

(1) Where Required: NB, LB, GB, HB, CB, MS and SC Districts.

(2) Outdoor Storage: No outdoor storage of any furniture or other items shall be permitted.

(o) ASPHALT PLANTS

(1) Where Required: AG and HI Districts.

(2) Setback: Any asphalt plant operations shall be located at least fifty (50) feet from any property line.

(3) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the operation.

(4) Rehabilitation:

a. Within one (1) year after the cessation of production, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.

b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

(5) Dust: All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(6) Access:

a. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.

b. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.

- c. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic and shall be adhered to.

(p) ATHLETIC FIELDS

- (1) Where Required: AG, all residential, LO, and NB Districts.
- (2) Access: All athletic fields shall have primary access to collector or thoroughfare streets.

(q) AUDITORIUMS, COLISEUMS, OR STADIUMS

- (1) Where Required: HB, CB, SC, MS, LI, and PI Districts.
- (2) Special Use: A Special Use Permit is required for any such facility with a seating capacity that exceeds 100 seats. Applicants required to obtain a Special Use Permit shall demonstrate that vehicular and pedestrian traffic, as well as light and noise created by the use does not create negative impacts on adjacent properties or on the surrounding area. Pedestrian crossing improvements may be required to insure that pedestrians can safely cross nearby streets to access the site.

(r) AUTOMOBILE RENTAL OR LEASING

- (1) Where Required: SC and MS Districts.
- (2) Requirements in the SC District: A minimum of one (1) parking space shall be provided for each vehicle rented or leased.
- (3) Requirements in the MS District: Shall only be permitted in sub-areas A, C & D.

(s) AUTOMOTIVE REPAIR SERVICES, MAJOR

- (1) Where Required: GB, HB, LI, and HI Districts.
- (2) Outdoor Storage:
 - a. In the GB and HB Districts: No more than twenty (20) motor vehicles shall be stored overnight on the premises at any one time.
 - b. In the LI and HI Districts: No more than one hundred (100) motor vehicles shall be stored overnight on the premises at any one time.
- (3) Screening: A minimum six (6) foot high opaque fence, of an acceptable screening material approved by the Enforcement Officer, shall be provided to screen all

outdoor storage of parts and/or materials, and all overnight outdoor storage areas for motor vehicles adjacent to residentially zoned property.

- (4) Location Within a General Watershed Area: All bulk petroleum products, new and used, must be stored in a containment area that will retain 1.5 times the aggregate volume of all containers with walls and floors sealed to prevent contamination of groundwater in the City's water supply watershed.

(t) AUTOMOTIVE REPAIR SERVICES, MINOR

- (1) Where Required: GB, HB, CB, SC, MS, LI and HI Districts.

(2) Outdoor Storage:

- a. In the MS, GB, HB, and CB Districts: No more than twenty (20) motor vehicles shall be stored overnight on the premises at any one time. Parts and/or materials shall not be stored between a principal building and a street right-of-way.
- b. In the SC District: No overnight outside storage of motor vehicles shall be permitted. There shall be no outdoor storage of parts or materials.
- c. In the LI and HI Districts: No more than one hundred (100) motor vehicles shall be stored overnight on the premises at any one time.

- (3) Screening: A minimum six (6) foot high opaque fence, of an acceptable screening material approved by the Enforcement Officer, shall be provided to screen all outdoor storage of parts and/or materials.

- (4) Location Within a General Watershed Area: All bulk petroleum products, new and used, must be stored in a containment area that will retain 1.5 times the aggregate volume of all containers with walls and floors sealed to prevent contamination of groundwater or the City's water supply watershed.

- (5) Location Within the Main Street District: Automotive Repair Services, Minor shall only be permitted in sub-areas A, C & D.

(u) AUTOMOTIVE TOWING AND STORAGE SERVICES

- (1) Where Required: GB, HB, and LI Districts.

(2) Maximum Automotive Storage:

- a. In GB and HB Districts, no more than twenty (20) motor vehicles shall be stored on the premises at any one time.
- b. In the LI District, no more than one hundred (100) motor vehicles shall be stored on the premise at any one time.

(3) Screening: The automotive storage area shall be surrounded by a minimum six (6) foot high opaque fence of acceptable screening material approved by the Enforcement Officer.

(4) Operation: No outdoor disassembly or salvaging shall be permitted.

(v) BANKS, SAVINGS AND LOANS, OR CREDIT UNIONS

(1) Where Required: GO-M, GO-H, LB, and CP Districts.

(2) Maximum Area: The total direct customer service floor space shall not exceed four thousand (4,000) square feet.

(3) Drive-Thru Teller Services: A maximum of four (4) service lanes for window tellers, remote tellers, or automated teller machines (ATMs) shall be allowed. The point of service for the aforementioned tellers shall be located no closer than seventy-five (75) feet to residentially zoned property.

(w) BARS

(1) Where Required: GB, HB, CB, SC, MS, WMX and TN Districts.

(2) Property Separation:

a. In the GB, HB, CB, SC and TN Districts no such establishment shall be located within two-hundred (200) feet of a church, elementary or secondary school, public park, or residentially zoned property.

b. In the MS district, no such establishment shall be located within one hundred (100) feet of a church or an elementary or secondary school.

c. In the WMUC Overlay District, no specific property separation distance is required; however, applicants submitting a special use permit application shall demonstrate that the use will not create negative impacts on adjacent properties, particularly churches and schools.

(3) Orientation: The main entrance of the building shall be toward a street zoned predominantly for nonresidential uses.

(4) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences, but this does not permit a reduction in planting yard width as provided in Table 5-11-2.

(x) BARS (CAPACITY > 100 PERSONS)

(1) Where Required: GB, HB, CB, SC, TN, MS, WMX and LI Districts.

(2) Property Separation:

- a. In the GB, HB, CB, SC, TN and LI Districts no such establishment shall be located within two-hundred (200) feet of a church, elementary or secondary school, public park, or residentially zoned property.
- b. In the MS District, no such establishment shall be located within one hundred (100) feet of a church or an elementary or secondary school.
- c. In the WMUC Overlay District, no specific property separation distance is required; however, applicants submitting a special use permit application shall demonstrate that the use would not create negative impacts on adjacent properties, particularly churches and schools.

- (3) Orientation: The main entrance of the building shall be toward a street zoned predominantly for nonresidential uses.
- (4) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences, but this does not permit a reduction in planting yard width as provided in Table 5-11-2.

(y) BARBER SHOPS, BEAUTY SHOPS

- (1) Where Required: CP District.
- (2) Operation: The barber or beauty shop shall be limited to two (2) operators per establishment.

(z) BATTING CAGES

- (1) Where Required: HB, MS, LI, and HI Districts.
- (2) Security Fencing: In the HB, LI and HI Districts fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the designated area.
- (3) In the MS District all batting cages and gaming activity shall be located indoors.

(aa) BOAT REPAIRS

- (1) Where Required: GB, HB, LI, and HI Districts.
- (2) Outdoor Storage:
 - a. In the GB and HB Districts: No more than twenty (20) boats shall be stored overnight on the premises at any one time. Parts and/or materials shall not be stored between a principal building and a street right-of-way.
 - b. In the LI and HI Districts: No more than one hundred (100) boats shall be stored overnight on the premises at any one time.

- (3) Screening: A minimum eight (8) foot high opaque fence, of an acceptable screening material approved by the Enforcement Officer, shall be provided to screen all outdoor storage of parts and/or materials, and boats which are adjacent to residentially zoned property.

(bb) BODY PIERCING ESTABLISHMENT

- (1) Where Required: GB District.
- (2) Restricted from Public View: All body piercing shall take place in an area of the establishment that cannot be viewed by other customers or by the general public from any public or private street right-of-way or any area commonly accessed by the public (i.e. parking lots, mall corridors, promenades, sidewalks), whether on the same or a nearby property.

(cc) BUILDING SUPPLY SALES (WITH STORAGE YARD)

- (1) Where Required: GB, HB, and SC Districts.
- (2) Screening: All outside storage shall be completely screened from view from all streets and adjacent residentially zoned property.
- (3) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around all outside storage areas.
- (4) Dust: All storage areas shall be maintained in a manner so as to prevent dust from adversely impacting adjacent properties.

(dd) BULKY ITEM OUTDOOR DISPLAY

- (1) Where Required:
 - a. As a Principal Use: GB, HB, LI, and HI Districts.
 - b. As an Accessory Use: GB, HB, SC, LI, and HI Districts.
- (2) Portable storage containers and dumpsters that are utilized for the purpose of display must be located behind the minimum setback of the zoning district in which they are located and be located outside any required parking or planting yards. Portable storage containers and dumpsters utilized for their intended purpose (the storage of material or waste), and not for the purpose of display, are regulated elsewhere in this Ordinance.
- (3) Items other than portable storage containers and dumpsters that are less than or equal to ten (10) feet in height must be located at least ten (10) feet from the street curb or edge of pavement and be located outside any right-of-way, required parking area, or planting yards.

- (4) An item which exceeds ten (10) feet in height must be located behind the minimum setback of the zoning district and be located outside any required parking or planting yards.
- (5) No storage of items shall be located such that sight distance is reduced at a street intersection.

(ee) BUSINESS INCUBATORS

- (1) Where Required: TN District.
- (2) Maximum Floor Area: 18,000 square feet of gross floor area.
- (3) Outdoor Storage: No outdoor storage or display of items associated with the business incubator shall be permitted.
- (4) Operation:
 - a. The business incubator may include space for retail, office, service, workshop, and/or light manufacturing.
 - b. The business incubator shall provide individual workspaces separated by floor-to-ceiling walls.
 - c. The business incubator may provide a maximum of two loading spaces with 15x14 overhead doors. Bay doors shall not face the primary street frontage.
 - d. The business incubator shall include common areas for administrative support services, business equipment, conference and meeting rooms, break room and concessions, truck docks and ramps, and other equipment and facilities.

(ff) BUSINESS PARKS

- (1) Where Required: GO-M and GO-H Districts.
- (2) Minimum Lot Size: Minimum lot size of five (5) acres. Minimum individual office/retail lot size of two (2) acres with shared and subordinate access.
- (3) Access: Business Parks shall have primary access to a collector or thoroughfare street.
- (4) Retail Trade and Service Uses: Retail trade and service uses are allowed subject to the following restrictions and exceptions:
 - a. No outdoor sales or displays;
 - b. No sales, servicing, or repair of motor vehicles, engines, or parts thereof;

- c. No personal service establishment except those permitted in the GO-M or G0-H Districts;
 - d. No convenience stores;
 - e. No gasoline service stations or car wash facilities;
 - f. No restaurants (with drive-thru); and
 - g. Restaurants (serving mixed alcoholic beverages) shall be subject to a separate Special Use Permit and meet all minimum requirements for such use.
- (5) Size and Percentage of Retail Mix:
- a. Combined floor area of retail land uses shall not exceed forty percent (40%) of total floor area of all buildings within the park, or exceed more than seventy-five percent (75%) of the total floor area in any one freestanding building; and
 - b. No individual retail use shall exceed thirty- five hundred (3,500) square feet in gross floor area.
- (6) Outside Storage: No outdoor storage of materials shall be permitted.
- (7) Loading Areas: All loading and unloading and trash collection areas shall be located to the rear or side of the buildings and shall be screened from view of the street and any adjacent residential districts.

(gg) CARETAKER DWELLINGS

- (1) Where Required: All nonresidential districts except AG.
- (2) Operation: A building permit for a principal nonresidential building shall be obtained, or a principal nonresidential use shall be established, prior to occupancy.
- (3) Number: No more than one (1) caretaker dwelling unit shall be permitted per zone lot.

(hh) CAR WASHES

- (1) Where Required: GB, HB, CB, and SC districts.
- (2) Setback: Building(s) shall be not less than seventy-five (75) feet from any interior side or rear property line which adjoins residentially zoned property.
- (3) Screening: A minimum six (6) foot high opaque fence of an acceptable screening material approved by the Enforcement Officer shall be provided adjacent to all residentially zoned property.

(4) Operation:

- a. All washing operations shall be contained in a building;
- b. Specific areas shall be provided for the manual drying, waxing, polishing, and vacuuming of automobiles and other motor vehicles when these services are offered on the site. These areas shall not conflict with on-site circulation patterns;
- c. Hours of operation shall be between 7:00 a.m. and 10:00 p.m. when the property adjoins developed residentially zoned property; and
- d. Adequate provisions shall be made for the safe and efficient disposal of waste products.

(ii) CATERERS

- (1) Where Required: NB and LB District.
- (2) Maximum Area: A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.
- (4) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences, churches, elementary or secondary schools, or public parks.

(jj) CEMETERIES/MAUSOLEUMS

- (1) Where Required: All districts.
- (2) Minimum Area: A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.
- (3) Access: Primary access shall be to a collector or thoroughfare street.

(kk) CHURCHES

- (1) Where Required: All residential districts.
- (2) Access: New church facilities located on sites of three (3) acres or more shall have primary access to a collector or thoroughfare street.

(ll) CLUBS OR LODGES

- (1) Where Required: AG, all residential, and NB Districts.
- (2) Access: Except in the AG District, clubs or lodges shall have primary access to a collector or thoroughfare street.
- (3) Operations: Clubs or lodges shall not be open after 12:00 midnight when located adjacent to residentially zoned property.

(mm) COMMUNICATION TOWERS**(1) General Requirements:**

- a. Type of Tower Permitted:
 1. Overlay Districts: Only stealth communication towers (or accessory communication towers not exceeding the height limit of the zoning district in which they are located) shall be permitted in a Scenic Corridor Overlay District or the Washington Street Mixed Use Center Overlay District. Any tower proposed in a GO-H District within a Scenic Corridor Overlay District shall be regulated as if it were to be located within a GO-M District.
 2. All Other Districts: Stealth and monopole communication towers shall be permitted in all districts except within Scenic Overlay Districts.
 3. All Nonresidential Districts: Lattice and guyed towers shall be permitted in all nonresidential districts except within Scenic Corridor Overlay Districts.
- b. Color: Towers shall be light gray or other color designed to blend with its surroundings, except when otherwise required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- c. Illumination: Towers shall be illuminated only as required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). Illumination shall not be oriented to project lighting onto surrounding residential properties consistent with FAA requirements.
- d. Signage Prohibitions: No signs or logos, for which sign permits are required by this Ordinance, shall be allowed on any tower, antenna, or related device.
- e. Compliance with other Regulations: Any user or carrier shall submit documentation that the tower and antennae will meet American National Standards Institute (ANSI) standards; applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations; and comply with all other applicable federal, state, and local regulations.

Approvals by the FAA shall be submitted prior to the issuance of a building permit. At the time of application for building permit, the plans for tower or antenna construction shall be certified by a registered structural engineer as meeting all current safety and design standards of all applicable codes.

- f. Subsequent Co-location (Shared Use) Requirements:
1. Subsequent co-location or shared use on existing communication towers or other structures which do not increase the height of the existing tower or structure shall not require approval of a Special Use Permit.
 2. The owner of any new communication tower shall offer first right of refusal to the City for purposes of co-location, at least thirty (30) days prior to entering into the first co-location agreement or lease, and shall provide written notification to the City in advance of said thirty (30) day period. The City shall respond in writing within thirty (30) days of its receipt of the offer with either a letter of intent or a waiver of rights. Should the City decide to locate facilities on the tower that are of a type intended and designed to enhance public safety communications, the site shall be provided at no cost to the City. However, the City shall act in good faith and in a timely manner to pursue use of the tower site and enter into appropriate agreements or leases with the tower owner. If the City waives its right of first refusal, or has not commenced use of the site as intended and has not made a good faith effort to do so within six (6) months of communicating its intent to the tower owner, the co-location site shall be deemed abandoned by the City and the tower owner shall be under no further obligation to provide a co-location site to the City on that tower.
- g. Accessory Buildings in Agricultural and Residential Zoning Districts: The exterior appearance of all equipment storage buildings located in agricultural or residential zoning districts shall resemble a residential structure, including pitched roof(s) and frame or masonry construction. Accessory buildings shall not be used for offices. Equipment cabinets less than six (6) feet in height and twelve (12) feet in width shall be exempted from this requirement.
- h. Security Fencing: There shall be a minimum eight (8) foot high security fence installed around the perimeter of the lease area or tower compound between the tower and required landscaping. Security fencing shall not be necessary if tower is placed on top of a building. Security fencing and landscaping shall not be required for accessory communication towers that do not exceed the height limits of the zoning district.
- i. Replacement or Alteration of Nonconforming Towers: Nothing in this Section shall prevent legally nonconforming towers from being replaced or altered,

provided that the height of the tower or any other dimensional nonconformity is not increased.

(2) Specific Requirements:

- a. Communication Towers (Principal Use) exceeding height limits of zoning district:
 1. Where Required: All Districts except GO-H, CB and TN.
 2. Setbacks:
 - i. In all Districts except LI and HI: Communication towers shall meet the minimum setbacks (given in the table below) from property lines based on the zoning district of adjoining properties with the exceptions given below. In no case shall the setback be less than the minimum for a principal building in the zoning district in which the tower is to be located. Exceptions are allowed for the following:
 - Monopole towers may utilize the same setbacks as stealth structures when directly adjoining or within power transmission line easements.
 - Lattice towers may employ the same setbacks as monopole towers provided they are designed for a minimum of five (5) users.
 - For guyed towers, all guy wires shall be contained on the same property as the tower.

**MINIMUM SETBACKS
COMMUNICATIONS TOWERS (PRINCIPLE USE)
EXCEEDING HEIGHT LIMITS**

Type of Tower	Adjacent to Agricultural and Residential Districts	Adjacent to Nonresidential Districts
Guyed	150% of tower height	100% of tower height
Lattice	125% of tower height	80% of tower height
Monopole	100% of tower height	60% of tower height
Stealth Structures	60% of tower height	40% of tower height
Stealth Buildings	Otherwise Permitted Setbacks	Otherwise Permitted Setbacks

- ii. In LI and HI Districts: Interior setbacks for towers abutting property zoned Light Industrial or Heavy Industrial shall be twenty-five per- cent (25%) of tower height, but in no case shall the setback be greater than fifty (50) feet from the abutting property line.

- 3. Co-location (Shared Use) Search Area Requirements: Towers proposed to be located within a three thousand (3,000) foot radius of another communication tower in agricultural or residential zoning districts, or within a fifteen hundred (1,500) foot radius of another communication tower in nonresidential zoning districts, shall require co-location on such other tower, or submit a letter from a certified engineer or other pertinent documentation that co-location is not feasible for reasons including, but not limited to the following:
 - i. No available towers or suitable structures are located within the required 3,000 or 1,500 foot search radius to meet the applicant's engineering requirements;
 - ii. No existing towers or structures within the search area are of sufficient height to meet the applicant's engineering requirements.
 - iii. No existing towers or structures have sufficient structural strength to support applicant's proposed antenna or related equipment;
 - iv. Antenna would cause electromagnetic interference with existing antenna on the tower or structure; and
 - v. Fees or costs required to co-locate on existing tower or structure, or to adapt the existing tower or structure for shared use, are greater than the cost of a new tower.

- 4. Tower Design Requirements: Towers shall be designed and constructed to support a minimum of three (3) users, one of which shall be a telecommunications user, and such towers shall be made available for

co-location by other users. Site plan shall show space for additional accessory buildings for co-locators. Stealth towers within a building or other structure may be exempt from this requirement if not structurally feasible for co-location.

5. Landscaping: Landscaping shall be required around the perimeter of the lease area or tower compound. Landscaping shall meet the planting width requirements required by the Development Ordinance for a use with a Land Use Classification (LUC) of 3, but shall meet the planting yard requirements for a use with a Land Use Classification of 4. No landscaping shall be required if the tower is placed on top of a building.
- b. Communication Towers (Principal Use) not exceeding height limits of zoning district:
1. Where Required: All Districts
 2. Setbacks:
 - i. In All Districts except CB, LI, and HI: Communication towers shall meet the minimum setbacks (given in the table below) from property lines based on the zoning district of adjoining properties with the exceptions given below. In no case shall the setback be less than the minimum for a principal building in the zoning district in which the tower is to be located. Exceptions are allowed for the following:
 - Monopole towers may utilize the same setbacks as stealth structures when directly adjoining or within power transmission line easements.
 - Lattice towers may employ the same setbacks as monopole towers provided it is designed for a minimum of five (5) years.
 - For guyed towers, all guy wires shall be contained on the same property as the tower.

**MINIMUM SETBACKS
COMMUNICATION TOWERS (PRINCIPLE USE)
NOT EXCEEDING HEIGHT LIMITS**

Type of Tower	Adjacent to Agricultural and Residential Districts	Adjacent to Nonresidential Districts
Guyed	150% of tower height	100% of tower height
Lattice	125% of tower height	80% of tower height
Monopole	100% of tower height	60% of tower height
Stealth Structures	60% of tower height	40% of tower height
Stealth Buildings	Otherwise Permitted Setbacks	Otherwise Permitted Setbacks

1. Where Required: All Districts except GO-H, CB and TN.
2. Setbacks:
 - i. In All Districts except LI and HI: Communication towers shall meet the minimum setbacks (given in the table below) from property lines based on the zoning district of adjoining properties with the exceptions given below. In no case shall the setback be less than the minimum for a principal building in the zoning district in which the tower is to be located. Exceptions are allowed for the following:
 - Monopole towers may utilize the same setbacks as stealth structures when directly adjoining or within power transmission line easements.
 - Lattice towers may employ the same setbacks as monopole towers provided it is designed for a minimum of five (5) users.
 - For guyed towers, all guy wires shall be contained on the same property as the tower.

**MINIMUM SETBACKS
COMMUNICATION TOWERS (ACCESSORY USE)
EXCEEDING HEIGHT LIMITS**

Type of Tower	Adjacent to Agricultural and Residential Districts	Adjacent to Nonresidential Districts
Guyed	150% of tower height	100% of tower height
Lattice	125% of tower height	80% of tower height
Monopole	100% of tower height	60% of tower height
Stealth Structures	60% of tower height	40% of tower height
Stealth Buildings	Otherwise Permitted Setbacks	Otherwise Permitted Setbacks

- ii. In LI and HI Districts: Interior setbacks for towers abutting property zoned Light Industrial or Heavy Industrial shall be twenty-five percent (25%) of tower height, but in no case shall the setback be greater than fifty (50) feet from the abutting property line.
3. Co-location (Shared Use) Search Area Requirements: Towers proposed to be located within a three thousand (3,000) foot radius of another communication tower in agricultural or residential zoning districts, or within a fifteen hundred (1,500) foot radius of another communication tower in non- residential zoning districts, shall require co-location on such other tower, or submit a letter from a certified engineer or other

pertinent documentation that co-location is not feasible for reasons including, but not limited to, the following:

- i. No available towers or suitable structures are located within the required 3,000 or 1,500 foot search radius to meet the applicant's engineering requirements;
 - ii. No existing towers or structures within the search area are of sufficient height to meet the applicant's engineering requirements;
 - iii. No existing towers or structures have sufficient structural strength to support applicant's proposed antenna or related equipment;
 - iv. Antenna would cause electromagnetic interference with existing antenna on the tower or structure; and
 - v. Fees or costs required to co-locate on existing tower or structure, or to adapt the existing tower or structure for shared use, are greater than the cost of a new tower.
4. Tower Design Requirements: Towers shall be designed and constructed to support a minimum of two (2) users, or antennae, and shall be made available for co-location by other users. Towers over eighty (80) feet in height shall be designed and constructed to support three (3) users, one of which shall be a telecommunications user, and such towers shall be made available for co-location by other users. Site plans shall show space for additional accessory buildings for co-locators. Stealth towers within a building or other structure may be exempted from this requirement if not structurally feasible for co-location.
5. Landscaping: Landscaping shall be required around the perimeter of the lease area or tower compound. Landscaping shall meet the planting width requirements required by the Development Ordinance for a use with a Land Use Classification (LUC) of 3, but shall meet the planting yard rate requirements for a use with a Land Use Classification of 4. No landscaping shall be required if the tower is placed on top of a building.
- d. Communication Towers (accessory use) not exceeding height limits of zoning district:
1. Where Required: All Districts.
 2. Setbacks:

- i. In All Districts except CB: Accessory communication towers shall meet the following minimum setbacks from property lines based on the zoning district of adjoining properties:

**MINIMUM SETBACKS
COMMUNICATION TOWERS (ACCESSORY USE)
NOT EXCEEDING HEIGHT LIMIT**

Type of Tower	Adjacent to Agricultural and Residential Districts	Adjacent to Nonresidential Districts
All Types	60% of tower height	40% of tower height

- ii. In CB Districts: Communication towers shall meet the same minimum setbacks required of a principal structure.

(3) Deviations and Amendments to Facilitate Co-Location:

- a. Deviations from the Development Standards to Facilitate Co-Location: The City Council may approve deviations from the development standards for communication towers which facilitate the co-location or shared use of communication towers or other structures. The deviation must solely facilitate co-location which would otherwise be prohibited by the development standards and which will result in equal or better performance, provided that the objective and purpose of the development standards are maintained. Deviations for communication towers permitted by a Special Use Permit may be approved concurrent with the Special Use Permit or as a major amendment to a Special Use Permit, and deviations for towers permitted by right subject to the development standards may be approved by Special Use Permit.
- b. Major Amendments to Facilitate Co-Location: Major amendments to a Special Use Permit that facilitate co-location or shared use on communication towers shall not be subject to the provisions of Subsection 9-3-12(b)(5) (Application Filing), of this Ordinance.

(nn) COMPUTER SALES

- (1) Where Required: CP District.
- (2) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.

(oo) CONGREGATE CARE FACILITIES

- (1) Where Required: RM-12, RM-18, RM-26, GO-M, GO-H, CB, PI and TN Districts.

(2) Operation:

- a. The facility shall provide centrally located shared food preparation, service, and major dining areas;
- b. Common recreation, social, and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit;
- c. All facilities shall be solely for the use of residents and their guests; and
- d. Facilities for administrative services and limited medical services for the exclusive use of the residents shall be located on the site.

(pp) CONVENIENCE STORES (WITH GASOLINE PUMPS)

(1) Where Required: CP, MS and TN District.

(2) Requirements in the CP and TN Districts:

- a. Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- b. Outside Storage: No outside storage of materials shall be permitted.
- c. Gasoline Service Islands/Pumps: There shall be no more than one (1) gasoline service island containing no more than four (4) gasoline pumps.

(3) Requirements in the MS District:

- a. Where Permitted: shall be permitted only in sub-areas A & D.
- b. Canopy and fuel pump location: The fuel pumps and the fuel pump canopy shall be located behind the principal building such that the building is located between the pump islands and Main Street or other primary fronting street for those properties without any frontage on Main Street.

(qq) CONVENIENCE STORES (WITHOUT GASOLINE PUMPS)

(1) Where Required: CP Districts.

(2) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.

(3) Outside Storage: No outside storage of materials shall be permitted.

(rr) COUNTRY CLUBS WITH GOLF COURSES

- (1) Where Required: All residential, GO-M, GO-H, HB, CP, LI, and PI Districts.
- (2) Minimum Area: The minimum area shall be two (2) acres in addition to the golf course(s).
- (3) Setback: There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- (4) Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

(ss) DAIRY PRODUCTS (MANUFACTURING AND INDUSTRIAL USE):

- (1) Where Required: MS District
- (2) Where Permitted: Sub-area A of the MS District
- (3) Requirements:
 - a. No new dairy products use shall be established.
 - b. Expansions of an existing dairy products use shall be permitted only where any new manufacturing, processing and distribution facilities are located a minimum of 230 feet from the Main Street right-of-way.
 - c. Expansions shall be permitted subject to MS District requirements, except that such expansions occurring more than 230 feet from the Main Street right-of-way shall be subject to the dimensional requirements, except maximum building coverage, contained in the LI District (Table 4-11-5, Nonresidential Districts Dimensions Requirements) in lieu of the following MS District requirements:
 1. Section 9-4-5 (a)(2) (Applicability)
 2. Section 9-4-5 (a)(3)a (Build-to-zone)
 3. Section 9-4-5 (a)(3)b (Interior building setbacks)
 4. Section 9-4-5 (a)(3)d (Cross access)
 5. Section 9-4-5 (a)(3)h (Lot size and width)
 6. Section 9-4-5 (a)(4)k (Loading areas)
 7. Section 9-4-5 (a)(4) (Building Standards)

(tt) DAY CARE CENTERS, CHILD OR ADULT (AS A PRINCIPAL USE)

- (1) Where Required:
 - a. Twenty-nine (29) or Less Attendees: AG, all residential, LO, GO-M, GO-H, NB, LB, GB, HB, CP, LI, MS, PI and TN districts.
 - b. Thirty (30) or More Attendees: AG, all residential, LO, GO-M, GO-H, NB, LB, GB, HB, CP, LI, MS, PI and TN districts.
- (2) Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback. In addition, in residential districts, said fencing shall be opaque adjacent to residentially zoned property, and of an acceptable screening material approved by the Enforcement Officer.
- (3) Attendee Drop-off/Pick-Up Provisions: An on-site vehicle turnaround, or separate entrance and exit point, and passenger loading area shall be provided.
- (4) Location: In residential districts, all daycare centers shall have frontage on a collector or thoroughfare street.
- (5) Signage: In residential districts, signage shall be restricted to one sign with a maximum area of twenty-four (24) square feet and a maximum height of six (6) feet.
- (6) Compliance with Other Regulations: All day care centers shall comply with all applicable federal, state, and local regulations.

(uu) DAY CARE HOMES, CHILD OR ADULT (AS A HOME OCCUPATION)

- (1) Five (5) or Less Attendees:
 - a. Where Required: AG, all residential, LO, GO-M, GO-H, CB, LI, HI and TN districts.
 - b. Attendee Drop-off/Pick-Up Provisions: An off-street drop-off/pick-up area shall be provided.
 - c. Compliance with Other Regulations: All day care homes shall comply with all applicable federal, state, and local regulations.
- (2) Six (6) to Twelve (12) Attendees:
 - a. Where Required: AG, all residential, LO, GO-M, GO-H, CB, LI, HI and TN districts.

- b. Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least four (4) feet in height and located outside the street setback. In addition, in residential districts, said fencing shall be opaque adjacent to residentially zoned property, and of an acceptable screening material approved by the Enforcement Officer.
- c. Attendee Drop-off/Pick-Up Provisions: An off-street drop-off/pick-up area shall be provided.
- d. Location: In residential districts, day care homes shall have frontage on a collector or thoroughfare street.
- e. Parking: In addition to the required parking for the residence(s), one (1) parking space shall be provided for each employee not residing on the premises.
- f. Compliance with Other Regulations: All day care homes shall comply with all applicable federal, state, and local regulations.

(vv)**DEMOLITION DEBRIS LANDFILLS****(1) Demolition Debris Landfills (minor):**

- a. Where Required: All districts.
- b. Maximum Area: The landfill shall have a maximum area of two (2) acres.

(2) Demolition Debris Landfills (major):

- a. Where Required: AG and HI Districts.
- b. Setback: There shall be a fifty (50) foot minimum distance from any property line.
- c. Use Separation: There shall be a three hundred (300) foot minimum separation from any residence.
- d. Access: Access to the landfill shall be controlled with gates, chains, fences, ditches, and/or trees to prevent unregulated dumping.
- e. Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- f. Operation: No filling is permitted in any Flood Hazard Area. No filling is permitted in minor drainageways unless the drainage has been piped in accordance with approved plans. No filling is permitted in utility easements.

- g. Closure: Landfills shall be closed with a minimum of two (2) feet of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.
- h. Signs: An information board sign shall be posted and maintained at the entrance, listing the name and phone number of the current operator, the types of material accepted, and the hours of operation.

(ww) DISABLED MOTOR VEHICLES (AS AN ACCESSORY USE)

- (1) Where Required: All districts except AG.
- (2) Screening:
 - a. Residential Uses: One (1) vehicle meeting the definition of "Disabled Motor Vehicle" shall be allowed as outside storage. When such a vehicle is located on a property where the principal use is either a single-family detached dwelling or a two-family dwelling (duplex), then the disabled vehicle shall be located behind the front building line of the principal structure. Any additional vehicles meeting said definition shall be enclosed within a building which meets the dimensional requirements of the district in which it is located.
 - b. Nonresidential Uses: Any vehicle meeting the definition of "Disabled Motor Vehicle" shall be stored, parked, or placed on the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residentially or public and institutionally zoned property. Total screening shall be affected by placement of the vehicle(s) either within or behind a building, or by plant materials, fences, berms, or a combination thereof, with a minimum height of six (6) feet.

(xx) DRUGSTORES

- (1) Where Required: CP District.
- (2) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.

(yy) ELEMENTARY OR SECONDARY SCHOOLS (APPLIES ONLY TO NEW SCHOOLS; EXISTING SCHOOLS AND THEIR EXPANSION OR RENOVATION ARE PERMITTED BY RIGHT AND ARE NOT SUBJECT TO THESE DEVELOPMENT STANDARDS).

- (1) Where Required: Agricultural (AG) and all residential Districts.
- (2) Transportation: The site plan shall depict on-site vehicular and pedestrian traffic circulation and shall illustrate any proposed loading and unloading areas, parking

areas, drive lanes, sidewalks, and other transportation improvements, and provide any other supporting information.

(zz) EQUIPMENT REPAIRS, LIGHT

- (1) Where Required: GB, HB, MS and CB Districts.
- (2) Outside Storage: Outside storage is prohibited.

(aaa) FAMILY CARE HOMES

- (1) Where Required: All districts where permitted.
- (2) Use Separation: No family care home shall be established within a one-half mile radius of an existing family care home.

(bbb) FARM SUPPLIES, OTHER (WHOLESALE) (REFER TO AGRICULTURAL CHEMICALS, ETC. FOR DEVELOPMENT STANDARDS)

(ccc) FLOWERS, NURSERY STOCK AND FLORIST SUPPLIES (WHOLESALE) (REFER TO AGRICULTURAL CHEMICALS, ETC. FOR DEVELOPMENT STANDARDS)

(ddd) FRATERNITIES AND SORORITIES (UNIV. OR COLLEGE)

- (1) Where Required: RM-12, RM-18, RM-26, and LO Districts.
- (2) Parking: 1/bedroom, plus 2/3 employees on largest shift, plus 1/4 non-resident members.

(eee) FURNITURE REPAIR SHOPS

- (1) Where Required: GB, HB, CB, MS and TN District
- (2) Outdoor Storage: No outdoor storage of materials shall be permitted.
- (3) Outdoor Repair: No outdoor repair of furniture shall be permitted.

(fff) GARDEN CENTERS OR RETAIL NURSERIES

- (1) Where Required: SC District.
- (2) Outside Storage: No outside storage of non-plant material shall be permitted.

(ggg) GOLF COURSES

- (1) Where Required: All residential, HB, CP, LI, PI and TN Districts.
- (2) Setback: There shall be a fifty (50) foot minimum setback between the clubhouse or other building(s) and any adjacent residentially zoned property.

(hhh) GOLF DRIVING RANGES

- (1) Where Required: AG, HB, LI, and HI Districts.
- (2) Minimum Area: The minimum distance from the tees to the end of any open-air driving area shall be one thousand (1,000) feet. The minimum distance may be reduced if the end of the driving area is controlled with netting or other measures to prevent golf balls from leaving the driving area.
- (3) Security Fencing: Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of the driving area to prevent golf balls from leaving.

(iii) GRAIN AND FIELD BEANS (WHOLESALE) (REFER TO AGRICULTURAL CHEMICALS, ETC. FOR DEVELOPMENT STANDARDS)**(jjj) GROUP CARE FACILITIES**

- (1) Where Required: RM-12, GO-M, GO-H, CB, and PI Districts.
- (2) Property Separation: No such facility shall be located within one-half (1/2) mile of an existing group care facility.
- (3) Operation: The facility shall be limited to not more than thirty (30) persons.

(kkk) HAZARDOUS AND TOXIC SUBSTANCES HANDLER - REFER TO SUBSECTION 9-7-26(C)(5) FOR DEVELOPMENT STANDARDS FOR HAZARDOUS AND TOXIC SUBSTANCES HANDLER.**(lll) HIGH MAST OUTDOOR LIGHTING >50 FEET IN HEIGHT**

- (1) Where Required: All districts.
- (2) Setback: High mast lighting fixtures may exceed the maximum height limit of the zoning district, provided that one (1) foot of additional setback from all property lines be provided for every two (2) feet over the maximum height limit.

(mmm) HOME OCCUPATIONS (INCLUDING RENTING OF ROOMS)

- (1) Where Required: AG, all residential, GO-M, GO-H, NB, CB, LI, HI and TN Districts.

-
- (2) Maximum Area: Area set aside for the Home Occupation shall occupy no more than twenty-five percent (25%) of the gross floor area of the dwelling unit.
 - (3) Outside Storage: No outside storage or display of items associated with the Home Occupation is permitted.
 - (4) Operation:
 - a. The Home Occupation shall be conducted entirely within a dwelling unit exclusive of a garage or carport. It shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the outward appearance of the residence. Home Occupations or any accessory storage are not permitted in a detached garage or in any other accessory structures.
 - b. Permitted Home Occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist offices, architects, accountants, family day care (5 or less persons), food catering, and handcrafting.
 - c. Only handmade items, foodstuffs, and crafts made in the dwelling unit may be offered for sale on the premises. No goods, products, or commodities brought into the dwelling unit for purposes of resale shall be sold on the premises.
 - d. Only one (1) person may be employed who is not an occupant of the residence.
 - e. Instructions in music, dancing, art, or similar subjects shall be limited to no more than five (5) students at one time.
 - f. Activities shall not generate traffic, parking, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the district in which it is located.
 - g. One (1) commercial vehicle, and a trailer upon which equipment can be stored, neither of which shall exceed twenty-four (24) feet in length, may be allowed in conjunction with the Home Occupation. No maintenance or repair of commercial equipment associated with the Home Occupation shall be conducted on the property.
 - h. One attached sign shall be permitted with height and area in accordance with Table 5-16-1 (Specifications For Signs Not Requiring a Permit).
 - i. A Home Occupation permit shall be required in accordance with Subsection 9-3-3(d) (Building, Sign, or Home Occupation Permits).
 - j. Renting of rooms (including the serving of meals for compensation) shall be limited to three or fewer non-transients in any one day.
-

- (5) Compliance with Other Regulations: All home occupations shall comply with all applicable federal, state, and local regulations.

(nnn) HOTELS OR MOTELS

- (1) Where Required: GO-M and GO-H Districts.
- (2) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted for restaurants accessory to a hotel or motel.
- (3) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences, churches, elementary or secondary schools, or public parks.

(ooo) LANDSCAPE AND HORTICULTURAL SERVICES

- (1) Where Required: MS District.
- (2) Where Permitted: Shall be permitted only in sub-areas A, C, and D.
- (3) Outdoor Storage: All outdoor storage or display of raw or bulk materials such as soil, sand, wood chips, straw or similar materials shall be to the rear of the building.

(ppp) KENNELS OR PET GROOMING

- (4) Where Required: GO-M, GO-H, LB, GB, HB, CB, MS, SC, CP and TN Districts.
- (5) Outside Storage: Outdoor pens and runs are prohibited.

(qqq) LAUNDRY OR DRY CLEANING PLANTS

- (1) Where Required: LB and SC Districts.
- (2) Maximum Area: A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.

(rrr) LIVESTOCK (WHOLESALE) (REFER TO AGRICULTURAL CHEMICALS, ETC. FOR DEVELOPMENT STANDARDS)

(sss) LIVESTOCK AND BEES (AS ACCESSORY TO RESIDENTIAL USES)

- (1) Horses, Cows and Other Similar Sized Animals, and Bees:
 - a. Where Required: AG, RS-40, RS-20, RS-15, RS-12, LI, and HI Districts.

- b. Minimum Area: The minimum lot size shall be 5 acres.
 - c. Setback: Such animals and bees shall be housed and/or fenced not less than one hundred (100) feet from any property line.
 - d. Maximum Density: (Shall not apply to the AG District)
 - 1. Horses, Cows and Other Similar Sized Animals: No more than one (1) such animal over six (6) months of age shall be permitted for every twenty thousand (20,000) square feet of fenced lot area not covered by the principal structure.
 - 2. Apiaries (Bees): No more than one (1) colony of bees shall be permitted for every ten thousand (10,000) square feet of lot not covered by the principal structure.
 - e. Security Fencing: A minimum of four (4) foot high fence, or an acceptable material approved by the Enforcement Officer, shall be provided to prevent animals from leaving the property.
- (2) Sheep, Goats and Other Similar Sized Animals:
- a. Where Required: AG, RS-40, RS-20, RS-15, RS-12, LI, and HI Districts.
 - b. Minimum Area: The minimum lot size shall be 5 acres.
 - c. Setback: Such animals and bees shall be housed and/or fenced not less than one hundred (100) feet from any property line.
 - d. Maximum Density: Except for the AG District, no more than one (1) adult animal over six (6) months of age shall be permitted for every ten thousand (10,000) square feet of fenced lot area not covered by the principal structure.
 - e. Security Fencing: A minimum four (4) foot high fence, of an acceptable material approved by the Enforcement Officer, shall be provided to prevent animals from leaving the property.
- (3) Fowl:
- a. Where Required: AG, RS-40, RS-20, RS-15, RS-12, LI, and HI Districts.
 - b. Minimum Area: The minimum lot size shall be 2 acres.
 - c. Setback: Such animals and bees shall be housed and/or fenced not less than fifty (50) feet from any property line.
 - d. Maximum Density: Except for the AG District, no more than one (1) adult over six (6) months of age shall be permitted for every five hundred (500) square feet of lot area.

- e. Security Fencing: Fencing, of an acceptable height and material approved by the Enforcement Officer, shall be provided to prevent animals from leaving the property.

(ttt) MARKET SHOWROOMS (FURNITURE, APPAREL, ETC.)

- (1) Where Required: GB, CB, and LI Districts
- (2) Location:
 - a. Showrooms in the GB District shall be located within permanent buildings only.
 - b. Showrooms in the CB District shall be located either in permanent building(s); a combination of permanent building(s) and temporary fabric structure(s) located on the same zone lot; or located entirely in one or more temporary fabric structures on the same zone lot provided that a building permit has been issued for a permanent showroom building on said zone lot.
- (3) Additional Standards for Market Showrooms Located Within Light Industrial Districts:
 - a. The zone lot where the market showroom is located shall be no more than 1,500 feet from the boundary of a Central Business (CB) District.
 - b. The market showroom shall be established only within an existing building, except that said showroom may be expanded up to twenty-five (25) percent of the gross square footage of the existing building.
 - c. The market showroom may be established in conjunction with furniture or apparel manufacturing or assembly.
- (4) Additional Requirements for Temporary Fabric Structures:
 - a. The temporary structure shall be located on the same zone lot as a market showroom.
 - b. The temporary structure shall be enclosed on all sides.
 - c. The temporary structure may be erected for up to 120 days in a calendar year.
 - d. The temporary structure shall be engineered to have a clear span tension construction, no internal support poles, no external guy wires and a HVAC system.

(uuu) MIGRANT LABOR HOUSING

- (1) Where Required: AG District.
- (2) Minimum Area: Each site shall contain a minimum of two (2) acres of land. An additional two thousand (2,000) square feet of land shall be required for each worker in excess of twenty (20) people.
- (3) Setback:
 - a. The minimum street setback shall be one hundred (100) feet; and
 - b. The minimum interior setback shall be fifty (50) feet.
- (4) Operation:
 - a. Not more than ten (10) people shall be housed in any one (1) room or compartment for sleeping purposes. Rooms or compartments for sleeping shall contain a minimum of thirty-nine (39) square feet of floor space for each person;
 - b. Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one (1) toilet and one(1) shower shall be provided for each ten (10) workers;
 - c. A laundry room shall be required with one (1) wash sink of at least ten (10) gallons capacity for each ten (10) workers. Adequate clothes lines shall be provided;
 - d. Dining and food service facilities shall be provided and shall contain at least twelve (12) square feet of floor space per worker and shall be approved by the County Health Department;
 - e. All water, sewer, and sanitary facilities shall be approved by the County Health Department; and
 - f. All garbage and refuse shall be stored in water-tight and fly-tight receptacles. It shall be the responsibility of the title holder of the property to ensure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the County Health Department.

(vvv) MINING AND QUARRYING

- (1) Where Required: AG and HI Districts.
- (2) Setback:

- a. The edges of any pit where a mining operation is taking place, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line; and
 - b. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
- (3) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of both existing and abandoned operations.
- (4) Rehabilitation:
- a. Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner;
 - b. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extractive operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding; and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion due to wind or rainfall; and
 - c. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
- (5) Operation: All operations involving blasting discernible beyond the exterior property line of a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.
- (6) Dust: All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- (7) Access:
- a. Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner;
 - b. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line; and

- c. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic and shall be adhered to.
- (8) Compliance With Other Regulations: All mining and quarrying operations shall comply with all applicable federal, state, and local regulations.

(www) MIXED DEVELOPMENTS

- (1) Where Required: CB, GB, HB, NB, SC, MS and CP Districts.
- (2) Residential Use Location:
 - a. In single-story structures, residential use(s) shall be located entirely to the rear of permitted nonresidential office or commercial use(s)
 - b. In multi-story structures, no residential use(s) shall be located on the ground floor.
- (3) Percentage of Mix:
 - a. In single-story structures, no more than fifty percent (50%) of the gross floor area shall be devoted to the permitted residential use.
- (4) Dimensional Requirements: In NB, any mixed use building shall conform to the nonresidential dimensional requirements of the district.
- (5) In the WMX Overlay District: Mixed developments are exempt from the above development standards.

(xxx) MOTOR VEHICLE SALES (NEW AND USED) (AS A PRINCIPAL USE ON THE ZONE LOT)

- (1) Where Required: GB, HB, LI, MS and HI Districts.
- (2) No motor vehicle is to be located closer than ten (10) feet to the street curb or edge of pavement and is prohibited from being located within any right-of-way, required parking area, or planting yards.
- (3) In the MS District, shall be permitted only in sub-areas A, C & D.

(yyy) MOTORCYCLE SALES

- (1) Where Required: MS District
- (2) Where Permitted: Shall be permitted only in sub-areas A, C and D.

(zzz) MULTIFAMILY DWELLINGS (INCLUDING CONDOMINIUMS)

- (1) Where Required: MS and WMX.
- (2) Elevation of Finished Floor: The finished floor elevation of the first floor above grade shall be at least three (3) feet above the elevation of the adjacent public sidewalk or street, unless part of a mixed development with non-residential uses on the ground floor in the WMX Overlay District.

(aaaa) NEWS STANDS

- (1) Where Required: CP District.
- (2) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.

(bbbb) OPTICAL GOODS SALES

- (1) Where Required: GO-M District.
- (2) Maximum Area: The gross floor area of the use shall not exceed two thousand (2,000) square feet.
- (3) Location: The use shall be located in a multi-tenant building.
- (4) Outdoor Storage and Display: No outdoor storage or display of merchandise or materials shall be permitted.

(cccc) PARKING, AUTOMOTIVE (AS A PRINCIPAL USE ON THE ZONE LOT)

- (1) Where Required: All residential districts.
- (2) Applicability:
 - a. Land uses not permitted in a particular residential zoning district that desire to establish parking within that residential district, shall be required to obtain a Special Use Permit. The application for such Special Use Permit shall contain an explanation of need for the proposed parking and an analysis of any alternative sites. The Special Use Permit, if granted, shall contain provisions designed to minimize adverse impacts on adjacent residentially zoned or used property, including but not limited to noise, lighting, landscaping and security.
 - b. Land uses permitted in a particular residential zoning district that desire to establish parking within that district shall comply with these development standards, but shall not be required to obtain a Special Use Permit.

- (3) Setback: Parking for land uses not required to obtain a Special Use Permit shall be set back a minimum distance equivalent to the street setback required in the zoning district or the average building line of the adjoining developed properties, whichever is greater. For land uses required to obtain a Special Use Permit, such parking at a minimum shall be located outside any required planting yard. In addition, City Council in approving the Special Use Permit may require a greater setback as determined necessary to lessen potential impacts on adjacent properties and maintain the character of the area, based on such factors as compatibility with adjacent land uses, size of the parking area, and existing and proposed screening of parking area.
- (4) Landscaping: A planting yard shall be provided at the required setback line located parallel to the street right-of-way line. A landscape screen shall be provided along all side and rear lot lines abutting residentially zoned property.
- (5) Location: Parking must begin within two hundred (200) feet, on property under the same ownership or parking encumbrance agreement as the site containing the use which the parking facility is intended to serve. No fee shall be charged for parking and it shall be operated solely as a convenience to the customers, patrons, employees, guests, or residents of the use which the parking facility is intended to serve.
- (6) Time of Use: Parking shall be used principally during daylight hours. Parking intended to be used principally at night shall require a Special Use Permit, prepared in accordance with paragraph (2)a., above.
- (7) Prohibitions: Only parking of automobile/passenger vehicles is permitted. No loading or unloading of goods from vehicles is permitted. Long-term or dead storage of vehicles is prohibited.
- (8) In the WMX Overlay District: Applicants that desire to establish parking as a principal use within the district shall be required to obtain a Special Use Permit. The application for such Special Use Permit shall contain an explanation of the need for the proposed parking and an analysis of the potential for shared use. The Special Use Permit, if granted, shall contain provisions determined necessary to minimize the overall impact on the character of the district, such as the size and location of the parking area, shared use, screening, lighting, and landscaping.

(dddd) PAWNHOPS, USED MERCHANDISE STORES OR FLEA MARKETS (INDOOR):

- (1) Where Required: MS District
- (2) Where Permitted: Shall be permitted only in sub-areas A, C, & D.

(eeee) PETROLEUM AND PETROLEUM PRODUCTS (WHOLESALE)

- (1) Where Required: HI District.

-
- (2) Setback:
 - a. Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance equal to the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet; and
 - b. Storage tanks not equipped as indicated in a. above shall not be located closer to an exterior property line than a distance equal to one and one-half (1 1/2) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.
 - (3) Use Separation: Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
 - (4) Access: Gravel or paved roadways shall be provided to all storage tanks.
 - (5) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
 - (6) Dikes:
 - a. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area;
 - b. Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area; and
 - c. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self- starting.
-

- (7) Tank Maintenance:
- a. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust-free exterior surface; and
 - b. A firm substrate shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.
- (8) Operation: The product shall be sold in the same form as received and shall not be altered, except that two (2) or more products may be blended. Any other alteration of the product shall be deemed a manufacturing use, requiring approval of a Special Use Permit.
- (9) Storage: All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

(ffff)**PRIVATE DORMITORIES**

- (1) Where Required: RM-12, RM-18, RM-26, and LO Districts.
- (2) Property Separation: The property on which the use is located shall be within a one-half (1/2) mile radius of property developed as the primary campus of a college, business college, trade school, or university.
- (3) Maximum Density: For the purpose of calculating maximum density, two (2) bedrooms shall be equivalent to one (1) dwelling unit.

(gggg)**PUBLIC PARKS**

- (1) Where Required: All residential districts, LO, NB and TN Districts.
- (2) Parking: Overflow parking (in addition to required parking) shall be designated on the site plan and kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- (3) Access: All parks greater than ten (10) acres shall have primary access to a collector or thoroughfare street.

(hhhh)**PUBLIC RECREATIONAL FACILITIES**

- (1) Where Required: All residential Districts, LO, NB and TN Districts.
- (2) Parking: Overflow parking (in addition to required parking) shall be designated on the site plan and kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.

(iii) RECREATIONAL VEHICLE PARKS OR CAMPSITES

- (1) Where Required:
 - a. Recreational Vehicle Parks: AG and HB Districts.
- (2) General Requirements: The following requirements apply to Recreational Vehicle Parks.
 - a. Site Plan Required: It shall be unlawful for any person to construct a new park, or to make an addition or alteration to an existing park, unless a Site Plan for the park has been approved by the Technical Review Committee.
 - b. Minimum Tract Area: The minimum park size shall be five (5) acres.
 - c. Number of Spaces: There shall be a minimum of fifteen (15) spaces and a maximum of three hundred (300) spaces.
 - d. Setback: All spaces shall be located a minimum of fifty (50) feet from all public streets and property lines.
 - e. Number of Dwellings and Vehicles Per Space: No more than one (1) recreational vehicle may be parked or set-up on any space.
 - f. Access:
 1. No space shall have direct vehicular access to a public street; and
 2. All spaces shall directly abut a private street constructed to the standards of Table 6-16-3 with a minimum width of twenty (20) feet, unless additional width is deemed necessary because of topographical conditions or street curvature.
 - g. Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population of the park shall be provided and shall consist of at least the following:
 1. A play lot for pre-school children containing a minimum size of one thousand two hundred (1,200) square feet shall be located within five hundred (500) feet of every space; and
 2. One (1) or more playgrounds for school-age children and adults, containing a minimum size of one (1) acre per one hundred (100) spaces. These recreation areas shall not be in an area utilized for septic tank fields.
 - h. Recreational Vehicle Sales: The sales of recreational vehicles on a commercial basis shall not be permitted in any parks.

- i. Drainage and Grading of Spaces:
 - 1. All spaces shall be located on ground above the 100-year flood elevation and graded to prevent water from ponding;
 - 2. Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured dwelling or recreational vehicle pad; and
 - 3. The slope of the surface of the stand or pad shall not exceed three percent (3%).

- j. Garbage and Refuse Disposal:
 - 1. Containers: All refuse shall be stored in conveniently located, leakproof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. Racks or concrete platforms shall be provided on which to store containers for refuse. Such containers, racks, or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning. Dumpsters on pads meeting City standards shall be required in lieu of individual containers in areas where municipal water or sewer are available; and
 - 2. Collection: All refuse shall be collected at least twice weekly or more often if the need is indicated.

- k. Registration: It shall be the duty of the operator of the park to keep an accurate register containing a record of all occupants. The register shall contain the following information:
 - 1. Name, address, and space number of each occupant;
 - 2. The date the recreational vehicle entered the park; and
 - 3. The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, make, and type of vehicle. The operator shall keep the register available at all times for inspection by the Enforcement Officer, law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

- l. Park Manager Residence: A single family detached dwelling may be constructed for the manager of the park.

- m. Pre-existing Dwellings: Pre-existing dwellings on the site may remain provided that they occupy approved spaces.

- (3) Recreational Vehicle Park Regulations: The following design requirements apply only to Recreational Vehicle Parks:
- a. Minimum Space Requirements:
 1. Each space shall consist of a minimum of two thousand (2,000) square feet; and
 2. Each space shall be designated on the ground by permanent markers or monuments.
 - b. Setbacks: All structures, buildings, and sewage facilities shall meet the setback requirements for the district in which they are located.
 - c. Driveways: The park shall have all-weather driveways that directly abut all spaces and meet the minimum design standards of Chapter 6 (Subdivisions: Procedures and Standards).
 - d. Parking: An all-weather surface area with sufficient dimensions to accommodate at least one (1) automobile and camping vehicle shall be constructed within each space.
 - e. Utilities:
 1. The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes;
 2. Water Supply:
 - i. Each park shall obtain water from a municipal water supply when available and, when unavailable, from a source approved by the County Health Department. The water supply and pressure shall be adequate for the park requirements; and
 - ii. Areas around faucets or drinking fountains shall be properly drained.
 3. Sanitary Facilities:
 - i. Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for both sexes;

- ii. The minimum number of facilities per sex to be provided shall follow the schedule below:

Toilets:	1 per 15 spaces
Urinals:	1 per 30 spaces (male facilities only)
Lavatories:	1 per 15 spaces
Showers:	1 per 15 spaces;

- iii. All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean, sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons and conveniently located; and

- 4. Sewage Disposal: Each park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the County Health Department. All sewage wastes from the park, including waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system.
- f. Insect and Rodent Control Measures: Insect and rodent control measures to safeguard the public health shall be used in the park.
- g. Retail Sales: The park may contain a retail sales counter or coin operated machines for the park residents' use only, provided they are enclosed within a structure and there is no exterior advertising.
- h. Permanent Sleeping Quarters: Permanent sleeping quarters for guests shall not be permitted within the park.
- i. Manufactured Dwellings in Recreational Vehicle Parks: It shall be unlawful for a person to park or store a manufactured dwelling in a Recreational Vehicle Park, except that one (1) manufactured dwelling may be located within the park for exclusive use by the park manager or operator. This manufactured dwelling shall be located in an area designated on the site plan and approved by the Technical Review Committee.

(jjj) RECYCLING PROCESSING CENTERS

- (1) Where Required: AG, LI and HI Districts.
- (2) Use Separation: No such facility shall locate within three hundred (300) feet of any residentially or public-institutionally zoned property, except for an access drive

and/or weigh station, which shall not locate within one hundred (100) feet of any residentially or public-institutionally zoned property, and except for outdoor storage areas as regulated in (3) below.

(3) Outdoor Storage:

- a. Recycling processing centers that handle primarily household recyclables (glass, plastic containers, newspaper, metal and aluminum cans, etc.) shall be required to store such materials, whether processed or unprocessed, in an enclosed structure.
- b. Recycling processing centers that are designed to handle recyclable construction or demolition materials (lumber, concrete, siding, steel or other metals, etc.) shall be permitted to store such materials outdoors only in areas so designated on an approved site plan or watershed development plan. Storage areas shall not be less than 100 feet from site property lines, all surface waters, residential dwellings, commercial or public buildings and wells.

(4) Operation:

- a. Recycling processing centers for household recyclables shall be operated in a wholly enclosed building, except that loading to a flatbed railcar may take place outside the building provided no materials remain on the loading area for more than twenty-four (24) hours.
- b. Recycling processing centers for recyclable construction or demolition materials may be operated in a building not wholly enclosed, if such building meets the use separation requirements of (2), above and provided that the noise level generated by the facility does not exceed eighty (80) decibels at any point on the property line.

- (5) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(kkkk) REFRIGERATOR OR LARGE APPLIANCE REPAIRS

- (1) Where Required: GB, HB, MS and CB Districts.
- (2) Outdoor Storage: No outdoor storage of appliances, equipment, or parts shall be permitted.

(III) RESEARCH, DEVELOPMENT OR TESTING

- (1) Where Required: GB, HB, CB, and MS Districts
- (2) Maximum Area: A maximum of twenty-five thousand (25,000) square feet of gross floor area shall be permitted per establishment.

(mmmm) RESTAURANTS WITH DRIVE THRU

- (1) Where Required: MS District.
- (2) Where Permitted: Shall be permitted only in sub-areas A & D.
- (3) Design: An ordering station, pick-up window or drive aisle shall not be located abutting a public street.

(nnnn) RESTAURANTS (NO DRIVE THRU)

- (1) Where Required: LB District.
- (2) Maximum Area: A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.
- (4) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences, churches, elementary or secondary schools, or public parks.

(oooo) RESTAURANTS (SERVING MIXED ALCOHOLIC BEVERAGES)

- (1) Where Required: LB
- (2) Maximum Area: A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.
- (4) Screening: A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences, churches, elementary or secondary schools, or public parks.

(pppp) RURAL FAMILY OCCUPATIONS (RFO) (SEE APPENDIX-ILLUSTRATIONS).

- (1) Where Required: AG District.
- (2) Permitted Activities: Permitted activities shall be limited to products assembled or manufactured on-site for resale elsewhere, or services, including incidental stock-in-trade, sold or provided on the premises. Sales of goods or products other than stock-in-trade clearly incidental to a rural family service shall be prohibited.
- (3) Operation:
 - a. The RFO shall be owned and operated by the landowner who must reside on the property;

- b. No more than five (5) persons, other than those residing on the property, shall be employed;
 - c. No more than two (2) commercial vehicles shall operate in conjunction with the RFO; and
 - d. The RFO shall not operate between the hours of 9:00 p.m. and 6:00 a.m.
- (4) Minimum Area:
- a. The RFO shall be located on a tract of two (2) acres or more; and
 - b. A minimum of forty thousand (40,000) square feet, with a minimum width of one hundred and fifty (150) feet, shall be designated and exclusively for residential use.
- (5) Maximum Area: The total floor area of all buildings occupied by the RFO shall not exceed five thousand (5,000) square feet. The land area used in conjunction with the RFO shall not exceed fifteen thousand (15,000) square feet.
- (6) Setback: All operations of the RFO shall be no closer than one hundred (100) feet to any property line.
- (7) Location: All operations of the RFO shall be located behind the rear building line of the principal residence.
- (8) Landscaping: All operations of the RFO, including buildings, outside storage areas, and parking shall be treated as a principal use subject to the landscaping provisions of this Ordinance.
- (9) Environmental Review: The County Environmental Health Division shall evaluate each RFO request to determine its impact on the surrounding area with respect to excessive noise, dust, air emissions, odors, and surface or groundwater discharge. The owner shall reduce the impact of these and other environmental concerns. A written evaluation of the potential impacts is required by the Environmental Health Division prior to action on a Special Use Permit application.

(qqqq) SALVAGE YARDS, AUTO PARTS OR SCRAP PROCESSING

- (1) Where Required: AG and HI Districts.
- (2) Minimum Area: The minimum area required to establish a salvage yard shall be five (5) acres.
- (3) Fencing: An opaque fence of suitable screening material approved by the Enforcement Officer and of uniform construction, a minimum of eight (8) feet in height shall be required around the perimeter of the activity. Such fencing shall be located between the salvage yard and all required planting yards.

- (4) Use Separation: No salvage yard shall be located within three hundred (300) feet of any residence (existing or under construction) at the time of its initiation.

(rrrr) SATELLITE DISHES/TV AND RADIO ANTENNAE TOWER (ACCESSORY)

- (1) Where Required: All Districts.
- (2) Location:
 - a. All supporting cables and anchors shall be contained within the property; and
 - b. In residential districts, structures shall be located to the rear of the principal building and behind any street setback or side setback.
 - c. Attached and detached satellite dishes 18 inches in diameter and less shall be exempt from the requirements of this section.
- (3) Height: The satellite dish or accessory television or radio antenna tower may exceed the maximum height of the zoning district with approval of a Special Use Permit.

(ssss) SEXUALLY ORIENTED BUSINESSES, INCLUDING THE FOLLOWING: ADULT ARCADES, ADULT BOOKSTORES OR ADULT VIDEO STORES, ADULT CABARETS, ADULT MOTELS, ADULT MOTION PICTURE THEATERS, ADULT THEATERS, ESCORT AGENCIES, NUDE MODEL STUDIOS, SEXUALLY ENCOUNTER CENTERS, OR ANY COMBINATION OF THESE USES.

- (1) Where Required: GB District
- (2) Spacing from Other Sexually Oriented Business: No such business shall locate within 1,200 feet of any other sexually oriented business, as measured in a straight line from property line to property line.
- (3) Spacing from Other Uses: No sexually oriented business shall be located within six hundred and fifty (650) feet of a church, public or private elementary or secondary school, child day care or nursery school, public park, residentially zoned property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- (4) Maximum Area: The gross floor area of any sexually oriented establishment shall not exceed three thousand (3,000) square feet.
- (5) Prohibition of Sleeping Quarters: Except for an adult motel, no sexually oriented business may have sleeping quarters.
- (6) Restriction of Uses on the Same Property or in the Same Building, Structure, or Portion Thereof: There shall not be more than one sexually oriented business in the same building, structure, or portion thereof. No other principal or accessory use

may occupy the same building, structure, property, or portion thereof with any sexually oriented business.

(7) Grant of Special Exception from the Locational Requirement of Sexually Oriented Businesses:

- a. If the City Clerk denies the issuance of a license to an applicant because the location of the sexually oriented business establishment is in violation of this Ordinance, then the applicant may, not later than 10 calendar days after receiving notice of the denial, file with the City Clerk a written request for an exception from the locational restrictions of this Ordinance. If the written request is filed with the City Clerk within the 10-day limit, the Board of Adjustment shall hear and consider the request. The Board of Adjustment shall set a date for the hearing within 60 days from the date the written request is received.
- b. The Board of Adjustment may, in its discretion, grant a special exception from the locational requirements of this Ordinance for Sexually Oriented Businesses, subject to the following findings:
 - c. That the location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare; and
 - 1. That the granting of the special exception will not violate the spirit and intent of this Ordinance; and
 - 2. That the location of the sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of blight; and
 - 3. That the location of a sexually oriented business in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of neighborhood renewal or restoration; and
 - 4. That all other applicable provisions of this Ordinance and the High Point City Code will be observed.
- d. If the Board grants the special exception, the special exception is valid for one year from the date of the Board's action. Upon the expiration of a special exception, the sexually oriented business is in violation of the locational requirements until the applicant applies for and receives another special exception.
- e. If the Board denies the special exception, the applicant may not re-apply for a special exception until at least twelve (12) months have elapsed since the date of the Board's action.

(tttt) SHELTERS FOR THE HOMELESS

- (1) Where Required: GO-M, GO-H, GB, HB, CB, LI, HI, and and PI Districts.
- (2) Minimum Floor Area: A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.
- (3) Property Separation: No such facility shall be located within one-quarter (1/4) mile of an existing shelter for the homeless or a group care facility.
- (4) Operation:
 - a. The facility shall be contained within the building of and operated by a government agency or nonprofit organization.
 - b. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

(uuuu) SHELTERS, TEMPORARY

- (1) Where Required: All Districts.
- (2) Minimum Floor Area: A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.
- (3) Operation:
 - a. The facility shall be contained within the building of and operated by a church or a government agency containing at least five thousand (5,000) square feet of floor space.
 - b. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation.

(vvvv) SHOE REPAIR OR SHOESHINE SHOPS

- (1) Where Required: CP District.
- (2) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage of materials shall be permitted.

(wwww) SHOOTING RANGES, INDOOR

- (1) Where Required: AG, GB, HB, LI, and HI Districts.

- (2) Noise: The facility shall be designed to absorb sound to the maximum extent feasible.

(xxxx) SHOOTING RANGES, OUTDOOR (GOVERNMENTALLY OWNED AND OPERATED)

- (1) Where Required: AG and PI Districts.
- (2) Setback: No portion of the range shall be closer than three hundred (300) feet to any exterior property line.
- (3) Access: Access shall be controlled to prevent unregulated entrance to the firing area.
- (4) Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the range.
- (5) Berms: Berms shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

(yyyy) SINGLE FAMILY DETACHED DWELLINGS

- (1) Where Required: LI and HI Districts.
- (2) Percentage of Residential Development: Single family dwellings are a permitted use only if a minimum of sixty percent (60%) of the frontage between the nearest two (2) intersecting streets on the side of the street in question are developed as residences. Wherever existing single-family or two-family dwellings along a street side comprise 60% or more of the frontage between two intersecting public streets, they shall be considered as permitted uses for purposes of enlargement, extension or replacement.
- (3) Dimensional Requirements: All dwellings and accessory structures shall be subject to the development standards of the Residential Single-Family-7 (RS-7) District.

(zzzz) SINGLE ROOM OCCUPANCY (SRO) RESIDENCES

- (1) Where Required: RM-8, RM-12, RM-18, RM-26, GO-M, GO-H, GB, HB, CB, LI, HI, and PI Districts.
- (2) Minimum Rooming Unit Size: Rooming Units shall be a minimum of seventy (70) square feet with an additional minimum of fifty (50) square feet for each additional occupant.
- (3) Minimum Common Space: The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, but totaling not less than

two hundred and fifty (250) square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.

- (4) Operation: On-site management shall be provided on a twenty-four (24) hour basis.

(aaaaa) SPORTING & RECREATIONAL CAMPS

- (1) Where Required: AG and PI Districts

- (2) Use:

- a. Sporting and recreation camps include boys and girls camps, fishing camps, dude ranches and summer camps; but do not include hunting camps or nudist camps.
- b. In the PI District, riding stables, dude ranches or similar equestrian uses shall require the issuance of a Special Use Permit.
- c. Establishments primarily engaged in operating sports instructional camps such as basketball, baseball, football, karate camps, etc. are classified as a "Sports Instructional Schools" and are not considered a Sporting & Recreational Camp.

- (3) Minimum lot size: 10 acres

- (4) Setback: There shall be a minimum fifty (50) foot setback for all buildings and other structures, lighted athletic fields and courts, and all swimming pools where adjacent to residentially zoned property.

(bbbbbb) SPORTS INSTRUCTIONAL SCHOOLS AND MARTIAL INSTRUCTIONAL SCHOOLS

- (1) Where Required: SC and TN District.

- (2) Location of Instruction: No outside instruction shall be allowed.

(ccccc) STABLES, COMMERCIAL RIDING

- (1) Where Required: AG, RS-40, and PI Districts.

- (2) Minimum Area: The minimum area required for a riding stable shall be fifteen (15) acres.

- (3) Setback: There shall be a minimum one hundred (100) foot distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.

- (4) Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

(ddddd) STORAGE CONTAINERS, PORTABLE (AS AN ACCESSORY USE)

- (1) Where Required: All Districts, except CB and TN Districts.
- (2) General Requirements:
 - a. Portable storage containers shall not be located or placed within any easements or street rights-of-way.
 - b. Portable storage containers are to be used for storage incidental to the principal use on the same zone lot. Storage trailers shall not be used for retail sales or any other principal use.
- (3) Temporary Use:
 - a. Number: A property may have no more than two (2) portable storage containers as an accessory use.
 - b. Size: The gross square footage of an individual portable storage container shall not exceed 150 square feet.
 - c. Duration: A portable storage container shall be allowed on a property for a continuous period not to exceed 14 days.
- (4) Additional Standards for portable storage containers located within the AG, GB, HB, SC, CP, LI, HI, and PI Districts:
 - a. Portable storage containers, in addition to those allowed in subsection 3 as temporary uses, shall be allowed in these districts per the requirements of this subsection.
 - b. Number, size, and duration: There is no limit for the number, size or duration of placement of portable storage containers permitted by this subsection.
 - c. Location:
 - 1. Storage containers shall observe accessory structure setback regulations for the respective district.
 - 2. Except in the LI and HI Districts, no storage container shall be placed between a principal building and a street right-of-way.
 - 3. In the LI District, storage containers shall not be closer to any public street than the principal building, unless the street is classified as a local industrial or industrial cul-de-sac street.

(eeeeee) SWIM AND TENNIS CLUBS

- (1) Where Required: All residential, GO-M, GO-H, HB, CP, LI, PI and TN Districts.

- (2) Minimum Area: The minimum area shall be two (2) acres; it shall be one (1) acre if located on common area within a development.
- (3) Setback: There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- (4) Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

(ffff) **SWIMMING POOLS (RESIDENTIAL USE)**

- (1) Where Required: All districts.
- (2) Setback: Pools shall be located to comply with the minimum setback requirements for accessory buildings, and structures in Subsection 9-4-13(c) (Setback Requirements).
- (3) Use Separation: Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.
- (4) Barriers: Requirements for barriers shall be those adopted by reference in the most recently adopted edition of the North Carolina Building Code.

(ggggg) **TATTOO ESTABLISHMENT**

- (1) Where Required: GB District
- (2) Restricted from Public View: All tattooing shall take place in an area of the establishment that cannot be viewed by other customers or by the general public from any public or private street right-of-way or any area commonly accessed by the public (i.e. parking lots, mall corridors, promenades, sidewalks), whether on the same or a nearby property.

(hhhhh) **TEMPORARY EVENT, CHRISTMAS TREE SALES**

- (1) Where Required: All residential and office and TN Districts.
- (2) Sponsorship: Christmas tree sales shall be conducted by a non-profit entity.
- (3) Approvals and Permits Required: Approval by the City Manager and the issuance of a Land Use Permit by the Department of Inspections.

(iiii) TEXTILE PRODUCTS (WITH DYEING & REFINISHING)

- (1) Where Required: LI Districts that are located within a designated Watershed Protection Overlay District. Textiles with dyeing and finishing are prohibited uses in all designated Watershed Critical Area Overlay Districts.
- (2) Spill Containment: Secondary containment for run-off control shall be provided for chemicals that are stored on-site, as approved by the Enforcement Officer of the Department of Public Services.

(jjjj) TIRE SALES

- (1) Where Required: GB, HB, CB, MS, SC, and LI Districts.
- (2) Outdoor Storage:
 - a. In the GB, HB, and CB Districts: Outdoor storage of tires and/or other materials shall not be placed between a principal building and a street right-of-way.
 - b. In the MS and SC District: No outside storage of tires and/or other materials shall be permitted.
 - c. In the LI and HI Districts: There is no limitation on the outdoor storage of tires.
- (3) Screening: A minimum six (6) foot high opaque fence, of an acceptable screening material approved by the Enforcement Officer, shall be provided to screen all outdoor storage of tires.

(kkkkk) TOURIST HOMES (BED AND BREAKFAST)

- (1) Where Required: AG, all residential districts, LO, GO-M, GO-H, NB, LB and TN Districts.
- (2) Property Separation: No tourist home shall be located within four hundred (400) feet of a rooming house, a boarding house, or another tourist home.
- (3) Maximum Number of Guest Bedrooms: The maximum number of guest bedrooms shall be six (6).
- (4) Operation:
 - a. The tourist home shall be operated by a resident manager;
 - b. The use shall be located in a structure which was originally constructed as a dwelling;

- c. The tourist home shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests and residents of the facility; and
 - d. The use of such a facility by any one (1) patron shall be limited to no more than fifteen (15) days per sixty (60) day period.
- (5) Signs: There shall be no exterior advertising except that which is permitted for a Home Occupation.

(IIII) TOWNHOUSE DWELLINGS

- (1) Where Required: MS and WMX Districts
- (2) Elevation of Finished Floor: The finished floor elevation of the first floor above grade shall be at least three (3) feet above the elevation of the adjacent public sidewalk or street.
- (3) Vehicular Access: Vehicular access to individual townhouse dwellings shall not be directly from a public street, but instead shall be from a common drive or public alley. The common drive is encouraged to take access from a side or rear street, but may take access from Main Street. The common drive shall provide shared access to all units in the development.
- (4) Location of Garage: A garage may be located at grade, but shall be located on the rear of the building or in a detached accessory buildings(s).

(mmmmm) TRUCK STOPS

- (1) Where Required: HB District
- (2) Maximum Area: The maximum area shall be four (4) acre.
- (3) Lighting: The maximum height of any outdoor lighting source or structure shall be thirty (30) feet.
- (4) Screening: A minimum six (6) foot high opaque fence of an acceptable screening material approved by the Enforcement Officer shall be provided adjacent to residentially zoned property.

(nnnnn) TURKEY SHOOTS

- (1) Where Required: AG District.
- (2) Setbacks:
 - a. All turkey shoot activities shall observe principal building setbacks;

- b. All turkey shoots shall be established with the line of fire perpendicular to and away from a street right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The backstop or target area shall be located no less than five hundred (500) feet from the front street right-of-way;
 - c. Sites adjacent to more than one (1) street right-of-way shall designate the higher classified street as the front street setback and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a side street shall be a minimum distance of three hundred (300) feet from the street right-of-way; and
 - d. All backstops shall be constructed a minimum of five hundred (500) feet from any residence located to the rear or side of the backstop.
- (3) Parking: A minimum of two (2) off-street parking spaces per backstop shall be provided.
- (4) Location: All turkey shoots shall be held outside of the corporate limits in conjunction with Section 12-1-5 of the Code of Ordinances of the City of High Point.
- (5) Operation:
- a. Backstops shall be constructed of a material that will allow the shot to penetrate but not pass through. It shall be a minimum thickness of two (2) feet and shall be maintained from the ground to a height four (4) feet above the target;
 - b. Firearms shall be limited to shotguns firing shot no larger than number eight (#8). No firearms shall be used which have been altered from the manufacturer's specifications;
 - c. The operators shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot;
 - d. Turkey shoots shall be limited to Thursdays, Fridays, and Saturdays between the hours of 9:00 AM and 11:00 PM; and
 - e. Provisions for sanitation and refuse disposal shall be made in accordance with County Health Department standards.

(00000) TWO-FAMILY DWELLINGS

- (1) Where Required: LI and HI Districts.
- (2) Percentage of Residential Development: Additional two-family dwellings are permitted only if a minimum of sixty percent (60%) of the frontage between the nearest two (2) intersecting streets on the side of the street where the application for

development is sought are developed as residences. Wherever existing single-family or two-family dwellings along a street side comprise 60% or more of the frontage between two intersecting public streets, they shall be considered as permitted uses for purposes of enlargement, extension or replacement.

- (3) Dimensional Requirements: Two-family development shall follow the development standards for two-family dwellings in the Residential Multi-Family-12 (RM-12) District. (See Table 4-11-3)

(ppppp) UTILITY LINES AND RELATED APPURTENANCES: DISTRIBUTION POLES, TRANSMISSION POLES AND TRANSMISSION TOWERS

- (1) Where Required: All residential and TN Districts.
- (2) Height: Distribution poles, transmission poles and transmission towers shall not exceed 100 feet.

(qqqqq) UTILITY SERVICE FACILITIES

- (1) Where Required: All districts.
- (2) Setbacks: All principal structures, buildings and their supporting beams shall observe the required setback of the zoning district. All accessory structures and buildings shall meet the required front yard setback for principal structures, and the side and rear accessory structure setbacks.
- (3) Height: Water towers may exceed the maximum height limit of the zoning district, provided that one foot of additional setback from all property lines be provided for every two (2) feet over the maximum height limit. Distribution and transmission poles and transmission towers shall not exceed one hundred (100) feet in residential districts.
- (4) Noise: The noise level at all adjacent residentially zoned property lines shall not exceed 65 decibels.
- (5) Landscaping: The required landscaping shall be planted between the building setback line and the property boundary, as approved by the Enforcement Officer. The Enforcement Officer shall allow the utility facility to maintain safety code clearances.
- (6) Appearance: When located on residentially zoned property or adjacent to residentially zoned properties, all principal and accessory buildings shall have a roof pitch with a minimum vertical rise of three and one-half (3 1/2) feet for each twelve (12) feet of horizontal run, and be of materials compatible with structures in the vicinity.

(7) Land-Use Permit: A Land-Use Permit is required in accordance with Section 9-3-3(c).

(8) Outdoor Storage: No outdoor storage shall be permitted.

(rrrrr) VETERINARY SERVICES (OTHER)

(1) Where Required: LO, GO-M, GO-H, LB, GB, HB, CB, SC, CP, MS and TN Districts.

(2) Outside Storage: Outdoor pens and runs are prohibited.

(3) Soundproofing: Where adjacent to residential zoning indoor runs shall be soundproofed.

(sssss) WAREHOUSES (GENERAL STORAGE/ENCLOSED) AND DISTRIBUTION CENTERS

(1) Where Required: CB, GB, MS and HB Districts

(2) Maximum Area: A maximum of ten thousand (10,000) square feet of gross floor area shall be permitted for warehousing or wholesaling per zone lot in the GB, MS and HB Districts. A maximum of thirty thousand (30,000) square feet of gross floor area shall be permitted for warehousing or wholesaling per zone lot in the CB District.

(3) Outdoor Storage: No outdoor storage shall be permitted.

(4) Land Use Classification: Warehousing or wholesaling uses shall have a Land Use Classification of three (3).

(5) Additional CB District Requirements:

a. Use shall be limited to conversion or reuse of existing structures. Building additions to be used for warehousing or wholesaling shall be permitted up to fifty (50) percent of the gross floor area in existence as of 01/01/99. The resulting total square footage used for warehousing or wholesaling shall not exceed the maximum permitted in paragraph (2) above.

b. Each use shall provide at least one off-street loading area in accordance with Section 9-5-6. Modifications to the length, width or height requirements of 9-5-6(b) (Unlisted Uses) may be approved by the Enforcement Officer in accordance with the type of vehicle using the loading area. If approved, such modification shall stipulate the type(s) and maximum length of vehicles permitted to use the loading area. No portion of the loading area shall project into a street right-of-way, and all loading and unloading activities shall take place on private property.

- c. No indoor storage material, racks, bins, shelving or other evidence of the warehousing or wholesaling operation shall be visible from the public right-of-way. Glass doors and windows shall contain curtains, blinds or other suitable treatments to screen the interior of the building from view. Windows shall not be boarded or paneled over from the outside or the inside.

(ttttt) WAREHOUSES (SELF-STORAGE)

- (1) Where Required: GB and HB Districts.
- (2) Lot Size: The lot size shall be between a minimum of two (2) acres and a maximum of five (5) acres.
- (3) Maximum Building Coverage: The total area covered by buildings shall not exceed fifty percent (50%) of the site.
- (4) Maximum Height: The maximum height of building(s) shall be twenty (20) feet and shall not exceed one (1) story.
- (5) Storage:
 - a. No outside storage shall be permitted; and
 - b. The storage of hazardous, toxic or explosive substances shall be prohibited.
- (6) Operation:
 - a. No activity other than storage shall be conducted within individual storage units; and
 - b. One (1) dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

(uuuuu) WATCH OR JEWELRY REPAIR SHOPS

- (1) Where Required: CP District.
- (2) Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
- (3) Outside Storage: No outside storage shall be permitted.

(vvvvv) YARD SALES

- (1) Where Required: AG, All residential districts, LO, GO-M, GO-H, NB, LI, HI and TN Districts.
- (2) Duration: No more than two (2) per year, not to exceed two (2) days per sale.

- (3) **Operation:** Items displayed and sold shall be limited to household items. Items shall not be brought in for the purpose of resale at a yard sale.
- (4) **Signage:** Signs advertising a yard sale shall be restricted to private property at yard sale site.

(Ord. No. 93-113, Pt. 2 (§ 1), 9-16-93; Ord. No. 93-113, Pt. 1 (§ 1), 12-13-93; Ord. No. 94-39, § 1, 3-17-94; Ord. No. 94-81, § 1, 8-18-94; Ord. No. 94-96, § 1, 11-17-94; Ord. No. 95-55, § 1, 5-18-95; Ord. No. 96-09; §1, 2-15-96; Ord. No. 96-71, § 1, 11-7-96; Ord. No. 96-89, Pt 1, (§1), 12-19-96; Ord. No. 97-33, § 1, 4-17-97; Ord. No. 98-21, Pt. 6 (§ 1), 3-5-98; Ord. No. 98-21, Pt. 7 (§ 1), 3-5-98; Ord. No. 98-21, Pt. 9 (§ 1), 3-5-98; Ord. No. 98-79, Pt. 3,4, (§1), 9-4-98; Ord. No. 99-05, (§ 1), 1-19-99; Ord. No. 99-18, Pt. 1, (§1), 2-15-99; Ord. No. 99-52, Pt. 5, § 1, 7-1-99; Ord. No. 99-75, Pt. 3, 4, 7, 9 & 11, (§ 1), 10-4-99; Ord. No. 00-94, Pt. 2, (§1), 8-17-00; Ord. No. 01-10, Pt. 2 & 4 (§1), 12-21-00; Ord. No. 01-14, Pt. 18 & 19, (§1), 4-5-01; Ord. No. 01-93, Pt 4, (§1), 11-1-01; Ord. No. 01-95, Pt. 3 (§1), 10-30-01; Ord. No. 02-12, Pt. 3 & 10, (§1), 2-21-02; Ord. No. 02-23, Pt. 1, (§1), 3-21-02; Ord. No. 03-15, Pt. 5, (§1) 3-20-03; Ord. No. 04-40, Pt. 6 & 11, (§1), 5-03-04; Dev. Ord., 05-23, Pt. 8 & 10, §1, 3-10-05; Dev. Ord. 05-79, Pt. 2, §1, 9-19-05)

9-5-3 THROUGH 9-5-5 (Reserved)

ARTICLE B**OFF-STREET PARKING, STACKING, AND LOADING AREAS****9-5-6 GENERAL PROVISIONS****(a) GENERAL REQUIREMENTS**

- (1) Exemptions: The minimum off-street parking requirements of Table 5-6-1 shall not apply to properties within or completely surrounded by the Central Business (CB) zoning district.
- (2) Parking, Stacking and Loading Space Required: When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. For enlargements, modifications, or increases in capacity, the requirements of this Section shall apply only to such enlargements, modifications, or increases in capacity.
- (3) Required Number: The minimum number of required off-street parking, stacking, and loading spaces is indicated in Table 5-6-1 and Subsection 9-5-6(h) (Loading Areas). In cases of mixed occupancy, the minimum number of off-street parking, stacking, and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.
- (4) Handicapped Spaces: Spaces for the physically handicapped shall be provided as required by the NC State Building Code. (See Appendix: Illustrations.)
- (5) Reduction of Minimum Requirements: Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance except as provided for in Subsection 9-5-11(g)(1) (Reduction in Parking Requirements for Pre-Existing Developments).
- (6) Maintenance: All parking, stacking, and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.
- (7) Access: All parking, stacking, and loading facilities shall have vehicular access to a public street
- (8) Use for No Other Purpose: Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, the Certificate of Compliance of the affected principal use shall immediately become void.

**TABLE 5-6-1
OFF-STREET PARKING REQUIREMENTS**

USES		SPACES REQUIRED
Residential Uses		
1)	Boarding and rooming houses; bed and breakfast, fraternities or sororities; private dormitories	1/bedroom plus 2/3 employees on largest shift
2)	Congregate care facilities, family care homes, group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
3)	Multifamily dwellings (including condominiums): 0-1 bedroom units 2 bedrooms units 3+ bedrooms units	1.50/unit 1.75/unit 2.00/unit
4)	Shelters for the Homeless	1/resident staff member plus 2/3 nonresident staff members and/or volunteers on largest shift plus 1/vehicle used in operation
5)	Single family detached, duplexes, twin-home dwellings, and manufactured dwellings	2/dwelling unit on the same zone lot
6)	Single Room Occupancy (SRO) Residences	1/3 rooming units plus 2/3 employees on largest shift plus 1/vehicle used in operation
7)	Townhouse dwellings	2.1/dwelling unit, on the same zone lot
Accessory Uses		
1)	Accessory dwelling units	1 additional space on the same zone lot
2)	Home occupations	Minimum 1 space, maximum 3 spaces in addition to required residential spaces
3)	Migrant labor housing	1/4 workers
Recreational Uses		
1)	Amusement parks, fairgrounds, skating rinks	1/200 sq ft of activity area
2)	Athletic fields	25/field
3)	Batting cages, driving ranges, miniature golf, shooting ranges	1/cage, tee, or firing point
4)	Billiard parlors, tennis courts	3/table or court
5)	Bowling centers	4/lane
6)	Clubs or lodges, coin-operated amusements, physical fitness centers, and similar indoor recreation	1/200 sq ft gross floor area

USES		SPACES REQUIRED
7)	Go-cart raceways	1/go-cart plus 1/employee on largest shift
8)	Golf courses	4/tee
9)	Recreation facilities exclusively for residents of a development (pools, tennis courts, clubhouses)	1/25 dwelling units
10)	Stables, Commercial Riding	1/2 stalls
11)	Swimming pools	1/100 sq ft of water and deck space
Educational and Institutional Uses		
1)	Ambulance services, fire stations, police stations	1/employee on largest shift
2)	Auditoriums, assembly halls, coliseums, convention centers, stadiums	1/5 persons based on designed capacity of building(s)
3)	Churches	1/4 seats in main chapel
4)	Colleges and universities	7/classroom plus 1/4 beds in main campus dorms plus 1/250 sq ft of office space plus 1/5 fixed seats in assembly halls and stadiums
5)	Correctional institutions	1/10 inmates plus 2/3 employees on largest shift plus 1/vehicle used in operation
6)	Day care, child or adult (principal use)	1/employee plus 1/10 attendees on the same zone lot
7)	Elementary and middle schools, kindergartens	3/room used for offices plus 3/classroom
8)	Government offices, post offices	1/150 sq ft of public service area plus 2/3 employees on largest shift
9)	Hospitals	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
10)	Libraries, museums, art galleries	1/450 sq ft gross floor area for public use plus 2/3 employees on largest shift
11)	Nursing and convalescent homes	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
12)	Senior high schools	3/room used for offices plus 7/classroom
Business, Professional, and Personal Services		
1)	Automobile repairs or services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift
2)	Banks and financial institutions	* 1/200 sq ft gross floor area plus stacking for 4 vehicles at each drive-through window or automated teller machine

USES		SPACES REQUIRED
3)	Barber and Beauty shops	3/operator plus 1/other employee
4)	Business Incubators	1/workspace plus 1/500 sq. ft. of gross floor area in administrative offices
5)	Car washes	
	a) Full-service	* stacking for 30 vehicles or 10/approach lane, whichever is greater, plus 3 spaces/bay for manual drying plus 2/3 employees on largest shift
	b) Self-service	* 3 stacking spaces/approach lane plus 2 drying spaces/stall
6)	Delivery services	2/3 employees on largest shift plus 1/vehicle used in operation
7)	Equipment rental and leasing	1/200 sq ft gross floor area
8)	Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on largest shift plus 1/vehicle used in operation
9)	Hotels and motels containing:	
	a) 5,000 sq ft or less ancillary space (i.e. restaurant, meeting rooms, lounge, and lobby) or a restaurant and/or lounge containing 3,000 sq ft or less	1.1/rental unit
	b) more than 5,000 sq ft of ancillary space (i.e. restaurant, meeting rooms, lounge and lobby) or a restaurant and/or lounge containing more than 3,000 sq ft	1.25/rental unit
10)	Kennels or pet grooming	1/300 sq ft of sales, grooming or customer waiting area plus 2/3 employees on largest shift
11)	Laboratories	2/3 employees on largest shift plus 1/250 sq ft of office space
12)	Laundromats, coin-operated	1/4 pieces of rental equipment
13)	Laundry and dry cleaning plants or substations	* 2/3 employees on largest shift plus 1/vehicle used in operation plus stacking for 4 vehicles/pickup station
14)	Motion picture productions	1/1000 sq ft gross floor area
15)	Office Uses:	
	a) 10,000 sq ft or less gross floor area	1/300 sq ft gross floor area
	b) 10,001 sq ft to 100,000 sq ft	33 spaces plus 1/400 sq ft gross floor area between 10,001 sq ft to 100,000 sq ft
	c) more than 100,000 sq ft	258 spaces plus 1/500 sq ft gross floor area above 100,000 sq ft
16)	Recreational vehicle parks or campsites	Refer to development standards recreational vehicle parks (Subsection 9-5-2 (bbbb))

USES		SPACES REQUIRED
17)	Repair of bulky items (appliances, furniture, boats, etc.)	2/3 employees on largest shift plus 1/vehicle used in operation
18)	Theaters (indoor)	1/4 seats
19)	Truck washes	* 3 stacking spaces/stall
20)	Veterinary services (other)	4/doctor plus 1/employee
21)	Vocational, business, or secretarial schools	1/100 sq ft of classroom space plus 1/300 sq ft of office space
22)	Services and repairs (not otherwise classified)	1/250 sq ft gross floor area plus 1/vehicle used in operation
23)	Drive-thrus (not otherwise classified)	* Stacking for 4 vehicles at each bay, window, lane, ordering station, or machine in addition to use requirement
Retail Trade		
1)	Bars, dance halls	1/3 persons in designed capacity of building plus 2/3 employees on largest shift
2)	Convenience stores	* 1/200 sq ft gross floor area plus 4 stacking spaces/side of pump island
3)	Department stores, food stores	1/250 sq ft gross floor area
4)	Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in operation
5)	Furniture or floor covering sales	1/1000 sq ft gross floor area
6)	Motor vehicle, motorcycle, or recreational vehicle sales or rental; manufactured home sales	5 spaces plus 1/10,000 sq ft of display area plus 2/3 employees on largest shift
7)	Restaurants	1/4 seats plus 2/3 employees on largest shift, plus 11 total stacking spaces with minimum 5 spaces at or before ordering station for single drive-thru lane, or 8 total stacking spaces per lane with minimum 5 spaces at or before each ordering station for double drive-thru
8)	Retail sales (not otherwise classified)	1/250 sq ft gross floor area
9)	Retail sales of bulky items (appliances, building materials, etc.)	1/500 sq ft gross floor area
10)	Service stations, gasoline	* 3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces/side of pump island

USES		SPACES REQUIRED
11)	Shopping centers (excluding theaters, which shall be calculated separately):	
	a) 400,000 sq ft or less gross floor area	1/250 sq ft gross floor area in main building(s)
	b) more than 400,000 sq ft gross floor area	1,600 spaces plus 1/350 sq ft gross floor area above 400,000 sq ft
Wholesale Trade		
1)	Market showrooms (furniture, apparel, etc.)	1/2,000 sq ft gross floor area
2)	Wholesale uses	2/3 employees on largest shift plus 1/200 sq ft of retail sales or customer service area plus 1/vehicle used in operation
Transportation, Warehousing and Utilities		
1)	Airport, bus and train terminals	1/4 seats plus 2/3 employees on largest shift
2)	Communication towers; demolition debris landfills; heliports; utility lines or substations	No required parking
3)	Self-storage warehouses	5 spaces
4)	Transportation, warehousing and utility uses (not otherwise classified)	2/3 employees on largest shift plus 1/vehicle used in operation
5)	Recycling Processing Centers	1/employee on largest shift
Manufacturing and Industrial Uses		2/3 employees on largest shift plus 1/200 sq ft of retail sales or customer service area plus 1/vehicle used in operation

(b) UNLISTED USES

For any use not specifically listed in this Section, the parking, stacking, and loading requirements shall be those of the most similar use.

(c) PARKING REQUIREMENTS FOR CHANGE IN USE

If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent (5%) in the required number of parking spaces or fewer than five (5) spaces, no additional off-street parking shall be required.

(d) DESIGN STANDARDS FOR PARKING, STACKING, AND LOADING

- (1) Design: Parking facilities shall be designed and constructed to:
 - a. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles;
 - b. Minimize delay and interference with traffic on public streets and access drives;
 - c. Maximize sight distances from parking lot exits and access drives; and
 - d. Require all off-street parking spaces in parking lots to have access from parking lot driveways and not directly from streets.
- (2) Dimensional Requirements: Parking facilities shall be designed and constructed to meet minimum parking space dimensions, aisle dimensions and other standards found in Table 5-6-2.
- (3) Improvements:
 - a. Paving:
 1. Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights;
 2. Access drives shall be paved and maintained from the curblineline to a point at least ten (10) feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved; and
 3. Paving shall not be required for:
 - i. Parking facilities used on an irregular basis for churches, private clubs, or other similar nonprofit organizations;
 - ii. Parking facilities for residential uses where six (6) or fewer spaces are required;
 - iii. Parking areas for agricultural uses in the Agricultural (AG) District;
 - iv. Parking areas in the Heavy Industrial (HI) District, or for manufacturing and industrial uses in the Light Industrial (LI) District, provided they are constructed with gravel or other comparable all-weather surface and;

- v. Parking areas for tracked heavy construction equipment, skid-mounted equipment, and similar equipment, provided they are constructed with gravel or other comparable all-weather surface;
- b. Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Enforcement Officer that such system is not practical for storm drainage purposes;
- c. All facilities shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion;
- d. All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment;
- e. All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two (2) feet into a required planting area;
- f. Concrete pads for stationary refuse containers, constructed in accordance with City standards, shall be located beneath and in the approach to each container.
- g. Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of four (4) feet. (Note: Vehicle encroachment is calculated as two (2) feet beyond curb.)
- h. Parking lots shall be landscaped in accordance with the provisions of Chapter 5, Article C, Landscaping and Tree Preservation Requirements, of this Ordinance.

**TABLE 5-6-2
GEOMETRIC DESIGN STANDARDS**

PARKING						
a PARKING ANGLE (degrees)	b STALL WIDTH* (ft. - in.)	c STALL TO CURB (ft.)	d AISLE WIDTH (ft.)	e CURB LENGTH (ft.)	f1 CENTER-TO-CENTER WIDTH OF TWO-ROW BAY WITH ACCESS AISLE BETWEEN (ft.)	f2 CURB TO CURB OVERLAP C-C
0	8'-6"	8.5	12.0	23.0	29.0	-
	9'-0"	9.0	12.0	23.0	30.0	-
	9'-6"	9.5	12.0	23.0	31.0	-
	10'-0"	10.0	12.0	23.0	32.0	-
30	8'-6"	16.9	11.0	17.0	44.8	37.4
	9'-0"	17.3	11.0	18.0	45.6	37.8
	9'-6"	17.8	11.0	19.0	46.6	38.4
	10'-0"	18.2	11.0	20.0	47.4	38.7
45	8'-6"	19.4	13.5	12.0	52.3	46.3
	9'-0"	19.8	13.0	12.7	52.6	46.2
	9'-6"	20.1	13.0	13.4	53.2	46.5
	10'-0"	20.5	13.0	14.1	54.0	46.9
60	8'-6"	20.7	18.5	9.8	59.9	55.6
	9'-0"	21.0	18.0	10.4	60.0	55.5
	9'-6"	21.2	18.0	11.0	60.4	55.6
	10'-0"	21.2	18.0	11.5	61.0	56.0
90	8'-6"	18.0	25.0	8.5	61.0	-
	9'-0"	18.0	24.0	9.0	60.0	-
	9'-6"	18.0	24.0	9.5	60.0	-
	10'-0"	18.0	24.0	10.0	60.0	-
* 9'-0" recommended; 8'-6" minimum with approval by Department of Transportation (See Illustration in Appendix for handicapped spaces)						
STACKING						
Stacking spaces shall be ten (10) feet by twenty (20) feet.						

(e) LOCATION

(1) Off-site Parking Lots:

- a. When required off-street parking is permitted to be located off-site, it shall begin within four hundred (400) feet of the zone lot containing the principal use except as provided in Subsection 9-5-6(e)(3).

- b. Required off-street parking shall not be located across an intervening major or minor thoroughfare without prior approval of the Technical Review Committee. Information shall be submitted by the developer regarding the off-street parking area, including anticipated pedestrian traffic, predicted time of day for such pedestrian traffic, along with the site plan for the off-street parking area depicting existing conditions (such as sidewalks, pavement markings, signage, or crossing lights) and depicting the proposed pedestrian route from the off-site parking area to the land use it serves. If the Technical Review Committee determines that existing conditions are insufficient to provide an adequate and safe pedestrian crossing, then the Technical Review Committee shall require such necessary pedestrian safety improvements needed to ensure adequate public safety. Any necessary crossing improvements shall be installed by the applicant prior to the use of the off-site parking.
- c. Off-site parking lots shall be subject to a limited use easement which establishes the extent of parking that is provided off-site. The easement shall be approved by the Enforcement Officer and recorded in the County Register of Deeds Office with a copy filed with the Enforcement Officer.

- (2) Parking in Nonresidential Districts: Automobile parking for any use may be provided in any nonresidential district.
- (3) Parking in Residential Districts: Surface parking as a principal use on a zone lot in a residential district shall meet the requirements for “Parking, Automotive” in Section 9-5-2, Development Standards for Individual Uses.

(f) COMBINED PARKING

- (1) Separate Uses: The required parking for separate or mixed uses may be combined in one (1) facility.
- (2) Shared Parking: A maximum of fifty percent (50%) of the parking spaces required for a church, theater, auditorium, assembly hall, or other similar use may also serve as required spaces for another use located on the same zone lot. Shared spaces may also be located off-site as allowed in Subsection 9-5-6(e)(1) (Off-site Parking Lots). In either case, the Enforcement Officer must determine that the various activities will have peak parking demands at different periods of the day or week. Otherwise, no off-street parking required for one (1) building or use shall be applied toward the requirements of any other building or use
- (3) Reassignment: Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided in Subsection 9-5-6(f)(2) (Shared Parking) above.

(g) VEHICLES IN RESIDENTIAL DISTRICTS

- (1) **Prohibition of Large Vehicles:** The parking of vehicles in excess of twenty-four (24) feet in length, or 14,000 pounds gross vehicle weight shall be prohibited in residential districts, with the following exceptions:
 - a. Recreation vehicles (RV's) as defined in Chapter 2 (Definitions of this Ordinance), provided that any such large RV that was not originally designed and manufactured as an RV shall be situated on the lot and located behind the front building line of the principal building. Occupancy of recreational vehicles or travel trailers shall only be permitted in manufactured dwelling or recreational vehicle parks;
 - b. For temporary loading and unloading purposes;
 - c. For emergency home service; and
 - d. For use in the operation of legal nonconforming uses when the parking of such vehicles is only on the property occupied by said legal nonconforming use.
 - e. Church bus and school bus when used for purposes associated with churches and schools and when vehicle is parked on church or school property.
- (2) **Parking only on an Improved Parking Area:** Any motor vehicle located on a property in which the principal use is a single-family detached dwelling or a two-family dwelling (duplex) and which is parked, stored or otherwise located between the street and the front or corner side building line of the dwelling shall be parked, stored or otherwise located on an improved parking area for the property. An improved parking area shall be that portion of the property that is graveled or paved with an all-weather surface (such as asphalt, concrete, brick, stone or similar material) and provides access to the street. The improved parking area shall not exceed fifty (50) percent of the area of the front or corner yard in which it is located and shall meet any driveway requirements.
- (3) The Board of Adjustment is not authorized to grant a variance to the standards of this Section.

(h) LOADING AREAS

- (1) **Location:** Off-street loading areas shall be located on the same zone lot as the use they serve.
- (2) **Design Standards:**
 - a. **Minimum Number of Loading Spaces Required:**

1. Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (sq. ft.)	Number of Spaces
0 - 20,000	0
20,001 - 40,000	1
40,001 - 75,000	2
75,001 - 150,000	3
150,001 - 250,000	4
For each additional 250,000 sq. ft. or fraction thereof	1

2. Office buildings and hotels:

Gross Floor Area (sq. ft.)	Number of Spaces
0 - 100,000	0
For each additional 100,000 square feet or fraction thereof	1

3. Industrial and wholesale operations:

Gross Floor Area (sq. ft.)	Number of Spaces
0 - 10,000	0
10,001 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
For each additional 90,000 square feet or fraction thereof	1

- b. Each loading area shall be at least twelve (12) feet wide, sixty-five (65) feet long, and fourteen (14) feet in height clearance. No portion of the loading area shall project into a street right-of-way. (See Appendix-Illustrations).
- c. All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. All loading areas shall be designed to prevent backing maneuvers from or into the street unless otherwise approved by the Director of Transportation.

(Ord. No. 93-113, Pt. 2(§ 1), 9-16-93; Ord. No. 93-113, Pt. 1(§ 1), 12-13-93; Ord. No. 94-39, § 1, 3-17-94; Ord. No. 94-96, § 1, 12-1-94; Ord. No. 96-74, Pt. 1, (§1), 12-12-96; Ord. No. 99-75, Pt. 6, (§ 1), 10-4-99; Dev. Ord. 01-14, Pt. 20, (§1), 4-5-01; Ord No. 01-93, Pt. 2 (§1), 11-1-01; Ord. No. 02-95, Pt. 1, (§1), 11-07-02; Ord. No. 04-40, Pt. 12, (§1), 5-03-04)

9-5-7 THROUGH 9-5-10 (RESERVED)

ARTICLE C

LANDSCAPING AND TREE PRESERVATION REQUIREMENTS

9-5-11 LANDSCAPING REQUIREMENTS

(a) APPLICABILITY

- (1) Exemptions: Landscaping requirements shall not apply to:
 - a. Single family detached dwellings or two-family dwellings on their own lots, parcels or tracts, or
 - b. Multifamily developments containing eight (8) or fewer dwelling units on a single zone lot; or
 - c. Properties within or completely surrounded by the Central Business (CB) District; or
 - d. Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width; or
 - e. Property lines abutting dedicated street right-of-way which has remained unopened for a period of at least fifteen (15) years;

- (2) Application: Landscaping requirements shall apply to the following:
 - a. New Principal Building or Use: Principal buildings or open uses of land constructed, reconstructed, or established after the effective date of the Ordinance; and
 - b. Changes in Use: Changes in use which result in an increase of two (2) or more in the Land Use Classification number. The requirements of this Article shall be applicable to the entire zone lot; and
 - c. Expansions: Areas in or adjacent to all expansions of buildings, parking areas, or open uses of land, except for the first cumulative three thousand (3,000) square feet of expansions to buildings, parking areas or open uses of land existing on the date of this Ordinance. In such cases, the landscaping effective date of requirement shall apply only to the property line(s) adjacent to the expansion(s).
 - d. Publicly owned buildings, municipal or other utility structures and installations, parks and open air uses, but not including utility rights-of-way or easements.

(b) PLANTING AREAS

(1) Required Planting Areas: The following areas are required to be landscaped:

- a. Street yard(s); and
- b. Side and rear yards, (referred to a Type A, B, C and D Planting Yards); and
- c. Parking lots (excluding vehicle loading, storage, and display areas).

(2) Street Yard and Planting Yard Descriptions:

- a. **Street Yard**: A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen percent (15%) of the street planting yard may be used for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard.
- b. **Type A Planting Yard**: A high density screen intended to block substantially visual contact between adjacent uses and create spatial separation. A Type A Planting Yard reduces lighting and noise which would otherwise intrude upon adjacent uses.
- c. **Type B Planting Yard**: A medium density screen intended to partially block visual contact between uses and create spatial separation.
- d. **Type C Planting Yard**: A low density screen intended to partially block visual contact between uses and create spatial separation.
- e. **Type D Planting Yard**: A planting strip intended to separate uses, provide vegetation in densely- developed areas, and enhance the appearance of individual properties.
- f. **Parking Lot Plantings**: Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

**TABLE 5-11-1
PLANTING YARD CHART
EXISTING ADJACENT USE(S)**

	Land Use Class.	Least Intensive				Most Intensive	
		1	2	3	4	5	Undeveloped
Least Intensive	1	*	*	*	*	*	*
P							
R							
O	2	C	D	D	D	D	D
P							
O							
S							
E	3	B	B	D	D	D	D
D							
U	4	A	A	C	D(a)	D(a)	D
S							
E							
Most Intensive	5	A	A	B	C	D(a)	D

* No planting yard required.

(a) Where industrial uses abut other industrial uses, no planting of trees or shrubs shall be required in a Type D planting yard.

**TABLE 5-11-2
PLANTING YARD RATE CHART**

Yard Type	Min. Width(ft.)	Min. Avg. Width (ft.)	Planting Max. Width(ft.)	Planting Yard Rates		
				Canopy Tree Rate	Understory Tree	Shrubs Rate
Street Yard	8	8	25	2/100 (b)(d)	NA(c)	17/100 lf
Type A Yard	40(a)	50(a)	75	4/100 lf/oc	10/100 lf/oc	33/100 if/oc
Type B Yard	25(a)	30(a)	50	3/100 lf	5/100 lf	25/100 lf
Type C Yard	12(a)	20(a)	40	2/100 lf(b)	3/100 lif	17/100 lf
Type D Yard	5	5	10		2/100 lf	18/100 lf
Parking Lot	NA	NA	NA	1/12 parking spaces(b)	NA(c)	NA
lf=linear feet						
oc=on center						

- (a) Wall, a minimum of five (5) feet in height (constructed of masonry, stone or pressure treated lumber) or an opaque fence a minimum of five (5) feet in height, may be used to reduce the width of planting yards by ten (10) feet.
- (b) In street yards, Type C and Type D planting yards and parking lots, understory trees may be substituted for canopy trees at the rate of two (2) understory trees for each required canopy tree.
- (c) One (1) understory tree may be substituted for each required canopy tree if the Technical Review Committee determines that there would be a major conflict with overhead utility lines.
- (d) All canopy trees in street yards shall be planted no closer than four (4') feet from any public right-of-way line.
- (e) Parking lot plantings, street yards, and side and rear planting yard shall be required for building expansions and expansions of an open use of land in accordance with section 9-5-11(a)(2)c. (Expansions) and shall be required for parking areas in accordance with subsection 9-5-11(b)(1)c.

NOTE: On lots less than fifty-five thousand (55,000) sq. ft. in size, no development shall be required to place required landscaping on greater than fifteen percent (15%) of the site.

- (3) Planting Yard Determination: To determine the planting yards required by this Ordinance, the following steps shall be taken:
 - a. Identify the classification of the proposed or expanded land use and of each existing adjacent land use(s) by using Table 4-7-1 (Permitted Use Schedule). A proposed land use is considered existing on an adjacent property when a building permit is issued. If a zone lot contains existing or proposed uses with different land use classifications, select the higher numbered classification; then
 - b. Use the Planting Yard Chart, Table 5-11-1, to determine the appropriate letter designation for each planting yard; and
 - c. Match the letter designation obtained from the Planting Yard Chart with the Planting Rate Chart, Table 5-11-2, to determine the types and numbers of trees and shrubs required.

(c) **LANDSCAPING DESIGN AND MAINTENANCE STANDARDS**

- (1) Calculation of Street Planting Yards: Street planting yard rate and width calculations shall exclude access drives.
- (2) Plant Species: Species used in required street planting yards, parking lots, and planting yards shall be of a locally adapted nature. Refer to the recommended plant materials listed in Appendix-Landscaping and Tree Preservation. Other species may be approved by the Enforcement Officer.
- (3) Dimension of Planting Areas: Each planting area containing trees, including those located in parking lots, shall have a minimum inside dimension of seven feet (7') and shall have a minimum area of at least two hundred (200) square feet.
- (4) Grouping: For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, no more than fifty percent (50%) of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one (1) row of evergreen shrubs or evergreen understory trees in all Type A planting yards.
- (5) Parking Lot Spacing: Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, inside medians, or between rows or parking spaces. Trees located within required planting yards cannot be credited toward the parking lot landscaping requirements. With respect to paragraphs a. and b. below, parking areas are considered to be under redevelopment when any combination of access, design or layout changes occur that affect over 50% of the existing surface area. Normal repaving or re-striping of parking areas that do not involve access, design or layout changes are exempted.

- a. All new or redeveloped non-residential off-street parking areas shall be designed so that no parking space is more than eighty (80) feet from the trunk of a canopy tree. Where understory trees are substituted for canopy trees as provided for in Table 5-11-2, no parking space shall be more than sixty (60) feet from the trunk of an understory tree.
 - b. All new or redeveloped residential off-street parking areas shall be designed so that no parking space is more than fifty (50) feet from the trunk of a canopy tree. Where understory trees are substituted for canopy trees as provided for in Table 5-11-2, no parking space shall be more than thirty (30) feet from the trunk of an understory tree.
 - c. Expansion of existing off-street parking areas, where the existing parking remains essentially unchanged, and additional parking spaces are attached or new parking lot areas are added, shall follow the planting requirement of paragraph a. or b. above. The plantings required are calculated with reference to the expanded area only, however, they may be dispersed throughout the entire parking area with approval of the Enforcement Officer.
 - d. For loading docks or other maneuvering areas where placement of trees in the interior of the site is impractical, the required plantings may be clustered around the edges of such areas with approval of the Enforcement Officer. Where access or design considerations must take precedent and would prohibit meeting the provisions of this subsection, the Enforcement Officer may permit the relocation of required trees in the interest of vehicular or pedestrian safety.
 - e. Where a contiguous parking area for a shopping center, large retail, office or other use subject to the requirements of this subsection, exceeds four hundred (400) spaces, an alternative parking area landscaping plan may be proposed. Such plan may vary the location of required plantings in order to accommodate unique characteristics of the site, to facilitate the use of bio-retention areas or to utilize innovative design. The Enforcement Officer shall approve an alternative landscape plan only upon a finding of equal or better performance when compared to strict compliance with this Ordinance.
- (6) Canopy Tree Size: Canopy trees shall be a minimum of eight (8) feet high and two (2) inches in caliper, measure six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet.
- (7) Understory Tree Size: Understory trees shall be a minimum of four (4) feet high and one (1) inch in caliper, measure six (6) inches above grade, when planted. When mature, an understory tree should be between fifteen (15) and forty (40) feet high.

-
- (8) Shrub Size: All approved shrubs shall be installed at a minimum size of eighteen inches (18") spread or height.
 - (9) Berms: Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Enforcement Officer. Any berm shall have a minimum height of three feet (3'), a minimum width of three feet (3') and a side slope no greater than 3:1.
 - (10) Wall Planters: Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact (AWPB LP-22 1980 or equivalent). The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting area of wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.
 - (11) Encroachments Permitted in Required Planting Yards: The following encroachments are permitted in required planting yards provided the landscaping requirements are met, a landscaping plan approved, and there is no interference with any sight triangle.
 - a. Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
 - b. Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, outdoor fireplaces, public utility easements including wires and poles, pumps, wells, utility fences, fences, retaining walls, or similar structures.
 - c. Cornices, steps, canopies, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2-1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line.
 - (12) Setback Less than Planting Yard: If the required building setback is less than the required planting yard width, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.
 - (13) Location: Required trees and shrubs shall be located outside street rights-of-way. Required trees and shrubs may be installed:
 - a. In water quality conservation easements; and
 - b. In electric utility easements below overhead lines; and
-

- c. In drainage maintenance and utility easements by approval of the Technical Review Committee; and
 - d. Within a sight triangle with the approval of the Technical Review Committee; and
 - e. Outside permanent open space as required by Section 402.4 of the N. C. State Building Code.
- (14) Plant Protection: Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles.
- (15) Maintenance: The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy, or missing plants shall be replaced within ninety (90) days with vegetation which conforms to the landscaping plan approved by the Enforcement Officer. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.

(d) PROCEDURES

Landscaping Plan Required: Prior to obtaining a land-disturbing permit or building permit, an applicant shall receive approval from the Enforcement Officer of a landscaping plan, prepared in accordance with Appendix-Map Standards.

(e) CONDITIONS WARRANTING DEFERRING THE INSTALLATION OF PLANT MATERIALS

Installation of Plant Material: Plant materials shall be installed prior to the issuance of a Certificate of Compliance unless, at the time of a request for a Certificate of Compliance, the required planting areas are not complete and it can be determined that:

- (1) Plant materials are unavailable; or
- (2) Completion of the planting areas would jeopardize the health of the plant materials; or
- (3) Weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Enforcement Officer. The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to one hundred and fifteen percent (115%) of the amount of the contract. In no instance shall the surety be for a period greater than one hundred and eighty (180) days. The Enforcement Officer may issue a Temporary Certificate of Compliance but shall not issue a final Certificate of Compliance until the planting areas have been completed and approved.

(f) ALTERNATE METHODS OF COMPLIANCE

- (1) Use of Alternate Plan, Material, or Methods: Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions. Existing trees and shrubs may be used to meet the landscaping requirements of the Ordinance with the approval of the Enforcement Officer.
- (2) Approval of Alternate Plan: The Enforcement Officer may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this Ordinance.
- (3) Evaluation by Enforcement Officer: The performance of alternate landscaping plans shall be evaluated by the Enforcement Officer to determine if the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening, height, spread, and canopy of the planting at maturity.
- (4) Appeal: Decisions of the Enforcement Officer regarding alternate methods of compliance may be appealed to the Board of Adjustment.

(g) VARIATIONS AVAILABLE FOR MEETING LANDSCAPING REQUIREMENTS

- (1) Reduction in Parking Requirements for Pre-Existing Developments: To achieve compliance with the landscaping regulations of this Article, the number of required off-street parking spaces for the expansion of pre-existing developments may be reduced by the Enforcement Officer up to ten percent (10%).
- (2) Location of Planting Material Outside Shade of Buildings: Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.

(Ord. No. 93-113, Pt. 1 (§ 1), 12-13-93; Ord. No. 01-93, Pt. 1 (§1), 11-1-01)

9-5-12 THROUGH 9-5-15 (Reserved)

ARTICLE D
SIGN REGULATIONS

9-5-16 GENERAL REGULATIONS

(a) APPLICABILITY

A sign may be erected, affixed, placed, painted, or otherwise established in the City only in compliance with the provisions of this Ordinance.

(b) PROHIBITED SIGNS

Unless otherwise permitted under this Article, the following signs are prohibited in all zoning districts:

- (1) Windblown devices such as pennants, banners, streamers, spinners, balloons, gas-filled figures, and other similar devices, except as temporary identification for Market Showrooms and as advertising for a temporary event or special promotion. (Permit required, see Chapter 3)
- (2) Animated signs.
- (3) Electronic Changeable Copy signs, except in the Central Business (CB) zoning district.
- (4) Portable sign legible from the public right-of-way, except with a Temporary Event Permit issued under Section 9-3-3(f), or as permitted in Table 5-16-1 for A-Frame signs.
- (5) Signs which project over a public right-of-way, except that wall signs may project not more than 18 inches over a public right-of-way in zones which permit structures to be built at the property line adjoining the street.
- (6) Signs on vehicles that are parked in a location which is visible to the public and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
- (7) Signs which are affixed to trees, rocks or other natural features.
- (8) Signs of any type which imitate traffic control devices.
- (9) Signs which extend vertically above the highest portion of roof of any structure.
- (10) Signs on roadside appurtenances, including but not limited to roadside benches, bus stop shelters, planters, utility poles, and refuse containers, with the exception of warning signs or governmental signs.
- (11) A series of two (2) or more signs placed in a line parallel to a public or private street, or in similar fashion, all carrying a single commercial message.

(Ord. No. 04-40, Pt. 14, (§1), 5-03-04)

(c) SIGNS EXEMPT FROM REGULATION

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit.

- (1) Governmental signs.
- (2) Works of art with no commercial message.
- (3) Lights and decorations with no commercial message temporarily displayed on traditionally accepted civic, patriotic or religious holidays.
- (4) Hand carried signs.
- (5) Signs located on the interior of buildings, courts, lobbies, athletic fields, stadiums, or other structures which are not intended to be seen from the exterior of said buildings or structures.
- (6) Signs located on or affixed to an athletic field scoreboard that are not oriented toward the playing field, unless any such sign 1) is an off-site sign or outdoor advertising sign, or 2) is larger than, or protrudes from the scoreboard, or 3) is a projecting sign, or 4) is illuminated.
- (7) Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.
- (8) Signs affixed to windows of vehicles displaying information on the terms of sales for said vehicles.
- (9) Signs not legible from a public or private street.
- (10) Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the local governing body, are subject to the laws found in the United States Code, Title 4, Chapter 1, Title 18, Chapter 33 and Title 36, Chapter 10.
- (11) Window signs painted on or attached to a window.

(d) SIGNS THAT DO NOT REQUIRE A PERMIT

The following signs are permitted in all zoning districts and may be installed without obtaining a permit, provided that they conform to the specifications shown on Table 5-16-1. Unless otherwise specified, all signs shall be restricted to on-site locations.

- (1) Warning signs provided that such signs contain no commercial message except a business logo or name.
- (2) Flags, emblems or insignia of corporate, political, professional, fraternal, civic, or educational organizations.
- (3) Religious, philosophical, or educational signs.
- (4) Certain temporary signs conforming to the provisions of Table 5-16-1. Other types of temporary signs may be allowed by permit based on the provisions of Tables 5-16-2 and 5-16-3. Allowed without a permit are:
 - a. Temporary real estate and construction signs which are removed within seven (7) days of the end of the completion of construction, or sale or lease of property.
 - b. Temporary yard sale signs which are posted for no longer than three (3) days per sale.
 - c. Temporary political signs located on private property with the property owner's permission; provided the signs are removed within seven (7) days after the election and there shall be no commercial message displayed in residential, office and public/institutional districts.
- (5) Historical or memorial plaques, tablets or markers.
- (6) Signs painted or attached to vending machines, gas pumps, ice machines or similar devices which indicate the contents of the machine, the name or logo of the supplier, the price, or operating instructions.
- (7) The following identification signs:
 - a. Name and address plates, including those identifying home occupations and rural family occupations.
 - b. Building markers (cornerstones or plaques).

(e) SIGNS REQUIRING A PERMIT

All signs except those listed in Subsections 9-5-16(c) and (d) above, shall not be installed until a sign permit has been obtained. The size, height, permitted illumination, setback, and number of signs permitted is specified in Tables 5-16-2 and 5-16-3 and Subsection 9-5-16 (f) (Outdoor Advertising Signs (Billboards)). Unless otherwise specified, all signs shall be restricted to on-site locations. For the purposes of sign permitting, an Integrated Multiple Use Development (IMUD) shall be considered a single zone lot.

(f) OUTDOOR ADVERTISING SIGNS (BILLBOARDS)

- (1) Districts Allowed: Outdoor advertising signs shall be allowed in Heavy Industrial (HI) Districts.
- (2) Location: Outdoor advertising signs shall be located off-site.
- (3) Size: The sign area of any outdoor advertising sign, including any extension(s), shall not exceed four hundred and fifty (450) square feet.
- (4) Height: No outdoor advertising sign shall exceed thirty (30) feet in height; however, the height may be increased to fifty (50) feet if the sign is within four hundred (400) feet of the right-of-way of an Interstate Highway.
- (5) Spacing Requirements:
 - a. Between Signs: No outdoor advertising sign shall be erected, affixed, or otherwise installed within a five hundred (500) foot radius of another outdoor advertising sign, except within the US Highway 311 Bypass corridor, where no such sign shall be within a two thousand (2,000) foot radius of another outdoor advertising sign. The US Highway 311 Bypass corridor is that area within one thousand five hundred (1,500) feet of the right-of-way line of the highway.
 - b. Adjoining Residential District or Church: No outdoor advertising sign shall be erected, affixed, or otherwise installed closer than three hundred (300) feet to any residentially zoned property or property containing a church. If the residential zoning line runs along the near edge of a street right-of-way, the width of the right-of-way shall be subtracted from the setback requirement.
- (6) Relationship to Accessory Freestanding Signs:
 - a. Lots with One Street Frontage: No outdoor advertising sign may be erected, affixed, or otherwise installed on a zone lot which contains more than one (1) accessory freestanding sign.
 - b. Lots with Two or More Street Frontages: No outdoor advertising sign may be erected, affixed, or otherwise installed on a zone lot which contains more than two (2) accessory freestanding signs.
- (7) Setback: The support post(s) of any outdoor advertising sign shall meet the minimum setbacks of the district in which it is located. In addition, no sign or portion of any outdoor advertising sign shall project closer than fifteen (15) feet to a street right-of-way or closer than five (5) feet to any other property line, measured horizontally.
- (8) Mounting Back-to-Back: Outdoor advertising sign structures may be mounted back-to-back when they share a common support. The total sign area of any such outdoor advertising structure shall be considered to be one (1) sign.

- (9) Design, Construction, and Maintenance: All outdoor advertising signs shall meet the minimum requirements of Subsection 9-5-16 (h) (Design, Construction, and Maintenance).
- (10) Permits: Outdoor advertising signs shall require a sign permit in accordance with the requirements and procedures of Chapter 3 (Permits and Procedures) in order to be erected, affixed, or otherwise installed.
- (11) Certificates: For outdoor advertising signs erected, affixed, or otherwise installed after the effective date of this Ordinance, a Sign Certificate shall be issued in accordance with Subsection 9-5-16(k) (Sign Certificates). For outdoor advertising legally in existence on the effective date of this Ordinance, a Sign Certificate may be obtained in accordance with Subsection 9-5-16(k) (Sign Certificate).
- (12) Nonconforming Signs: Nonconforming outdoor advertising signs may be continued in accordance with the provisions of Subsection 9-5-16(k) (Sign Certificates).

(g)

SIGNS FOR HISTORIC STRUCTURES OR PROPERTIES

- (1) Applicability: Properties, buildings or other structures that have received Local Historic Landmark status from the Guilford County Historic Preservation Commission or that have National Register of Historic Places status may be permitted to construct, reconstruct, replicate or replace sign structures that otherwise are not permitted by this Ordinance, in accordance with the following.
 - a. The grounds (in the case of a freestanding sign) and/or exterior of the structure must be an historic element cited by the National Register designation, or cited in the City's Ordinance of Adoption accepting the Local Historic Landmark designation. Such designation may be for a portion of said grounds or structure.
 - b. The Local Historic Landmark or National Register designation must be currently valid. There must be no outstanding violations of process, or any proposed changes to the property that would jeopardize the designation. All required approvals; Certificate of Appropriateness, etc. must be obtained.
- (2) Special Exception Required: The property owner must apply for a Special Exception in accordance with the regulations of this Ordinance, except that, before the Special Exception application is heard by the Board of Adjustment, it shall have been reviewed by the High Point Historic Preservation Commission.
 - a. HPC Review: The High Point Historic Preservation Commission shall review the application at its first regular meeting following submittal and shall offer comment that addresses, at a minimum, the historic significance and competency of the information presented in the application, and shall forward such comment in writing to the Board of Adjustment.

- b. **BOA Approval:** The Board of Adjustment, in approving a Special Exception under these provisions, may approve an exception to the height, setback or area of the sign. It may consider a location for the sign other than where the original sign was placed, or other than on the Landmark or National Register portion of a structure where only part of the structure or physically connected structures carries such designation. It may also allow by exception a sign type not permitted, but only one such sign shall be allowed, unless it is stipulated that approval is made in place of an otherwise permitted wall or freestanding sign. The Board shall not grant exceptions to the number, spacing or illumination provisions of this Ordinance. The Board may not grant a Special Exception if it finds that the proposed sign(s) or the proposed location for it will be hazardous or pose an unnecessary or unreasonable threat to public safety.
- (3) **Application Provisions:** The application to the Board of Adjustment for a Special Exception for an historic sign shall include the following:
- a. Evidence of the existence (past or present) of the sign being restored, replaced or replicated, and its location on the structure.
 - b. Evidence that the sign being restored, replaced or replicated was associated with the original or other early use of the structure, or has (itself) historic significance.
 - c. Evidence showing how the new or restored sign will imitate the former sign. Consideration shall be given to 1) size, 2) design or shape, 3) coloration, 4) lettering style, 5) graphic art style, 6) illumination and 7) type (overhanging, roof mounted, wall, freestanding, etc.). At least four (4) of the above elements of the new or restored sign must be found to be comparable to the former sign. Size will be considered comparable if the new sign has the same or smaller area.
 - d. Evidence that the proposed location of the new or restored sign will not pose a hazard to pedestrian or vehicular movements, and that the erection of such sign will meet all applicable building and electrical codes.
- (4) **Approval:** In approving a Special Exception for a sign on an historic structure or property, the Board of Adjustment shall find that the applicant provided evidence that was substantial, competent and material with respect to the requirements contained in (3)a. through d., above.

(h) COMPUTATION OF SIGN AREA AND HEIGHT

- (1) **Area:** The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to

differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.

- (2) Area for Multi-faced Signs: For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.
- (3) Height: Sign height shall be computed as the distance from the base of the sign at the finished grade or from the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- (4) Lots with Multi-frontage: Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. The total sign area that is oriented toward a particular street, however, may not exceed the portion of the lot's total sign area that is derived from that street frontage or building frontage.

**TABLE 5-16-1
SPECIFICATIONS FOR SIGNS NOT REQUIRING A PERMIT**

TYPE	# PERMITTED	AREA (sq ft)	SETBACK (feet)	HEIGHT (feet)	ILLUM. (b)
Warning Signs/Res. Districts	NA	4	NA	8	direct
Warning Signs/Non-Res. Districts	NA	6	NA	8	direct
Historical, Memorial Markers/All Districts	1/lot	4	R/W (a)	6	indirect
Flags, Emblems, Insignia/All Districts	1/frontage	60	R/W (a)	40	indirect
Religious, Philosophical, or Educational Signs/All Districts	1/frontage	6	R/W (a)	6	none
Temp. Real Estate, Yard Sale & Construction Signs/AG & RS Districts	1/frontage	6	R/W (a)	6	none
Temp. Real Estate & Construction Signs/RM, Non-Res. Districts, & Major Subdivisions in RS Districts	1/frontage	100	R/W (a)	12	none
Temp. Political Signs/All Districts	6	6	R/W (a)	6	none
Identification Signs/All Districts (c)	1/building	2/unit	R/W (a)	6	none
A-Frame/MS District (subarea B) (d)	1/building entrance	6	R/W(f)	3	none
A-Frame/CB District (e)	1/building entrance (market showrooms only)	6	R/W(f)	3	none

Footnotes:

- (a) Signs must be located outside public street right-of-way and outside any sight distance area.
- (b) Electrical permit required if sign is illuminated.
- (c) As specified in Section 9-5-16(d) (Signs That Do Not Require A Permit), refers to the following identification signs: name and address plates, including those identifying home occupations and rural family occupations, and building markers (cornerstones or plaques).
- (d) Display: Signs shall be displayed only during operational hours of the use and shall be removed each day at the close of business. Only one sign is permitted per building entrance that fronts on the primary street, not to exceed one sign per non-residential use. Windblown devices, including but not limited to balloons and streamers, may not be attached or otherwise made part of the signs.
- (e) Signs are not permitted for use during the officially designated Market period, but may be displayed during other operational hours of the market showroom. Signs shall be removed each day at the close of business. Only one sign is permitted per building entrance that fronts on the primary street, not to exceed one sign per market showroom. Windblown devices, including but not limited to balloons and streamers, may not be attached or otherwise made part of the signs.
- (f) Signs may be placed on the public sidewalk portion of the public street right-of-way directly in front of the use. Such signs shall not interfere with safe sight-distances for motorists on the adjacent roadways, shall not interfere with or obstruct pedestrian or vehicular traffic, and shall allow a minimum of five (5) feet of clear passage on the sidewalk between the street and the sign. Signs shall not be anchored to the sidewalk or affixed to poles, vending boxes or other structures or appurtenances.

**TABLE 5-16-2
SPECIFICATIONS FOR ACCESSORY FREESTANDING SIGNS REQUIRING A PERMIT**

ZONING DISTRICT	NUMBER	AREA		SETBACK (feet)	HEIGHT (feet)	COMPUTATION
		max	min(a) (sq. ft.)			
Public and Institutional Uses/Res. Districts	1/lot front.	50	NA	R/W (b)	6	NA
AG (non-residential uses only)	1/lot front	50	NA	R/W (b)	10	NA
PI, LO, NB	1/lot front.	100	12	R/W (b)	6	.25 sq ft/linear ft lot front.
GO-M, GO-H, CP, LB	1/lot front.	100	25	R/W (b)	15	.25 sq ft/linear ft lot front.
GB, LI, HI	1/lot front.	200(c)	75	R/W (b)	30 (d)	1.0 sq ft/linear ft lot front.
MS (q)	1/lot front.	150 – A&D 75 – B&C	50	R/W(b)	15 – A&D 6 – B&C	1.0 sq ft/linear ft lot front.
HB	1/lot front.(m)	200(c)	75	R/W(b)	30(d)	1.0 sq ft/linear ft lot front
Outparcel & Lease Lot	1/parcel (m)	50	NA	R/W(b)	6	NA
CB (p)	1/street frontage(n)	100	50	R/W (b)	6 (e)	1.0 sq ft/linear ft lot front.
SC (f) Development Identification	(k) 1/street front.	300	200	10	30 (d)	# business 2-15 = 200 sq ft 16+ = 300 sq ft
Outparcel & Lease Lot	1/parcel	50	NA	R/W (b)	6	NA
Playbill	1/theatre complex	200	NA	10	30	NA
Individual Lot of Record	1/lot	100	50	R/W (b)	6	.5 sq ft/linear ft lot front.
(g) Development entrance/All Districts	1 pair/entrance	50/ entrance	NA	R/W (b)	6	NA
Off-site Directional Signs/GB, HB, LI, HI	See Note #4	8	NA	R/W (b)	6	NA
(h) Identification Signs/All Districts	1/building entrance	20	NA	15 (o)	10	NA
(i) Instructional Signs/All Districts	NA	6	NA	R/W (b)	8	NA
(j) Banners for Temporary Events/All Districts	1/500 ft frontage	20	12	R/W (b)	20	Linear Frontage 0-100 ft = 12 sq ft 101-200 ft = 16 sq ft > 200 ft = 20 sq ft
Portable Signs for Temporary Events/All Districts	1/lot	32	NA	R/W (b)	6	NA
Special (1) Promotion Signs/All Districts	NA	NA	NA	R/W (b)	NA	NA

Notes:

- 1) Freestanding signs shall be allowed only as accessories to a principal use.

- 2) Indirect illumination of signs is allowed in all districts. In residential districts, direct illumination of signs shall be subject to the approval of a Special Use Permit and compliance with the following requirements: i) the sign must be for a permitted non-residential use; ii) the non-residential use and sign must front on a thoroughfare; and iii) illumination of the sign must be needed for identification of the non-residential use due to the use's non-daylight activities.
In non-residential districts, direct illumination of signs is allowed, except in the NB, LO, GO-M and CP Districts where direct illumination shall be limited to cut-out letter and shielded silhouette lighting. In the PI District, direct illumination of signs shall be subject to the approval of a Special Use Permit and compliance with the following requirement: i) illumination of the sign must be needed for identification of the use due to the use's non-daylight activities.
- 3) Any sign greater than 6 ft in height shall not be located within 100 ft of any residential district.
- 4) The number of off-premise directional signs permitted shall be determined through the Special Use Permit process by recommendation of the Planning and Zoning Commission and City Council approval, and shall be based on the need for the sign(s) and the difficulty of access to the establishment. Where two (2) or more establishments at the same location receive approval of directional signs, such signs shall share the same support structure. The Special Use Permit shall expire after two (2) years and shall be subject to reapproval.
- 5) For the purposes of sign permitting, individual lots within an Integrated Multiple Use Development, (IMUD) shall be permitted freestanding signage in accordance with the regulations governing outparcels and lease lots in the SC District. Development entrance or development identification signs for IMUD's shall be permitted in accordance with the governing zoning district.

Footnotes:

- (a) "Minimum" sign area refers to the minimum sign size allowed by right, regardless which would be allowed by computation.
- (b) Signs must be located outside public street right-of-way and outside any sight distance area. Development entrance signs may be erected in the public right-of-way provided that such signs have been permitted by an encroachment agreement in accordance with Subsubsection 9-5-16(m). Off-premise directional signs shall be subject to the permission and written agreement of the property owner for the sign location.
- (c) The maximum size of a sign may be increased by 75 feet if the sign is within 400 feet of the right-of-way of an Interstate Highway.
- (d) The height of a sign may be increased to 50 feet if the sign is within 400 feet of the right-of-way of an Interstate Highway, provided that the increase in height is not permitted if government sponsored logo signs are installed.
- (e) The height of a sign in the CB District may be increased to 15 feet if the sign is a monument sign.
- (f) Sign may identify only the name of the shopping center and the tenants. Height may be increased by 5 ft. and maximum size may be increased by 50 sq. ft. a permitted freestanding playbill is not separately installed, but is combined with the Shopping Center Identification sign.
- (g) Permitted only in: (1) major subdivisions; (2) developments of over fifteen thousand (15,000) square feet of gross floor area; (3) multifamily developments with more than eight (8) dwelling units in a single building; or (4) developments with more than forty thousand (40,000) sq ft in open air uses of land. Sign may identify only the name of the development, management or developer, and/or address or location of development.
- (h) Refers to the following identification signs: Directory signs (listing occupants of buildings and their address) in developments with multiple occupants; individual tenant signs and building name and address signs for buildings with multiple occupants. An individual tenant identification sign may only be erected at an entrance if there is no wall mounted identification sign present.
- (i) Colleges and universities, hospitals, coliseums, and convention centers may have signs that exceed the allowable square footage if approved by the Board of Adjustment as a special exception subject to the finding that any larger sign is a public necessity.
- (j) Would require a Temporary Event Permit in accordance with Section 9-3-3(e).
- (k) One additional freestanding sign may be allowed provided: 1) the lot frontage exceeds 1,000 linear feet; 2) the minimum area referred to in footnote (a) does not apply to the additional sign; 3) the sign allocation may be apportioned between the two signs, but in no case shall the maximum area for either sign exceed 200 square feet; 4) the additional signs shall not be located closer than 250 feet to any other freestanding sign on the same zone lot; and 5) the additional sign shall not be located closer than 250 feet to any freestanding sign on an adjoining zone lot.
- (l) Freestanding signs erected for Special Promotions shall be limited in duration to a maximum of 30 continuous days not more than 2 times in a calendar year.
- (m) Under no circumstance shall there be more than one accessory freestanding sign per principal building.
- (n) A maximum of three (3) such signs per zone lot shall be permitted.
- (o) A directory sign or single tenant identification sign shall, at its closest point, be located within 6 feet of the entrance it is intended to identify.
- (p) For properties in the Central Business (CB) District, the area and height of one (1) permitted freestanding sign may be increased provided that:
 1. No wall signs shall be permitted or erected on the same side of the building. This is deemed to include all sections of the building wall parallel with or within 45 degrees of parallel with the property line or street right-of-way line.
 2. The sign face is placed parallel to the building, and is located such that it does not impair vehicular sight distance from driveways or along public streets.
 3. The area of the freestanding sign does not exceed 50% or 150 square feet, whichever is smaller, of the area of wall signage that would be permitted on the side of the building where the freestanding sign is to be located. The wall signage calculation shall include all sections of the building wall parallel with or within 45 degrees of parallel with the property line or street right-of-way line.
 4. The height of the freestanding sign does not exceed forty (40) feet or the height of the building (or average height where variations in height occur), whichever is less.
- (q) Monument type signs only.

(Ord. No. 02-67, Pt. 1-5, (§ 1), 8-1-02; Ord. No. 04-40, Pt. 3, (§1),5-03-04;)

**TABLE 5-16-3
SPECIFICATIONS FOR ACCESSORY ATTACHED SIGNS REQUIRING A PERMIT**

ZONING DISTRICT	NUMBER	AREA		HEIGHT (feet)	COMPUTATION
		max	min(a) (sq. ft.)		
WALL SIGNS					
PI, LO, NB	See Note #1	NA	25	top of wall	5% of wall area (b)
GO-M, GO-H, CP, LB	See Note #1	NA	25	top of wall	7.5% of wall area (b)
GB, HB, MS, CB, LI, HI, SC (including outparcels & lease lots)	See Note #1	NA	50	top of wall	10% of wall area (b)
AWNING, CANOPY MARQUEE SIGNS All Non-Res. Districts	1/face	NA	NA	top of canopy (c)	10% of the canopy, (d) awning, or marquee face
SUSPENDED SIGNS All Non-Res. Districts	1/entrance	6	NA	(b)	NA
BANNERS Temporary Events (e) All Districts	1/500 ft. frontage	20	12	(b)	Linear Frontage 0-100 ft = 12 sq ft 101-200 ft = + 4 sq ft 201-500 ft = + 4 sq ft
Temporary Identification for Market Showrooms (f), All Non-Res. Districts	NA	NA	NA	top of wall	50% of wall area
SPECIAL PROMOTION SIGNS (g) All Districts	NA	NA	NA	top of wall	NA
IDENTIFICATION SIGNS All non-Res. Districts	1 only where avg. wall height > 35 ft.	75	> 6	top of wall	1% of wall area (h)

Notes:

- 1) Except in the CB District, one (1) sign is permitted per building wall of a business oriented to a street or parking area.
Exceptions:
 - a) In a multi-tenant building, where each tenant has its own separate entrance, each tenant may have one sign, the area of which is based on its proportionate share of the building wall. The wall must be oriented to a street or parking area. The total area of all signage shall not exceed the total allowed for the building wall. A common signage plan shall be prepared and approved by the Enforcement Officer prior to issuance of the first sign permit.
 - b) In a multi-tenant building that is two (2) stories in height or less and contains less than 30,000 sq. ft. gross floor area, and where the tenants share a common entrance, each tenant may have one sign, the area of which may be based on its proportionate share of the building's gross floor area, or may be based equally on the number of tenants. Signs may be grouped on a wall(s) oriented to a street or parking area. The total area of all signs shall not exceed the total allowed for the building wall on which they are located. A common signage plan shall be prepared and approved by the Enforcement Officer prior to the issuance of the first sign permit.
 - c) In a multi-tenant building that is three (3) stories in height or more and/or contains 30,000 sq. ft. or more gross floor area, and where the tenants share a common entrance(s), a maximum of four (4) wall signs shall be permitted. The signs may be grouped on a wall(s) oriented to a street or parking area. However, where signs are grouped, the maximum area of each sign shall be computed using the following formula:
 - For 2 signs, $1.5 \text{ (max. sign area for building wall)} \div 2 = \text{max. area of each sign}$
 - For 3 signs, $2.0 \text{ (max. sign area for building wall)} \div 3 = \text{max. area of each sign}$
 - For 4 signs, $2.5 \text{ (max. sign area for building wall)} \div 4 = \text{max. area of each sign}$

Where signs are grouped, a common signage plan shall be prepared and approved by the Enforcement Officer prior to issuance of the first sign permit.

- 2) No illumination of signs is permitted in residential districts. In non-residential districts all signs may be directly or indirectly illuminated. In NB, PI, LO, GO-M, and CP Districts, illumination is limited to cut-out letter and shielded silhouette lighting.

Footnotes:

- (a) "Minimum" sign area refers to the minimum area allowed by right, regardless of the size which would be allowed by computation.
- (b) Based on the first 30 feet of height of the wall on which the sign is located. Buildings over 30 feet in height may have additional sign area based on 5% of the wall area above 30 feet in height, provided the sign is located at or near the top of the building.
- (c) Nine (9) foot height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.
- (d) The 'face' shall include the entire area of the canopy, awning or marquee structure. The total area of all accessory attached signs, whether attached to a wall, canopy, awning or marquee shall not exceed the total allowed for the building wall. All or any portion of this sign allocation may be affixed to the wall, awning, canopy or marquee provided that no part of the sign projects above the top of said structure.
- (e) Would require a Temporary Event Permit in accordance with Section 9-3-3(e).
- (f) Banners erected for temporary identification for Market Showrooms shall be limited in duration to a maximum of 30 continuous days not more than 2 times in a calendar year.
- (g) Signs erected for Special Promotions shall be limited in duration to a maximum of 30 continuous days not more than 2 times in a calendar year.
- (h) The area of such signs shall be subtracted from the allowable square footage of wall signs for the wall upon which it is placed.

(Ord. No. 04-40, Pt. 4, (§1), 5-03-04)

(i) DESIGN, CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (1) Other Codes: All signs shall comply with applicable provisions of the Building Code and the Electrical Code.
- (2) Permanence: Except for banners, flags, temporary signs and window signs conforming with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- (3) Maintenance: All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance at all times.
- (4) Obstruction: No sign shall be erected so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.
- (5) Ventilation Interference: No signs shall be erected so as to interfere with any opening required for ventilation.
- (6) Above Ground Clearance: All signs shall be located in such a way that they maintain horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the National Electrical Safety Code (NESC).

- (7) Ground Clearance: All signs and their supporting structures shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication equipment. In addition, the placement of signs and their supporting structures shall not interfere with natural or artificial drainageways.
- (8) Interference to Warning or Instructional Sign: No sign shall be erected so as to interfere with any existing warning or instructional sign.
- (9) Minimum Wind Loads: All signs, except those attached flat against the wall of a building, shall be constructed to withstand minimum wind loads as specified by the NC Building Code.

(j) MASTER OR COMMON SIGNAGE PLAN

After the effective date of this Ordinance a Master Signage Plan shall be prepared for new developments or new occupants of existing developments containing a single principal building on a single zone lot, while a Common Signage Plan shall be prepared for new developments containing more than one principal building or more than one zone lot.

- (1) Information Required for a Master Signage Plan:
 - a. A site Layout Plan in accordance with Appendix-Map Standards.
 - b. Specifications for each sign in sufficient detail to determine that the height and area requirements of this Ordinance have been met.
 - c. Accurate location(s) on the Site Layout Plan for each existing and proposed sign.
 - d. Owner designation of party responsible for signage plan and any subsequent amendments.
- (2) Common Signage Plan Information: A Common Signage Plan shall contain all of the information required above plus the following additional material:
 - a. Lighting scheme
 - b. Provisions for shared usage of freestanding sign(s)
 - c. Graphic or written information that explains how signage will be coordinated. This information shall address, at a minimum, size, shape, use of unifying colors and/or lettering, illumination and placement symmetry.
- (3) Other Provisions:
 - a. A Master or Common Signage Plan shall be a part of any development plan, site plan, planned unit development or other plan required for development and

may be processed simultaneously with such plan(s). Criteria for a Master or Common Signage Plan for an Integrated Multiple Use Development Plan or a Planned Unit Development shall be approved prior to the approval of any development plan. A Master or Common Signage Plan shall be approved prior to the issuance of any building permit(s).

- b. A Master or Common Signage Plan may be amended by filing a new plan which complies with all requirements of this Ordinance. The Enforcement Officer may approve minor changes to a Master or Common Signage Plan provided such changes comply with all requirements of this Ordinance.
- c. After approval of a Master or Common Signage Plan, no sign shall be erected, affixed, placed, painted or otherwise established except in conformance with such plan and such plan may be enforced in the same way as any other provision of this Ordinance. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.

(k) PERMITS TO CONSTRUCT OR MODIFY SIGNS

Signs shown as requiring a permit on Tables 5-16-2 and 5-16-3 above and outdoor advertising signs shall be erected, affixed or otherwise established only in accordance with a duly-issued and valid sign permit. Such permits shall be issued in accordance with the requirements and procedures of Chapter 3 (Permits and Procedures).

(l) NONCONFORMING SIGNS

(1) Signs Existing on Effective Date:

- a. The following prohibited signs, which were legally in existence on the effective date of this Ordinance, shall either be removed or brought into compliance with this Section within twelve (12) months of the effective date of this Ordinance.
 1. Windblown devices such as pennants, banners, streamers, spinners, balloons, gas-filled figures, and other similar devices, except as advertising for a temporary event or special promotion.
 2. Portable sign legible from the public right-of-way, except with a Temporary Event Permit issued under Section 9-3-3(e).
 3. Signs on vehicles that are parked in a location which is visible to the public and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.
 4. Signs which are affixed to trees, rocks or other natural features.

5. Signs of any type which imitate traffic control devices.
 6. Signs on roadside appurtenances, including but not limited to roadside benches, bus stop shelters, planters, utility poles, and refuse containers, with the exception of warning signs or governmental signs.
- b. A sign that would be allowed by this Section only with a sign permit, and was legally in existence on the effective date of this Ordinance, and was constructed in accordance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, copy or construction is not in compliance with the requirements of this Ordinance, shall be deemed a non-conforming sign.
1. A nonconforming sign may remain in place and be maintained indefinitely as a legal nonconforming sign subject to compliance with the following:
 - i. Normal maintenance of such sign shall be allowed including changing of copy as provided herein, nonstructural repairs such as repainting or electrical repairs, and incidental alterations which do not increase the degree or extent of the nonconformity. Non-conforming copy-regulated signs may change panels or replace lettering as long as the copy size and message are the same as that being changed or replaced, or are less nonconforming.
 - ii. No structural alteration, enlargement, or extension of such sign or sign structure, including additional lighting, shall be allowed.
 - iii. No relocation of such sign upon the premises shall be allowed. Any non-conforming sign that is removed for any reason shall be replaced only with a sign that complies with the provisions of this Ordinance.
 - iv. If damage to such sign from any cause is less than fifty percent (50%) of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.
 - v. If the business activity on the premises is discontinued for a continuous period of less than ninety (90) days, then the sign shall be allowed to remain.
 2. Any nonconforming sign, shall be brought into compliance with this Ordinance or removed if one of the following occurs:
 - i. If damage to such sign from any cause is fifty percent (50%) or more of either the original or replacement value, whichever is less; or

- ii. If the business activity on the premises is discontinued for a continuous period of ninety (90) days or more.
- iii. If additions or expansions of buildings exceed 1,000 square feet of gross floor area (GFA) or the total of additions or expansions of buildings, parking areas or open uses of land occur that individually or collectively exceed 3,000 square feet;
- iv. If structural or nonstructural alterations, excluding routine maintenance and repair of the façade of the principal building, exceeds fifty per cent (50%) of the façade's area, to be calculated from the area of the façade or wall used in calculating the maximum allowable sign area;
- v. If there is a change in the existing use of the property requiring a change of use permit from the Enforcement Officer; or
- vi. If an application for a sign permit to add new or additional signage to the premises of a non-conforming sign has been approved.

(2) Signs for Nonconforming Uses:

New signs relating to a properly established nonconforming use in a residential district may be permitted if such signs comply with the requirements of this Article.

(3) Lapse of Sign Permit:

A Sign Certificate shall lapse automatically if the business activity on the premises is discontinued for a continuous period of ninety (90) days or more.

(4) Annexation, Map Amendment, or Text Amendment: Any sign that is made nonconforming by reason of annexation, zoning map amendment, or any subsequent amendment to the text of this Ordinance, shall be removed or brought into compliance as provided in Subsection 9-5-16(1)(1) (Signs Existing on Effective Date).

(m) ENCROACHMENT AGREEMENTS

Development entrance signs, as provided in Table 5-16-2, shall be allowed to encroach on public right-of-way only so long as there is in effect between the owner of the sign and the City an Encroachment Agreement in a form to be determined by the City Attorney. Such Agreement shall at a minimum provide that:

- (1) The sign owner shall not be compensated by the jurisdiction for any loss of or damage to the sign from any cause;
- (2) The sign owner shall remove the sign at the sign owner's expense if the jurisdiction determines at any time that the sign interferes with the public use of the right-of-way;

- (3) The sign owner shall maintain the sign; and
- (4) If the sign projects or is suspended over the public right-of-way, the sign owner shall agree to provide insurance or satisfactory indemnification of the City against liability for injury to persons or property from the sign.

(n) COMPLIANCE WITH THE ORDINANCE

- (1) Removal of Signs: A sign for which a Certificate has lapsed or has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.
- (2) Signs in Right-of-Way: Any sign installed or placed on public property or rights-of-way, except in compliance with this Section or under an encroachment agreement with NCDOT or the City, shall be forfeited to the public and be subject to confiscation.
- (3) Obsolete Signs: Any sign which advertises a business no longer conducted on the premises shall be removed within ninety (90) days of cessation of such business.
- (4) Unsafe Signs: Any sign which is unsafe or insecure, or is a menace to the public shall be removed after due notice has been given by the Enforcement Officer.
- (5) Deteriorated or Abandoned Signs: Any sign which has been abandoned or which has not been properly maintained, to include cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice has been given by the Enforcement Officer.
- (6) Signs Installed without Permit: Any sign which has been installed in violation of the NC Building Code or in violation of this Ordinance shall be removed after due notice has been given by the Enforcement Officer.

(o) VARIANCES

The Board of Adjustment shall have the authority to grant a variance to the height and setback provisions of this Section, but shall not be authorized to grant a variance to the number, size, illumination, or spacing provisions of this Section.

(Ord. No. 93-1, § 1, 2-18-93; Ord. No. 93-113 Pt. 2(§ 1), 9-16-93; Ord. No. 93-113, Pt. 1(§ 1), 12-13-93; Ord. No. 94-44, § 1, 4-21-94; Ord. No. 96-74, Pt. 1, (§1), 12-12-96; Ord. No. 97-84, Pt. 1 (§ 1), 10-2-97; Ord. No. 97-84, Pt. 2 (§ 1), 10-2-97; Ord. No. 97-84, Pt. 3 (§ 1), 10-2-97; Ord. No. 98-67, Pt. 1, (§1), 6-18-98; Ord. No. 99-75, Pt. 11 (§ 1), 10-4-99; Ord. No. 00-21, Pt. 1 (§ 1) 3-2-00; Ord. No. 00-120, Pt 2 (§1), 10-5-00; Ord. No. 01-97, Pt. 1, (§ 1), 11-15-01; Ord. No. 01-98, Pt 1, (§ 1), 12-3-01; Ord. No. 01-100, Pt 2, (§1), 12-20-01; Ord. No. 02-33, Pt.1, 2, 3, & 6, (§) 4-18-02)

9-5-17 THROUGH 9-5-20 (Reserved)