

**ARTICLE 4: USE REGULATIONS, DENSITY AND DIMENSIONAL  
STANDARDS, DEVELOPMENT STANDARDS FOR INDIVIDUAL USES**

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**ARTICLE 4**  
**USE REGULATIONS, DENSITY AND DIMENSIONAL STANDARDS, AND**  
**DEVELOPMENT STANDARDS FOR INDIVIDUAL USES**

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**4-1 Permitted Uses**

**A. Table of Permitted Uses**

1. Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses, Table 4-1-1.
2. In the appropriate columns of Table 4-1-1 uses permitted by right with a zoning permit in the various districts are indicated by a "P"; uses permitted by right with a zoning permit subject to meeting additional development standards (as set forth in Section 4-7, Development Standards for Individual Uses) are indicated with a 'D'; uses requiring a special use permit from the Board of Adjustment are indicated by an 'BA'; and uses requiring a special use permit from the City Council are indicated by a 'S'. Special uses must also comply with the development standards delineated in Section 4-7 as well as any additional standards or conditions required by the permit-issuing board. Permit applications and site plans for the uses designated in Table 4-1-1 with a 'D', 'BA', or 'S' shall demonstrate how compliance with the applicable development standards will be achieved.

*Amended June 6, 2022*

3. A blank space in the table indicates that a particular use is not permitted. Should there be a discrepancy between the Table of Permitted Uses and any other section of this Ordinance as to a use being permissible, the Table of Permitted Uses shall prevail.
4. Exempt uses are indicated by an 'E' in Table 4-1-1.

**B. Formulation of Permitted Use Table**

1. The Standard Industrial Classification (SIC) Manual - 1987 was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Zoning Administrator. SIC codes are used to refer to SIC Classifications. Entries with '0000' in the Reference SIC column do not correspond to any classification in the SIC Manual.

### 4-1-1 Table of Permitted Uses

02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20; 10/04/21; 06/06/22; 07/11/22			Ref.	Development	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	LM	HM
			SIC	Standards												
<b>RESIDENTIAL USES</b>																
<b>Single Unit Residential</b>																
Single-Family Detached Dwelling	0000				P	P	P	P	P	P						
Modular Home	0000				P	P	P	P	P	P						
Manufactured Home, on individual lot (within MH Overlay District Only)	0000	Sec. 4-7.3 A						S								
Patio Home Dwelling	0000	Sec. 4-7.3 B							D	D						
<b>Multiple Unit Residential</b>																
Condominium, less than 2 acres in area	0000	Sec. 4-7.3 C							D	D		D				
Condominium, 2 or more acres in area	0000	Sec. 4-7.3 C							D	D		D				
Manufactured Home Park (within MH Overlay District Only)	0000	Sec. 4-7.3 D					S									
Multifamily Dwelling, less than 2 acres in area	0000	Sec. 4-7.3 E							D	D		D				
Multifamily Dwelling, 2 or more acres in area	0000	Sec. 4-7.3 E							D	D		D				
Townhouse Dwelling, less than 2 acres in area	0000	Sec. 4-7.3 F					D	D	D	D		D				
Townhouse Dwelling, 2 or more acres in area	0000	Sec. 4-7.3 F					D	D	D	D		D				
Two-Family Dwelling (duplex)	0000								P	P						
<b>Group Residential</b>																
Boarding and Rooming House	7021	Sec. 4-7.3 G										D	D			
Family Care Home	8361	Sec. 4-7.3 H			D	D	D	D	D	D						
Group Care Facility	8361	Sec. 4-7.3 I									D		D			
Temporary Emergency Shelter	0000	Sec. 4-7.3 L			D	D	D	D	D	D	D	D	D	D	D	D
<b>Innovative Residential Developments</b>																
Live/Work Combination Dwelling & Nonresidential Use	0000	Sec. 4-7.3 M							D	D	D	D	D	D		
Planned Unit Development	0000	Sec. 4-7.3 N			D	D	D	D	D	D	D	D	D			
Residential Cluster Development	0000	Sec. 4-7.3 O			D	D	D	D	D	D						
Traditional Neighborhood Development	0000	Sec. 4-7.3 P			D	D	D	D	D	D						
<b>ACCESSORY USES AND STRUCTURES</b>																
Accessory Dwelling Unit (on single-family lots)	0000	Sec. 4-7.4 A			D	D	D	D	D	D						
Accessory Dwelling Unit to an Office Use	0000	Sec. 4-7.4 B									D	P	D			
Accessory Uses and Structures (customary)	0000	Sec. 4-1 G			D	D	D	D	D	D	P	D	P	P	P	P
Caretaker Dwelling	0000	Sec. 4-7.4 C			D	D	D	D	D	D	D	D	D	D	D	D
Communication Tower Under 50' in Height	0000	Sec. 4-7.4 D			D	D	D	D	D	D		P	P	P	P	P
Home Occupation	0000	Sec. 4-7.4 E			D	D	D	D	D	D		D				
Satellite Dish Antenna	0000	Sec. 4-7.4 F			D	D	D	D	D	D	P	P	P	P	P	P
<b>RECREATIONAL USES</b>																
Amusement or Water Parks, Fairgrounds	7996															
Athletic Fields	0000	Sec. 4-7.5 A			S	S	S	S	S	S			S		S	S

P = Permitted by right

D = Development standards must be met

E = Exempt from UDO regulation

BA = Special Use request, Board of Adjustment

S = Special Use request, City Council

### 4-1-1 Table of Permitted Uses

02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20; 10/04/21; 06/06/22; 07/11/22	Ref. SIC	Development Standards													
			R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	LM	HM	
Auditorium, Coliseum or Stadium	0000	Sec. 4-7.5 B										S		S	S
Batting Cages, Outdoor	7999	Sec. 4-7.5 C										D		D	
Batting Cages, Indoor	7999											P			
Billiard Parlor, Pool Hall	7999										P	P	P		
Bowling Center	7933											P		P	P
Campground/RV Park	7033	Sec. 4-7.5 D	BA											BA	
Civic, Social and Fraternal Clubs and Lodges	8641	Sec. 4-7.5 E	BA	BA	BA	BA	BA	BA	BA	BA	D	D	D		
Indoor Recreation featuring Coin-Operated Amusements and similar entertainment, except Adult Arcade & Video Gaming Arcade	7993										P	P	P		
Community Center	7999	Sec. 4-7.5 F	BA	BA	BA	BA	BA	BA	BA	BA					
Country Club with Golf Course	7997	Sec. 4-7.5 G	BA	BA	BA					BA		BA	BA		
School for the Arts	7911										P	P	P		
Fortune Tellers, Astrologers	7999										P	P	P		
Go-Cart Raceway	7999														P
Golf Course, Outdoor	7992	Sec. 4-7.5 H	BA	BA	BA							BA		BA	BA
Golf Course, Miniature	7999											P	P	P	
Golf Driving Range	7999											P		P	
Health Club or Gym	7991										P	P	P		
Private Club or Recreational Facility, Outdoor	7997	Sec. 4-7.5 I	D	D	D	D	D	D	D	D	D	P	D		P
Public Park	7990		P	P	P	P	P	P	P	P	P	P	P	P	P
Race Track Operation	7948	Sec. 4-7.5 J													S
Riding Academy, Riding Stables, Equestrian Facility	7999	Sec. 4-7.5 H	S	S											S
Shooting Range, Indoor	7999	Sec. 4-7.5 L												D	D
Skating Rink	7999											P		P	
Sports and Recreation Club, Indoor	7997									P	P	P	P	P	
Swim and Tennis Club	7997	Sec. 4-7.5 N	BA	BA	BA	BA	BA	BA	BA		D	P	D	P	P
<b>EDUCATIONAL AND INSTITUTIONAL USES</b>															
Ambulance Service	4119									P		P		P	P
Cemetery, Columbarium or Mausoleum (Principal Use)	0000	Sec. 4-7.6 A	S	S	S	S						D		P	P
Cemetery, Columbarium or Mausoleum on Same Property as															
Church or Other Place of Worship	0000	Sec. 4-7.6 B	D	D	D	D	D	D	D	D	D	D	D	P	P
Church Or Other Place of Worship	8661	Sec. 4-7.6 C	D	D	D	D	D	D	D	D		P		S	S
College, University, Technical Institute	8220	Sec. 4-7.6 D								S	S	S		D	D
Crematorium												S		P	
Day Care Center, Adult and Child, 5 or Less Clients (accessory use)	8322	Sec. 4-7.6 F	D	D	D	D	D	D	D	P	P	P	P	P	P
Day Care Center, Adult and Child, 6 -12 Clients (principal use)	8322	Sec. 4-7.6 G	S	S	S	S	S	S	S	P	P	P	P	P	P

P = Permitted by right

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BA = Special Use request, Board of Adjustment

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### 4-1-1 Table of Permitted Uses

02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20; 10/04/21; 06/06/22; 07/11/22		Ref.	Development Standards											
	Ref. SIC	Development Standards	R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	LM	HM
Day Care Center, Adult and Child, 13 or More Clients (principal use)	8322	Sec. 4-7.6 G.1	S	S					D	D	P	D	S	S
Elementary or Secondary School	8211	Sec. 4-7.6 H	BA	BA	BA	BA	BA	BA	BA		BA	BA		
Fire Station/Emergency Medical Service	9224	Sec. 4-7.6 I	D	D	D	D	D	D	P	D	P	D	P	P
Government Office	9000								P				P	P
Hospital	8062								P					
Library	8231	Sec. 4-7.6 J	D	D	D	D	D	D	P	D	P	D		
Museum or Art Gallery	8412								P	P	P	P		
National Guard /Military Reserve Center	0000								P	P			P	P
Nursing and Convalescent Home, Rest Home	8050	Sec. 4-7.6 K	S	S	S	S	S	S	S		S	S		
Police Station	9221								P	P	P	P	P	P
Post Office	0000								P	P	P	P	P	P
Retreat/Conference Center	0000	Sec. 4-7.6 M							P		P		D	
School Administration Facility	9411								P		P		P	P
Urgent Care Facility	8093								P		P		P	
Vocational, Business or Technical School	8240								P		P		P	
Wellness Center	8052								P	BA	P	BA	P	
<b>BUSINESS, PROFESSIONAL and PERSONAL SERVICES</b>														
Advertising, Outdoor Services	7312										P	P	P	P
Parking Lot	7521								P	P	P		P	P
Automobile Rental or Leasing	7510									S	P		P	P
Automobile, ATV, and Motorcycle Repair Services, Minor	0000	Sec. 4-7.7 A								S	D	S	D	P
Automobile Repair Services, Major	0000	Sec. 4-7.7 A											S	S
Automobile Towing and Storage Services	7549												P	P
Bank, Savings and Loan, or Credit Union, inc. ATMs	6000								P	P	P	P		
Barber Shop, Beauty Shop, Cosmetic Tattoos	7241	Sec. 4-1.G							P	P	P	P		
Bed and Breakfast	7011	Sec. 4-7.7 B	D	D	D	D			P	D	P	D		
Bicycle Repair	3751									P	P	P	P	
Boat Repair	3730												P	P
Car Wash, Auto Detailing	7542										P			P
Clothing Alteration or Repair	0000									P	P	P		
Contractor Office with Outside Storage Yard	0000	Sec. 4-7.7 C											D	D
Computer Maintenance and Repair	7378									P	P	P		
Craft Studio										P	P	S	P	
Equipment Rental and Leasing (no outside storage)	7350										P		P	P
Equipment Rental and Leasing (with outside storage)	7350	Sec. 4-7.7 D											D	D
Equipment Repair	7690										P		P	
Funeral Home, Crematorium	7261								P	P	P			

P = Permitted by right

D = Development standards must be met

E = Exempt from UDO regulation

BA = Special Use request, Board of Adjustment

S = Special Use request, City Council

### 4-1-1 Table of Permitted Uses

02/04/08; amended 04/07/08, 05/03/10, 07/11/11, 08/05/13, 04/07/14, 10/06/14; 07/09/18; 11/05/18; 03/04/19; 10/17/19; 06/01/20; 10/04/21; 06/06/22; 07/11/22	Ref. SIC	Development Standards													
			R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	LM	HM	
Furniture Refinishing and Repair, Upholstery Shops	7641													P	P
Furniture Display and Showrooms	0000									P		P			
Hotel or Motel, except Adult Motel**	7011									P	P	P			
Insurance Agency, no On-site Claims Inspections	6411									P	P	P	P		
Insurance Agency, with On-site Claims Inspections	6411											P		P	
Kennels, with Outside Runs	0752		S	S										S	S
Kennels, with No Outside Runs	0752	Sec. 4-7.7 E	S	S								P		P	P
Landscape and Horticultural Services	0780											P		P	
Laundromat, Coin-Operated	7215										P	P	P		
Laundry or Dry Cleaning Plant	7211														P
Laundry or Dry Cleaning, Retail Facility	7212									P	P	P	P		
Locksmiths, Gunsmiths	7699										P	P	P		
Makerspace											P	P	S	P	
Martial Arts Instructional School	7999									P	P	P	P		
Medical or Dental Laboratory	8071										P	P		P	
Medical or Dental Offices	8021									P	P	P	P		
Medical Office Park	8011									P		P		P	
Offices, General	0000									P	P	P	P		
Office Uses Not Listed Elsewhere	0000									P	P	P			
Pest or Termite Control Services	7342											P		P	
Photography, Commercial Studio	7335									P	P	P	P		
Appliance Repair	7623													P	P
Services, Miscellaneous Not Listed Elsewhere	7699									BA		P		P	
Shoe Repair or Shoeshine Shop	7251										P	P	P		
Stock, Security, and Commodity Brokers	62									P	P	P	P		
Tattoo Parlor & Body Piercing											P	P	S		
Television, Radio or Electronics Repair	7620											P		P	P
Theater (indoor), except Adult Theater**	7832									P	P	P			
Theater (outdoor)	7833									P		P			
Tire Recapping	7534													P	P
Truck Driving School	8249													P	P
Truck and Utility Trailer Rental and Leasing	0000													P	P
Truck Washing	7542														S
Veterinary Clinic	0742									P		P		P	
Watch, Clock, and Jewelry Repair	7631									P	P	P	P		
Welding Shop	0000														P
<b>RETAIL TRADE</b>															
ABC Store (packaged liquor)	5921										P	P			

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			Antique Store	5932									P	P
Apparel and Accessory Store	5600									P	P	P		
Appliance Store	5722									P	P	P		
Arts and Crafts	0000									P	P	P		
Auto Supply Sales	5531									P	P			
Bakery	5461									P	P	P		
Bar, Night Club, Tavern, Brewpub	5813	Sec. 4-7.8 A								P	D	D		
Bicycle Sales	5571									P	P		P	
Boat Sales	5551										P		P	
Bookstore, except Adult Bookstore**	5942								P	P	P	P		
Building Supply Sales	5211	Sec. 4-7.8 B									D		D	D
Convenience Store, no Gas Pumps	5411									P	P	P	P	P
Convenience Store, with Gas Pumps	5411	Sec. 4-7.8 C								BA	P	BA	P	P
Department, Variety or General Merchandise	5300									P	P			
Drugstore or Pharmacy	5912								P	P	P	P		
Farm Supplies and Equipment	0000	Sec. 4-7.8 H									D		P	P
Interior Decorating	5710									P	P	P	P	
Florist	5992								P	P	P	P		
Food Stores	54	Sec. 4-7.8 D								D	P	D	P	
Fuel Oil Sales	5980										P		P	P
Furniture Sales	5712								P	P	P			
Garden Center or Retail Nursery	5261										P	P	P	
Hardware Store	5251									P	P	P	P	
Home Furnishings, Miscellaneous	5719									P	P	P		
Manufactured Home Sales	5271	Sec. 4-7.8 E									S		S	
Motor Vehicle Sales (new and used)	5511									BA	P		P	P
Office Supplies and Equipment	5999								P	P	P	P	P	
Optical Goods Sales	5995								P	P	P	P		
Paint and Wallpaper Sales	5231									P	P	P	P	
Pawnshop or Used Merchandise Store	5932									P	P	P		
Pet Store	5999									P	P	P		
Radio, Television, Consumer Electronics, and Music Stores	5731									P	P	P		
Retail Sales, Miscellaneous not listed elsewhere	5999									P	P	P		
Recreational Vehicle Sales	5561										P		P	P
Restaurant (drive-in or take out window only)	5812	Sec. 4-7.8 F								D	D	D	P	P
Restaurant (with drive-through)	5812	Sec. 4-7.8 G								D	D	D	P	P
Restaurant (without drive-through)	5812								S	P	P	S	P	P
Service Station, Gasoline Sales	5541	Sec. 4-7.8 I								BA	P	BA	P	P

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			R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	LM	HM		
Shopping Center	0000	Sec. 4-7.8 J										D				
Superstore	0000	Sec. 4-7.8 K										D		D		
Tire Sales	5531											S		P		P
Truck Stop, Travel Plazas	5541	Sec. 4-7.8 L														S
Retail Stores <3,000 square feet (s.f.)											P	P	P			
Retail Stores 3,000 s.f. - 20,000 s.f.											P	P				
Retail Stores 20,000 s.f. - 50,000 s.f.												P				
<b>WHOLESALE TRADE</b>																
Farm Product Raw Materials	515															P
Hardware	5072									S		P		P		P
Petroleum and Petroleum Products, Bulk Storage	517	Sec. 4-7.9 B														BA
Other Hazardous Materials Trade and Storage	4953															BA
Wholesale Trade, not listed elsewhere	0000													P		P
<b>TRANSPORTATION, WAREHOUSING AND UTILITIES</b>																
Airport or Air Transportation Facility	4500	Sec. 4-7.9 A														S
Bulk Mail and Packaging	4212													P		P
Bus Terminal	4100									S				P		P
Broadcast Station	4800											P		P		P
-Broadcast Studio	4800										P	P		P		P
Communications Tower, Public Safety	0000	Sec. 4-7.9 C	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Communications Tower and All Other Radio, Television Towers Over 50' In Height	0000	Sec. 4-7.9 D												S		S
Composting Facility																
Courier Service	4215											P		P		P
Data Center														S		P
Distribution Center	4220													P		P
Farm Product Warehousing and Storage	4221													P		P
Junkyard or Recycling Facility	5093															
Landfill, Construction & Demolition Debris	5093															
Landfill, Municipal Waste																
Landfill, Land Clearing & Inert Debris	4953															
Moving and Storage Service	4214											S		P		P
Outside Storage	0000											S		P		P
Public Works and Public Utility Facilities Essential to the Immediate Area	0000	Sec. 4-7.9 H	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad Station	4010									S	S	S		P		P
Railyard														S		P
Recycling Collection Station or Point	0000													P		P

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			R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	LM	HM	
Wastewater Treatment Plant (Water Resource Recovery Facility)	4952	Sec. 4-7.9 I												S	S
Small Wireless Facility	23713	Sec. 4-7.9.F	D	D	D	D	D	D		D	D	D	D	D	D
Solar Farms		Sec. 4-7.9 G												S	S
Taxi Terminal	4121										P	P			
Telephone Exchange, Transformer Stations	0000	Sec. 4-7.9 K	BA	BA	BA	BA	BA	BA			BA	BA		BA	BA
Transfer Station, Municipal Solid Waste	4953														BA
Transformer Stations	0000	Sec. 4-7.9 K	BA	BA	BA	BA	BA	BA		BA		BA		BA	BA
Trucking or Freight Terminal	4213														P
Warehousing, Assembly & Distribution	4220													P	P
Indoor Warehouse (self-storage)	4225	Sec. 4-7.9 L										D		P	P
Water Treatment Plant	0000	Sec. 4-7.9 M												S	S
Wireless Communications Facility	23713	Sec. 4-7.9.E	D	D	D	D	D	D		D	D	D	D	D	D
<b>MANUFACTURING and INDUSTRIAL USES</b>															
Apparel and Finished Fabric Products	2300													P	P
Bakery Products	2050											S		P	P
Batteries	3691														S
Beverage Products	2086											P		P	P
Cabinet and Woodworking Shops	2434											S		P	P
Carpets, Bedding	0000													S	P
Chemicals, Paints and Allied Products	2800														S
Computer and Office Equipment	3570													P	P
Asphalt, Concrete, Cut Stone and Clay Products	3200														S
Dairy Products	2020														P
Drugs and Pharmaceuticals	283													P	P
Electronic and Other Electrical Equipment	36														P
Food Preparation and Related Products, Miscellaneous	209													P	P
Furniture and Fixtures	2500													S	P
Glass	3200														P
Hardware and Housewares	0000													S	P
Heating, Equipment and Plumbing Fixtures	3430														P
Ice	2097											P		P	P
Industrial and Commercial Machinery	3500														P
Jewelry and Silverware Fabrication, No Plating	3915										P	P		P	
Machine Shop	3599											S		P	P
Manufactured Housing and Wood Buildings	2450													S	P
Metal Fabricating	0000														P
Microbrewery/Microdistillery											S	S		P	P

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			R20	R15	R12	R10	R8	R6	OI	B1	B2	B3	LM	HM		
Millwork, Plywood and Veneer	2430															P
Paper Products	2670													S		P
Printing and Publishing	2700											S		P		P
Research & Development	8730										S	S		P		P
Rubber and Plastics, Miscellaneous	3000															S
Sheet Metal Shop	0000															P
Signs	3993											P		P		P
Soaps and Cosmetics	2840															P
Sporting Goods and Toys	3940													P		P
Textiles	2200															P
Tobacco Products	2110															S
Industry, Light	0000													S		P
Industry, Heavy	0000															S
<b>AGRICULTURAL USES</b>																
Bona fide farm operation except commercial feeder/breeder operation	0000	Sec. 1-5	E	E	E	E	E	E	E	E	E	E	E	E	E	E
<b>MINING USES</b>																
Mining, Quarrying, Sand Pits, Clay and Mineral Extraction	1000	Sec. 4-7.12 A														
<b>TEMPORARY USES</b>																
Arts and Crafts Show	0000										P	P	P	P		
Carnivals and Fairs	7999	Sec. 4-7.13 A									S		D		D	D
Farm Products, Christmas Tree, Pumpkin, Seafood, Firework Stand and Similar Outdoor Seasonal Sales	0000	Sec. 4-7.13 D									D	D	D	D	P	P
Concerts, Stage Show	7920	Sec. 4-7.13 B										D	D			
Convention, Trade Show	0000											P	P	P	P	P
Agritourism	0000	Sec. 4-7.13 C	D													
Health Care Structure		Sec. 4-7.13 F	D	D	D	D	D	D								
Horse Show, Rodeo	7999		S												P	P
Farmers Market	5431	Sec. 4-7.13 E	D	D								D	D	D	D	
Outdoor Religious Event	0000	Sec. 4-7.13 G	S								S	S D	S D		D	D
Temporary Debris Storage and Reduction Sites		Sec. 4-7.13 L	D								D	D	D	D	D	D
Temporary Real Estate Sales or Rental Office (with concurrent building permit for permanent building)	0000		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Construction Office or Security Residence	0000	Sec. 4-7.13 H	D	D	D	D	D	D				D		P	P	
Temporary Portable Storage Containers	0000	Sec. 4-7.13 K	D	D	D	D	D	D				D	D	D	D	D
Temporary and Special Events not Listed Elsewhere	0000	Sec. 4-7.13 I									D	D	D	D	D	D
Turkey Shoot	0000	Sec. 4-7.13 J													D	D
Yard Sale	0000		P	P	P	P	P	P								

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<b>MISCELLANEOUS USES</b>														
Adult Establishment**	0000	Sec. 4-7.14 B												S
Animal Shelter	0752												P	P
Video Gaming Arcade	0000	Sec. 4-7.14 D									S			

**\* Chapter 4 of the City of Mebane Ordinances regulates the keeping of certain animals within the corporate limits of the City of Mebane. Consequently, some animal operations may not be permissible within Zoning districts that are located within the corporate limits.**

**\*\* Adult Establishment includes adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, massage parlor, adult motion picture theater, adult theater, escort agency, sexual encounter studio, or any combination of the foregoing. See Definition in Article 12**

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2. When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it. The SIC Manual shall serve as a guide in classifying any unlisted use. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.
3. Rental and leasing of any commodity shall be permitted under the same classification and in the same districts, as are sales of that commodity, unless rental or leasing of that commodity is listed separately in the Permitted Use Table.

### **C. Permissible Uses Not Requiring Permits**

Notwithstanding any other provisions of this Ordinance, neither a zoning nor a special use permit is necessary for the following uses:

1. Streets.
2. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right of way.
3. Farm buildings except for buildings on a *bona fide* farm used for nonfarm purposes and buildings used for feeder/breeder operations.

*Amended June 6, 2022*

### **D. Change in Use**

1. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:
  - (a) The change involves a change from one principal use category to another.
  - (b) If the original use is a combination use, the relative proportion of space devoted to the individual principal uses that comprise the combination use changes to such an extent that the parking requirements for the overall use are altered.
  - (c) If the original use is a combination use, the mixture of types of individual principal uses that comprise the combination use changes.
  - (d) If there is only one business or enterprise conducted on the lot (regardless of whether that business or enterprise consists of one individual principal use or a combination use), that business or enterprise moves out and a different type of enterprise moves in (even though the new business or

enterprise may be classified under the same principal use or combination use category as the previous type of business). For example, if there is only one building on a lot and a florist shop that is the sole tenant of that building moves out and is replaced by a clothing store, that constitutes a change in use. However, if the florist shop were replaced by another florist shop, that would not constitute a change in use since the type of business or enterprise would not have changed. Moreover, if the florist shop moved out of a rented space in a shopping center and was replaced by a clothing store, that would not constitute a change in use since there is more than one business on the lot and the essential character of the activity conducted on that lot (shopping center-combination use) has not changed.

2. A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than 180 consecutive days or has been abandoned.
3. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

#### **E. Combination Uses**

1. When a combination use comprises two or more principal uses that require different types of permits (zoning or special use), then the permit authorizing the combination use shall be:
  - (a) A special use permit if any of the principal uses combined requires a special use permit.
  - (b) A zoning permit in all other cases.

#### **F. Mixed Uses**

Two or more permitted uses may occupy the same principal building.

#### **G. Accessory Uses**

1. Whenever an activity is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is customarily associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.
2. For purposes of interpreting subsection 1 above:

- (a) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
  - (b) To be 'customarily associated' with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. Without limiting the generality of subsections 1 and 2 above, the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:
- (a) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
  - (b) Hobbies or recreational activities of a non-commercial nature.
4. Table 4-1-1, Table of Permitted Uses outlines the zoning districts in which specific accessory uses are allowed. See also Section 4-2 B for dimensional standards for accessory structures.
5. Application of cosmetic tattoos, also known as permanent makeup, dermagraphics, or micropigmentation shall be permitted as an accessory use within an otherwise lawful beauty shop, spa, or salon located in an O&I or Business zone provided such use constitutes less than fifty per cent (50%) of the total revenues of such establishment. (Amended July 11, 2011)

## **H Temporary Uses**

Temporary uses are established for a limited duration with the intent to discontinue such use upon the expiration of the time period. Table 4-1-1, Table of Permitted Uses outlines the zoning districts in which temporary uses are allowed. See also Sections 4-7.13, A-J for specific standards and requirements for certain temporary uses.

## **I. Prohibited Uses**

Within certain overlay districts some uses are specifically prohibited. The following uses are prohibited in the overlay districts listed.

- 1. WCA Watershed Critical Area Overlay District: The following uses are prohibited:



- (a) New sites for land application of sludge/residual or petroleum-contaminated soils;
  - (b) New landfills;
  - (c) New land uses which use, store, or manufacture hazardous or toxic materials;
  - (d) New land uses which are first permitted in the HM or LM zoning districts; and
  - (e) New underground fuel or chemical storage tanks.
2. GWA General Watershed Area Overlay District: The following uses are prohibited:
- (a) New discharging landfills.
3. FHO Flood Hazard Overlay District: The following uses are prohibited in designated floodways and non-encroachment areas:
- (a) Buildings, including manufactured homes; and
  - (b) Any use that would cause any increase in base flood levels.
4. Open Storage in Business and Manufacturing Zoning Districts: In the B-1, B-2, B-3, and LM zoning districts, open storage is not permitted. In HM zoning districts, outdoor storage is permitted for uses such as building materials sales, plumbing and heating supply houses, contractor offices and storage yards, industrial supplies and equipment sales. However, all outdoor storage must be enclosed by a solid fence at least six feet in height and landscaped in accordance with the provisions of Section 6-4.

## **4-2 Density and Dimensional Requirements**

### **A. Table of Density and Dimensional Requirements**

The density and dimensional requirements for all general zoning districts are found in Table 4-2-1, Table of Density and Dimensional Requirements. No lot created after the effective date of this Ordinance that is less than the lot width required in Table 4-2-1 shall be entitled to a variance from any building setback requirement.

**Table 4-2-1 Table of Density and Dimensional Requirements**  
**(Amended April 7, 2008; January 12, 2015; September 10, 2018; October 4, 2021; June 6, 2022; July 11, 2022)**

<b>Zoning District</b>	<b>Minimum Lot Area (Sq Ft.)</b>	<b>Minimum Lot Width (Ft) **</b>	<b>Front Yard Setback (Ft.)</b>	<b>Side Yard Setback (Ft.)</b>	<b>Rear Yard Setback (Ft.)</b>	<b>Maximum Building Height (Ft)</b>	<b>Maximum Lot Coverage ***</b>	<b>Development Standards</b>
<b>R-20</b>								
Single-family dwelling	20,000*	85	30	10 <i>a</i>	25 <i>g</i>	40	40%	
<b>R-15</b>								
Single-family dwelling	15,000	75	30	10 <i>a</i>	25 <i>g</i>	35	40%	
<b>R-12</b>								
Single-family dwelling	12,000	65	25	10 <i>a</i>	25 <i>g</i>	35	40%	
<b>R-10</b>								
Single-family dwelling	10,000	65	25	10 <i>a</i>	25 <i>g</i>	35	40%	
<b>R-8</b>								
Single-family dwelling	8,000	50	25	10 <i>a</i>	20 <i>g</i>	40	40%	
Two-family dwelling	10,000	65	25	10 <i>a</i>	20 <i>g</i>	40	40%	
Multi-family dwelling <i>k</i>		85		10 <i>a</i>	20 <i>g</i>	50		Sec.4-7.3, E
<b>R-6</b>								
Single-family dwelling	6,000	50	25	10 <i>a</i>	20 <i>g</i>	40	40%	
Two-family dwelling	8,000	65	25	10 <i>a</i>	20 <i>g</i>	40	40%	
Multi-family dwelling <i>k</i>	--	85		10 <i>a</i>	20 <i>g</i>	50		Sec.4-7.3, E
<b>Other Types of Residential Development (see referenced Development Standards Section)</b>								
Patio homes								Sec.4-7.3, B
Condominiums								Sec.4-7.3, C
Manufactured home parks								Sec.4-7.3, D
Townhouses								Sec.4-7.3, F
Live/Work units								Sec.4-7.3, M
Planned Unit Developments								Sec.4-7.3, N
Residential Cluster Developments								Sec.4-7.3, O
Traditional Neighborhood Developments								Sec.4-7.3, P
Manufactured home on individual lot (in MH Overlay District only)								Sec.4-7.3, A

Zoning District	Minimum Lot Area (Sq Ft.)	Minimum Lot Width (Ft)**	Front Yard Setback (Ft.)	Side Yard Setback (Ft.)	Rear Yard Setback (Ft.)	Maximum Building Height (Ft)	Maximum Lot Coverage***	Development Standards
<b>O&amp;I Office &amp; Institutional</b>								
	10,000	70	25	10	20	40		
<b>Commercial Zoning Districts</b>								
B-1 Central Business +	N/A	N/A	0	c, d	0 c	50 h		
B-2 General Business	12,000	50	25 b	c, d	30 c	70		
B-3 Neighborhood Business	5,000	50	20	c, d, i	20	40		
<b>Industrial Zoning Districts</b>								
HM Heavy Manufacturing	35,000	100	50	50	20	150		
LM Light Manufacturing	20,000	75	50 e	35 a	20	150		

\* A minimum of 20,000 sq. ft. is required for lots with public water but not public sewer and 30,000 sq. ft. is required for lots with neither public water nor public sewer or the minimum lot area as determined by the health department to be necessary for an on-site septic system and/or well system, whichever is larger.

\*\* In all zoning districts, the frontage of an individual lot on a public street shall not be reduced below 40 feet.

\*\*\* Maximum lot coverage includes principal and accessory buildings

+ Structures in the B-1 district shall not intrude into the sight triangles

Amended June 6, 2022

N/A Not applicable.

a Corner lots add 8 feet to the street side setback.

b the minimum required front yard setback shall be developed for sidewalk, grass, and/or landscape plantings and necessary driveway entrances.

c Side or rear property lines that abut a residential zoning district shall contain a buffer strip in compliance with the standards of Section 6-4.

Amended June 6, 2022

d Structures may be built on the property line or a minimum of 5 feet from the property line. Any structure built on the property line must have fire walls that comply with the NC State Building Code.

e Except for necessary driveways, the front yard shall not have off-street parking except for visitors and office employees. Parking for non-office employees shall be behind or beside the structure.

f (Reserved)

g Setbacks of detached accessory buildings from rear and side lot lines are governed by Section 4-2, B, 1.

h In the B-1 Central Business Zoning District, every building erected or structurally altered to exceed 50 feet shall be set back from the front line at the ratio of 1 foot for 2 feet rise above said 50 feet but in no case shall the required setback exceed 10 feet. Where lots comprising more than half of the frontage on one side of a block are zoned residential and the lots comprising the remainder of said frontage are zoned business, the height regulations for the residential district shall apply to the lots zoned business.

i In the B-3 Neighborhood Business Zoning District, no side yard shall be required except that buildings erected for dwelling and business purposes shall comply with the side yard regulations of the adjoining residential district.

Amended June 6, 2022

j (Reserved)

k Includes condominiums and townhouses.

**Notes:**

1. Setback distances shall be measured from the street right-of-way line or property line to a point on the lot that is the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it nor a building part allowed to encroach into a setback (see Section 4-3, C).
2. Whenever a greater building setback is required by the NC Building Code, such greater setback shall be provided.
3. See Section 4-3 for calculating setback distance from private streets and for situations where no road private street right-of-way or easement exists.
4. See Section 10-2, D for setbacks on nonconforming lots of record.

## **B. Accessory Uses, Buildings and Structures**

The following requirements are for customary accessory buildings and structures. Other accessory buildings and structures containing specific accessory uses may have additional development requirements found in Section 4-7, Development Standards for Individual Uses.

### 1. Setback and Location Requirements

- (a) Accessory structures no larger than 144 square feet may be located within three feet of a side or rear yard (*amended August 11, 2008*).
- (b) Garages and carports serving not more than two vehicles may be placed in side yards, provided they meet the zoning district setbacks.

*Amended June 6, 2022*

- (c) All other accessory structures shall be located in rear yards and shall be no closer than 10 feet to rear or side yard lines except that permanent swimming pools must comply with the principal building rear and side yard setbacks for the zoning district in which located.
- (d) No accessory structure or building except utility substations and similar appurtenances shall be erected in any easements.

### 2. Number

- (a) In the R-20, R-15, R-12, R-10, R-8 and R-6 zoning districts, the total of all detached accessory structures shall not exceed two on a single lot.
  - (i) Requests for additional accessory structures may be considered by the Board of Adjustment.

*Amended June 6, 2022*

### 3. Lot Coverage

- (a) The land coverage of principal and accessory buildings shall not exceed the maximum lot coverage shown in Table 4-2-1.

### 4. Building Materials

- (a) As allowed by NCGS 160D-702, no accessory building in a designated historic district on the National Register of Historic Places shall have an exterior façade constructed of metals materials.

*Amended August 11, 2008; June 6, 2022*

5. Maximum Height
  - (a) The height of all accessory structures and buildings shall comply with maximum height requirements of the zoning district in which located. However, all accessory building setbacks shall increase one foot for every foot in height over 15 feet.
6. Accessory Use Area
  - (a) The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building.
  - (b) Any other nonresidential accessory use in a residential zoning district shall not exceed twenty-five percent of any of the following measures: building volume, floor area, land area, or any other appropriate measure of usage.
7. Prohibition of Manufactured Home as an Accessory Storage Building
  - (a) In no case shall a manufactured home be used as an accessory building for storage purposes or any other use other than a dwelling unit.
8. Parking of Recreational Vehicles in Residential Areas
  - (a) The parking of recreational vehicles (RVs) in the driveways of residential dwellings shall be considered an accessory use but in no case shall such RVs be occupied as temporary or permanent dwellings.
9. Development Standards for Certain Accessory Uses and Structures
  - (a) Section 4-7.4 contains additional development standards for certain accessory uses such as accessory dwelling units, caretaker dwellings, communication towers over 50 feet in height, home occupations, and satellite dish antennae.
  - (b) Requirements and standards for temporary portable storage containers are delineated in Section 4-7.13, K.

### **C. Mechanical, Utility, and Trash Containment Area**

1. Mechanical and Utility Equipment in Nonresidential Developments Heating, ventilation, air conditioning, and other mechanical and utility equipment, which is located on, beside, or adjacent to any building or development shall be fully screened from the view of streets and adjacent property. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall use building materials and design which are compatible with those used for the exterior of the principal building. Where mechanical and utility equipment is [are] located on the roof

of a structure, all devices will be fully screened from the view of streets or adjacent property after grading or other improvements are made outside or adjacent to the site.

Utility equipment and facilities associated with on-site electric, cable, telephone, gas or other similar utility shall be screened, to the extent possible, with evergreen plantings or other acceptable alternative approved by the Zoning Administrator. It is noted that certain areas around this equipment and facilities must remain clear based on each utility company's guidelines.

2. **Trash Containment Areas**

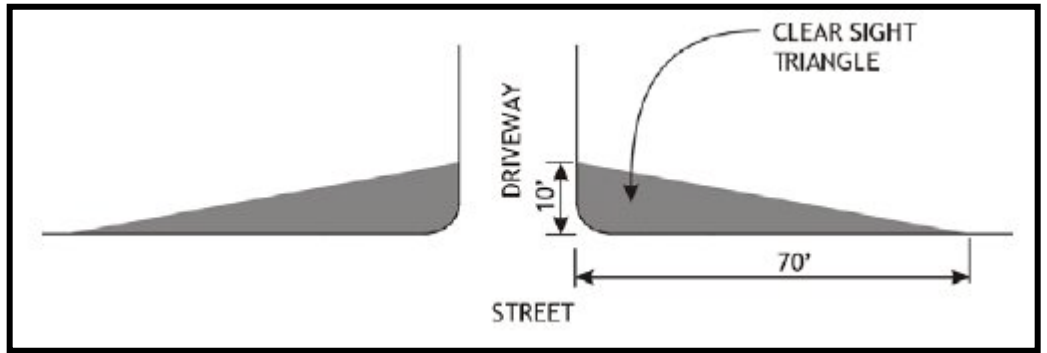
All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. All trash containment devices shall meet the following standards:

- (a) All trash containment areas shall be enclosed so as to not be seen off-site and be enclosed with solid gates to contain windblown litter.
- (b) The enclosure shall be at least 8 feet tall or 2 feet taller than (whichever is greater) the highest point of the compactor or dumpster.
- (c) The enclosure shall be made of a material that is opaque and compatible with the design and materials of the principal building. The preferable material is masonry with solid metal gates; however, wood and other similar material may be used as long as the material used protects the enclosure from damage caused by unloading the trash container.
- (d) All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allows for positive drainage.
- (e) The enclosure shall contain gates to allow for access and security (gates must be maintained in good working order).

*Amended June 6, 2022*

**D. Fences and Walls**

- 1. In all zoning districts, fences in yards shall not impede vehicular visibility or movement at any intersection on the edge of driveways with street lines; nor shall they encroach on the right-of-way of a street. For any corner lot, a sight triangle measuring ten feet from the right of way and extending 70 feet from the edge of each side of the corner lot shall be required when designing the fence dimensions.



*(Amended by Mebane City Council, 06/05/2017)*

2. Nothing in this subsection shall preclude, however, the installation of temporary fences around construction works, erected or maintained pursuant to the NC Building Code or soil erosion and sedimentation control requirements.
3. The following fence types are permitted in all zoning districts:
  - (a) Masonry or stone walls;
  - (b) Ornamental iron, aluminum, or steel;
  - (c) Chain-link or chain-link panel or slat weave, as regulated in residential districts;
  - (d) Wood;
  - (e) Vinyl picket and/or slat; or
  - (f) Welded wire fences framed on all sides by stained wood or masonry at minimum every 8 feet, as regulated in residential districts;
  - (g) Similar materials that may be approved by the Development Director.

*Amended June 6, 2022; July 11, 2022*

**Figure 4-1: Permitted Fence Types**



**a. Masonry or Stone Wall**



**b. Ornamental Aluminum, Iron, or Steel**



**c. Chain Link**



**d.1 Wood**



**d.2 Wood**



**e. Vinyl Picket and/or Slat**



**f. Framed Welded Wire**

*Amended June 6, 2022; July 11, 2022*



4. The following fence types are prohibited:
- (a) Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock;
  - (b) Fences carrying electrical current, except for the purpose of enclosing livestock;
  - (c) Fences constructed of readily flammable material such as paper, cloth, or canvas, except when approved by the Development Director for screening athletic or public facilities;
  - (d) Fences topped with barbed wire or metal spikes in residential districts, except those serving a public institution for public safety or security purposes;
  - (e) Fences constructed of concertina wire and;
  - (f) Fences constructed of welded wire not framed as specified by the standards in Section 4-2, C-3(f).

*Amended June 6, 2022; July 11, 2022*

**Figure 4-2: Prohibited or Restricted Fence Types**



**a. Barbed or Razor Wire**



**b. Electric Fence for Non-Farm Purposes**



**c. Flammable Material**



**d. Concertina Wire**



**e. Welded Wire**

*Amended June 6, 2022; July 11, 2022*

5. Fences shall be maintained in a safe manner plumb (vertical) to the ground. Fences no longer maintained in a safe manner through neglect, lack of repair, manner of construction, method of placement, or otherwise shall be repaired, replaced, or demolished according to current City standards.

*Amended June 6, 2022*

6. Fence Standards
  - (a) Residential:
    - (i) Front Yard: Fences shall not exceed four feet in height. Chain link and welded wire shall not be used in front yards.
    - (ii) Side & Rear Yards: Fences shall not exceed eight feet in height.
    - (iii) Corner Yards: For lots that feature a street frontage on a side yard, fences greater than four feet in height shall be no closer than five (5) feet from the right of way. Otherwise, fence height shall be a maximum of six (6) feet. Materials restrictions in these circumstances are the same as those applying to residential front yards.

*Amended June 6, 2022; July 11, 2022*

- (b) Recreational, Agricultural, and Mining Uses: No fence shall exceed eight feet in height unless the fence observes the required principal building setbacks or is at least fifteen feet from all property lines. Otherwise, no fence shall exceed twelve feet in height.
- (c) Commercial, Industrial, Institutional, Office, or Other Nonresidential Uses: No fence shall exceed eight feet in height unless the fence observes the required principal building setbacks or is at least fifteen feet from all property lines.

- (d) Exceptions: Fence height limitations do not apply to fences built in conjunction with electric or gas substations; municipal solid waste disposal facilities; water or sewage treatment plants or facilities; municipal water storage facilities; public correctional and mental institutions; military facilities; or hazardous or radioactive waste storage or disposal facilities.

7. Measurements:

- (a) Fence height shall be measured at the highest point, not including columns or posts, of the fence section as measured from the grade on the side nearest the abutting property or street.
- (b) Columns or posts shall not extend more than eighteen inches above the built height of the fence. Columns or posts shall be separated by a horizontal distance of at least four feet, except at gates.

*Amended June 6, 2022*

8. Other Fence Requirements

- (a) Obstruction of View: No fence shall be placed or retained in such a manner as to obstruct vision at any intersection with public or private streets.
- (b) Obstruction of Access: No fence shall block access from doors or windows. Fences shall be located at least two feet from building walls except where fences project from a building wall.
- (c) Obstruction of Drainageway: Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.
- (d) Orientation of Barbed Wire: On fences topped with barbed wire, the bottom strand must be at least six feet above grade.
- (e) Within Utility Easements: No fence shall be located within a utility easement without review and approval by the utility provider, including the City.

*Amended June 6, 2022*

- (f) Within Required Planting Areas: The setback of fences within a required planting area shall be subject to the approval of a landscaping plan.

- (g) Fences shall be constructed such that exposed framing faces the interior yard and not a public or private street right-of-way.

#### **E. Zero Side Setback**

1. Zero Side Setback Option: Zero side setback development may be used in any zoning district which permits single-family developments if the development contains ten or more contiguous lots and is served by public sanitary sewer. Zero side setbacks and proposed building locations must be delineated on the approved subdivision plat.
2. Development Standards:
  - (a) Setbacks of zero feet are permitted only where the lots on both of the affected lot lines are part of a zero side setback development.
  - (b) A wall and roof maintenance easement (five feet along one-story walls, ten feet along two-story walls) shall be provided on the opposite side of the zero setback lot line.
  - (c) Whenever one side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.
  - (d) If the side wall of the structure is located on or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. However, windows such as clerestory or translucent windows that do not allow visibility into the side yard of the adjacent lot shall be allowed.
  - (e) The subdivision shall be designated as a zero side setback subdivision on the plat at the time of approval.

#### **F. Dimensional Requirements for Nontraditional Lot Developments**

1. Residential Cluster Developments. Dimensional requirements and standards specific to Residential Cluster Developments are delineated in Section 4-7.3, O.
2. Townhouse Developments. Dimensional requirements and standards specific to Townhouse Developments are delineated in Section 4-7.3, F.
3. Planned Unit Developments. Dimensional requirements and standards specific to Planned Unit Developments (PUDs) are delineated in Section 4-7.3, N.
4. Condominium Developments. Dimensional requirements and standards specific to Condominium Developments are delineated in Section 4-7.3, C.

5. Manufactured Home Parks. Dimensional requirements and standards specific to Manufactured Home Park Developments are delineated in Section 4-7.3, D.
6. Live/Work Developments. Dimensional requirements and standards specific to Live/Work Developments are delineated in Section 4-7.3, M.
7. Traditional Neighborhood Developments. Dimensional requirements and standards specific to Traditional Neighborhood Developments (TNDS) are delineated in Section 4-7.3, P.

### **4-3 Supplementary Dimensional Requirements**

#### **A. Structures Permitted Above Height Limits**

Except as otherwise prohibited by this Ordinance, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

#### **B. Prevailing Front Yard Setback**

Where fifty percent or more of the lots in a recorded subdivision on the same side of the street as the lot in question are developed with less than the required front yard setbacks, the average setback of the two principal buildings nearest that lot shall be observed as the required minimum setback.

#### **C. Encroachments into Required Setbacks**

1. Encroachments Permitted in Required Setback: The following are permitted in required setbacks provided there is no interference with any sight area:
  - (a) Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths;
  - (b) At grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls;
  - (c) Handicapped ramps.
  - (d) Water-dependent structures.

2. Structures Permitted in Required Setbacks: The following structures may encroach into any required setback:
  - (a) Cornices, steps, 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 feet into any required setback, but in no case shall be closer than three feet to any property line; and
  - (b) Porches and decks may encroach into the required front and rear setbacks as follows:

Porch or Deck Type	Setback	Maximum Encroachment	Maximum Area
Covered or Uncovered	Front	3 feet	35 sq. feet
Uncovered Only	Rear	50% of setback	n/a

3. Canopy Projections: Gas station and convenience store pump island canopies may be located in the front setback provided that no equipment or part of a canopy is located closer than 12 feet to a street right-of-way.

**D. Easement and Right-of-Way Encroachments**

1. Utility Easements: In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.
2. Drainage Maintenance and Utility Easements: Water-related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements with the approval of the utility provider having jurisdiction over the easement.
3. The repair and replacement of an encroachment structure damaged by the utility provider is the responsibility of the person(s) owning the encroachment structure.
4. Public Street Rights-of-Way: No structure or landscaping plantings may be placed within a public street right-of-way without the express approval of the public entity having jurisdiction over the right-of-way, as executed by an encroachment agreement signed by all parties.

*Amended June 6, 2022*

**E. Setbacks from Thoroughfares**

Where proposed street alignments have been established, in accordance with an adopted Thoroughfare Plan, building setbacks shall be measured from the future right-of-way line of the proposed street.

#### **F. Setbacks from Private Streets**

Building setbacks from approved private streets shall be the same distance as specified in Table 4-2-1 but shall be measured from the private street right-of-way, private street easement, or the boundary line of the common area reserved for the private street.

#### **G. Setbacks on Flag Lots**

Flag Lots: The 'flagpole' portion of this type of lot shall not be used to calculate building setbacks.

#### **H. Setbacks Where No Rights-of-Way Exist**

In situations where no street right-of-way exists, the setback from the street shall be calculated by adding 30 feet to the applicable front yard setback required in Table 4-2-1.

#### **I. Visibility at Intersections**

No building, structure, wall, fence, shrub or tree shall be erected, maintained, or planted on any lot which will allow an obstruction in the horizontal or vertical sight distance area as defined in Article 12, Definitions.

### **4-4 General Lot Requirements**

#### **A. Principal Buildings per Lot**

Every building hereafter erected or moved shall be located on a buildable lot; and in no case shall there be more than one principal residential building and its accessory buildings on a lot except as provided below:

1. Nonresidential Group Development: Two or more principal nonresidential buildings are permitted on a lot pursuant to a site plan approved by the permit-issuing authority, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be separated at least twenty feet apart.
2. Residential Group Development: Two or more principal buildings are permitted in a multi-family development pursuant to a site plan approved by the permit-issuing authority, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicles. Buildings must be separated at least twenty feet apart.
3. Manufactured Home Park: More than two principal buildings are permitted in a manufactured home park pursuant to a site plan approved in accordance with the provisions of Section 4-7.3, D.
4. Two or More Single-family Dwellings on a Single Tract: Two or more principal single-family residences are permitted on a single, unsubdivided tract pursuant to a site plan approved by the permit-issuing authority provided that the tract contains sufficient lot area,

lot width, and building setbacks for each dwelling. Location of the dwellings on the single tract shall be such that, in the event that the tract is subdivided, each dwelling unit will be situated on a freestanding lot that meets all of the dimensional requirements for the district in which located.

## **B. Lot Dimensions and Standards**

The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:

### **1. Conformance to Other Regulations**

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning district and other use, density, intensity, and dimensional requirements of this Ordinance. Table 4-2-1 delineates minimum density, intensity, and dimensional requirements for each zoning district and Section 7-13 provides for design standards for "Small Lot Residential Subdivisions".

### **2. Minimum Buildable Area**

Every lot shall have at least forty percent of its total area, or 3,000 square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building.

### **3. Lot Line Configuration**

Side lines of lots should be at or near right angles or radial to street lines. No intersecting lot lines shall have an angle of less than 60 degrees.

### **4. Lot Lines and Drainage**

Lot boundaries shall coincide with natural and pre-existing man-made drainageways to the extent practicable to avoid lots that can be built upon only by altering such drainageways. Lots shall have a minimum of one percent grade to streets and/or drainageways. The City recognizes that topographical conditions may exist where the requirement may not be practicable. The absolute minimum for such conditions as approved by the City Engineer shall be 0.5 percent. Utility and drainage easements shall be provided as required in Section 7-12, G.

*Amended June 6, 2022*

## **C. Lots on Streets with Capacity Deficiencies**

1. Public and private streets necessary to serve lots that, in the opinion of the City Engineer or NCDOT, cannot currently be adequately accessed shall be provided as required in Section 7-10, 7-11, and 7-12, and as approved by the City Engineer and NCDOT (if applicable). Capacity deficiencies may warrant the prohibition of the issuance of a Certificate of



Occupancy or the platting of lots with direct vehicular access to public or private streets.

2. Whenever a proposed subdivision abuts any major or minor thoroughfare or a major collector (as delineated on the latest adopted Thoroughfare Plan), the Planning Board, based upon the recommendation of the City Engineer or NCDOT, may prohibit the platting of lots with direct vehicular access to such roads. The Planning Board's decision to require alternative access shall be based upon the need to provide safe access to proposed lots, reduce interference with the existing traffic pattern and flow, and provide buffering of the proposed lots from adverse effects from traffic noise. Whenever a subdivision fronts on an arterial road or highway, the Planning Board may require a marginal access street to provide access to lots fronting on the arterial road or highway.
3. All developments that may possibly utilize an existing street network with known capacity and service deficiencies or realize them through approval of the development, shall provide the City with a Traffic Impact Analysis, as provided in Section 7-15. Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the City Engineer or the NCDOT, as applicable.
4. Subdivisions that propose lot layouts such that buildings will front on an interior street, and which will have rear yards directly adjacent to major thoroughfare roads shall provide a minimum 30-foot wide Type B streetscape that complies with the planting requirements of Section 6-4, D, adjacent to the major thoroughfare road.

*Amended June 6, 2022*

#### **D. Street Access Requirements**

1. **Access to Public Street Required:** Every lot shall abut and have direct access to a publicly maintained street as provided in Section 7-10, 7-11, and 7-12, except as provided for in this Section. All nonresidential lots shall provide a means of pedestrian access from the public right of way to a primary building entrance. No building or structure shall be constructed, erected, or placed on a lot that does not abut and have direct access to a publicly maintained street, except as provided in this Section.

*Amended June 6, 2022*

2. **Dead-End Streets:** For purposes of this Section the terminus of a dead-end street does not provide the required access to a publicly maintained street unless that terminus is a circular turnaround or other turnaround design approved and constructed in conformance with Article 7, Subdivisions Procedures and Standards.

3. Cluster and Planned Development: Private streets are discouraged but may be used to meet access requirements for lots in Residential Cluster Developments and for lots in Planned Unit Developments, provided the development has direct access to a publicly maintained street and the private streets comply with the requirements of Section 7-10, H, and 7-11.

*Amended June 6, 2022*

4. Townhouse and Condominium Developments: Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty-four feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with approval from the City Engineer. Streets in townhouse and condominium developments shall comply with the requirements of Sections 7-10, H, and 7-11.

*Amended June 6, 2022*

5. Manufacturing Home Park: Manufactured home park lots or spaces developed in accordance with Section 4-7 F.
6. Nonresidential Group Development: Individual parcels, whether leased or sold, in a nonresidential group development shall have shared rights of access along private streets and/or along private drives at least twenty-four feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an Owners' Association, or all owners acting collectively pursuant to a binding agreement.
7. Flag Lots shall require approval by the Board of Adjustment unless otherwise exempted by NC General Statutes, as reflected in Section 7-2. All flag lots shall meeting the following requirements:
  - (a) A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
  - (b) Flag lots shall be approved only where the configuration of the parcel or site features warrant such a lot design. Authorizing a flag lot design is intended to accommodate a particular extenuating circumstance which makes traditional lot design infeasible. Therefore, flag lots should be judiciously approved.
  - (c) The maximum flagpole length shall be 300 feet;
  - (d) The minimum flagpole width shall be 25 feet;

- (e) The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. (Note: the 'flagpole' portion of the lot is not used to calculate area, width, depth, coverage, and setbacks of the lot or to provide off-street parking);
- (f) The minimum separation between the 'flagpole' portion of the lot and that of another flag lot shall be 150 feet;
- (g) Where public water is available, any building on the flag lot must be within 500 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;
- (h) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged. The preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole; and
- (i) No resubdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street.

*Amended June 6, 2022*

- 8. Exceptions: Special purpose lots may provide access via easement in accordance with Section 4-6, Special Purpose Lots

**E. Group Development**

- 1. Parking and Landscaping: A nonresidential group development shall be treated as a single lot for purposes of providing required off-street parking and required planting yards, even if outparcels for sale are included within the development.
  - (a) If the entire development meets the total off-street parking requirement, it is not required that each parcel provide all the required parking for the use thereon.
  - (b) If required buffer yards are provided along the development perimeter, including street frontages, and requirements for parking lot planting are met, buffer yards are not required along property lines and lease lines between two parcels within the group development.
- 2. Plat and Notice Requirements: If the owner of a development elects to organize it in as group development, a plat shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-street parking and be subject to a common

signage plan and a common landscaping plan. The note shall further state that should the property cease function as a group development, the property will then be in violation of this Ordinance and shall be retrofitted with conventional parking and landscaping, even if doing so requires the removal of previously installed improvements.

3. Uniform Design Plan: Exterior building materials, roof pitches, colors, awnings, signs, and outdoor lighting used in a group development shall be coordinated so as to provide a uniform design scheme for the entire development. The uniform design plan shall be submitted for review at the time of site plan submission. The uniform design plan shall include drawings, specifications, dimensions, and maps and shall conform with requirements and standards of Sections 6-2, Building Design and Architectural Character.

#### **F. Water and Sewage Disposal Requirements**

Every lot shall be served by a water supply system and a sewage disposal system that (i) is adequate to accommodate the reasonable needs of the proposed use of the lot and (ii) complies with all applicable City of Mebane provided in Section 7-6.4 and county health department regulations.

*Amended June 6, 2022*

### **4-5 Lot Size Reduction Prohibitions**

#### **A. Single Lot**

No lot shall be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased.

#### **B. Buildable Lot**

Where two or more contiguous lots in one ownership collectively form a buildable lot, that lot shall not be reduced in size so that noncompliance with respect to any frontage, building coverage, area, built-upon area, width, setback, parking, buffer yard, or signage requirement of this Ordinance is created, nor shall any existing nonconformity or violation be increased. An Instrument of Combination (or similar document or procedure) shall be prepared and recorded where two or more contiguous lots in one ownership collectively form a buildable lot.

#### **C. Exemption**

These prohibitions shall not apply to county, municipal or state acquisition of land.

### **4-6 Special Purpose Lots**

Requirements of this Article with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewer lift stations, and similar utility uses. Such lots shall comply with the requirements below.

**A. Minimum Size**

The special purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this Ordinance, buffer yards.

**B. Access Easement**

If the special purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of 20 feet shall be platted.

**C. Platting**

The subdivision to create the lot shall be approved in accordance with Article 7, Subdivisions Procedures and Standards. The final plat shall label the lot as a 'Special Purpose Lot for use as \_\_\_\_\_'.

**4-7 Development Standards for Individual Uses**

**4-7.1 Application of Development Standards**

The development standards listed herein are additional to other requirements in this Ordinance, notably the Design Standards established in Article 6 and the Subdivision Standards established in Article 7, as relevant. These development standards are use-specific and apply to those uses designated with a 'D' in Table 4-1-1, Table of Permitted Uses. Uses requiring approval of a special use permit (designated with a 'BA' or a 'S' in Table 4-1-1) shall also be subject to these standards as well as any additional standards or conditions required by permit-issuing board. Permit applications and site plans for these uses shall demonstrate how compliance with the applicable development standards will be achieved. Should there be a discrepancy between the Table of Permitted Uses and any other section of this Ordinance as to a use being permissible, the Table of Permitted Uses shall prevail.

*Amended June 6, 2022*

**4-7.2 Development Standards for All Uses**

**1. General Standards for All Uses**

The following rules apply to all development standards and uses listed below:

**a. 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.

**b. 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 or edge of a proposed use to the nearest point on the wall of the

principal building from which the subject building is to be separated, unless otherwise specified.

**c. 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 and support the needs of pedestrians. Outdoor lighting shall comply with the standards delineated in Section 6-6.

*Amended June 6, 2022*

**d. Noise Levels**

Unless otherwise specified herein, all uses shall comply with the requirements delineated in Chapter 14, Article IV of *the City of Mebane Code of Ordinances*. If any requirement in this Ordinance exceeds those of the City Code, the more restrictive standard shall apply.

*Amended June 6, 2022*

**e. Landscaping and Buffering**

Unless a more stringent requirement is specifically delineated specified elsewhere in this Article, the minimum screening, buffering, and landscaping standards contained in Section 6-4 are applicable to all uses.

*Amended June 6, 2022*

**4-7.3 Development Standards for Residential Uses**

Development standards applicable to particular residential uses identified in Table 4-1-1, Table of Permitted Uses include:

**A. Manufactured Home on Individual Lot (within MH Overlay Zoning District Only)**

**1. Where Development Standards are Required: R-10 districts.**

**2. General Requirements**

- (a) Class A manufactured dwellings may be permitted on single family lots in the R-10 residential zoning district provided overlay district zoning is approved by the City Council in accordance with the provisions of Ordinance. All requirements of this Ordinance applicable in the R-10 zoning district shall apply. In addition each manufactured dwelling shall be:

- (1) Occupied only as a single family dwelling;
- (2) Have a minimum width of 16 feet;
- (3) Have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part (towing apparatus, wheels, and transporting lights are not included in length and width measurements);
- (4) Have a minimum of 1,000 square feet of enclosed and heated space;
- (5) Have the towing apparatus, wheels, axis and transporting lights removed;
- (6) Have the longest axis oriented parallel or within a ten degree deflection of being parallel to the lot frontage, unless other orientation is permitted as a variance approved by the Board of Adjustment following a public hearing;
- (7) Set up in accordance with the standards established by the NC Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the NC Building Code for One-and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter;
- (8) Have exterior siding comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following:
  - a. Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
  - b. Cedar or other wood siding;
  - c. Wood grain, weather-resistant press board siding;
  - d. Stucco siding; or
  - e. Brick or stone siding.
- (9) Have a roof pitch minimum vertical rise of three feet for each twelve feet of horizontal run;

- (10) Have the roof finished with a Class C or better roofing material that is commonly used in standard residential construction;
  - (11) Have an eave projection for all roof structures of no less than six inches, which may include a gutter;
  - (12) Have stairs, porches, entrance platforms, ramps, and other means of entrance and exit installed or constructed in accordance with the standards set forth in the NC Building Code, anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet; and
  - (13) Be connected to the municipal water and sewer system.
- (b) Minimum Development Size
- (1) Ten existing contiguous lots in single-ownership covering at least 90,000 square feet, excluding public street right-of-way; or
  - (2) 120,000 square feet of land, excluding public street right-of-way.

*Amended June 6, 2022*

## **B. Patio Home**

### **1. Where Development Standards are Required: R-8 and R-6 districts.**

### **2. General Requirements**

- (a) A patio home is a type of single-family dwelling on a separate lot that is shifted to one side of the lot, i.e., placed on the lot so that one side setback is zero or nearly zero. A patio home may be an attached or detached dwelling.
- (b) The minimum development area for a patio home development is 10 acres.
- (c) The minimum lot area per patio dwelling unit shall be 4,000 square feet. However, the maximum density of patio homes shall not exceed that allowed for multifamily dwelling units for the zoning district in which located.



- (d) The total minimum side setback shall be 20 feet. Only one side setback is required. Patio home developments utilizing zero side setbacks shall comply with the zero side back requirements of Section 4-2, D.
- (e) The minimum lot width shall be 40 feet.
- (f) Minimum recreational space shall be provided as required in Section 6-8.1.
- (g) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection (f) above.

## **C. Condominium**

### **1. Where Development Standards are Required:**

R-8, R-6, and B-1 districts.

*Amended October 4, 2021*

### **2. General Requirements:**

- (a) Condominiums are a type of housing in which the ownership of the occupancy rights to the dwelling unit is individually owned or for sale to any individual and such ownership is not inclusive of any land.
- (b) Plans for all condominium developments built on two or more acres require conditional zoning.  
  
*(Amended November 5, 2018)*
- (c) Density: The number of units per acre shall be the same as that permitted for multifamily housing in the zoning district where the condominium development is located.
- (d) Timing: The proposed schedule of development likely to be followed shall be submitted
- (e) Minimum recreational shall be provided as required in Section 6-8.1.

### 3. Common Areas:

Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plat as an area to be held in separate ownership for the use and benefit of residents of the development.

- (a) Easements over the common areas for access, ingress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.
- (b) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.
- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 2, (e) above.
- (d) Common areas shall comply with the requirements of Section 6-8.

### 4. Plans and Declaration:

Before a declaration establishing a unit ownership development may be recorded in the office of the Alamance/Orange County Register of Deeds as prescribed in the North Carolina Unit Ownership Act, the draft declaration shall be submitted along with a site plan and drawings describing the following:

- (a) The plan of proposed development shall be prepared and shall contain the following particulars:
  - (1) The unit designation of each unit and a statement of its location, approximate area, number of rooms, and immediate common area to which it has access and any other data necessary for its proper identification;
  - (2) Description of the general common areas and facilities as defined in the North Carolina Ownership Act and the proportionate interest of each unit owner therein;
  - (3) Description of all boundary lines between portions of the structures designed for different ownership;

- (4) Description of all garages, balconies, patios, etc. which for a part of each unit;
- (5) Description of any special common areas and facilities stating what units will share the same and in what proportion;
- (6) Proposed provision for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer;
- (7) Description of signage and parking areas. Parking shall be provided at a ratio of 1.5 spaces per dwelling unit;

*Amended June 6, 2022*

- (8) Proposed solid waste storage facilities;
  - (9) Proposed water system and fire fighting facilities;
  - (10) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles.);
  - (11) Location and heights of all fences, walls and hedges;
  - (12) Provisions for control or erosion and water run-off;
  - (13) Lighting plan; and
  - (14) Location and amount of recreation area.
- (b) All plans and construction details must meet the current specifications of the City of Mebane.

## **5. Placement of Buildings:**

- (a) There shall be maintained at least 10 linear feet of open space between individual and unattached buildings of one story 20 linear feet between two story buildings in a condominium development.

*Amended June 6, 2022*

- (b) Setbacks from public street right-of-ways shall be the same as required by the zoning district where the condominium development is located.

- (c) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of the courtyard open for access by emergency vehicles.

Because a final plan may not be possible until an engineering survey has been made of the constructed condominium, City Council may permit the applicant to build as a conditional zoning district, providing all items other than final engineering survey data of boundary lines have been provided by the applicant and approved by Council. No declaration and plan shall be recorded until all final boundary descriptions have been added to the plan and approved by the Zoning enforcement Officer.

*Amended November 5, 2018*

## **6. Homeowners Association:**

- (a) The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a legal entity before or as part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site. The homeowners association shall comply with the standards of Article 7, Section 7-7.
- (b) The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas of assessments for a period of six months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, or assigns. The governmental authority may then either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

- (c) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed, shall constitute a lien on the residence of the owner.
- (d) As part of the approval process, the developer shall submit to the city the following documents for review:
  - (1) Proposed Articles of Incorporation: Such articles of incorporation shall provide for homeowners' control when over 50% of the dwelling units are sold.
  - (2) Proposed Bylaws: Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.
  - (3) Proposed annual budget: A proposed annual budget shall show monthly assessments which must be set at a sufficient level to insure success of the association.
  - (4) Proposed restrictions and covenant for the common area and residential sites shall be written.

**D. Manufactured Home Park (permissible within MH Overlay Zoning District Only)**

**1. Where Development Standards are Required:**

R-10 districts.

**2. General Requirements:**

- (a) No person shall construct a manufactured home park or make any addition to an existing manufactured home park that either alters the number of sites for manufactured homes within the park or affects the facilities required therein until he/she first secures a permit authorizing such construction or additions. The construction of or addition to a manufactured home park shall be in accordance with the provisions of this Section.
- (b) Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be

added to any manufactured dwelling provided that the building setback within the manufactured home space can be met and a building permit is issued by the City.

- (c) Within a manufactured home park, one manufactured home may be used as an administrative office.
- (d) Convenience establishments of a commercial nature may be provided within a manufactured home park and shall be limited to food stores, coin-operated laundromats, beauty parlors, and barber shops. These may be permitted in manufactured home parks subject to the following restrictions:
  - (1) Such establishments shall be subordinate to the residential use and character of the park.
  - (2) Such establishment shall present no visible evidence of their commercial character from any portion of any residential district outside the park.
  - (3) Such establishment shall be designed to serve the trade and service needs of the park residents only.
- (e) Every manufactured home park owner or operator shall maintain an accurate register containing a record of all occupants and owners of manufactured homes in the park. The register shall be available for the inspection at all times by the Zoning Administrator. The register shall contain the following information:
  - (1) Name of owner or occupant;
  - (2) Manufactured home space address;
  - (3) Make, model, and registration; and
  - (4) Date when occupancy within the manufactured home park begins and date when occupancy within the manufactured home park ceases.
- (f) The person to whom an operating permit for a manufactured home park is issued shall operate the park in compliance with this Section and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in a clean and sanitary condition.
- (g) The area beneath a manufactured home must be fully enclosed with durable skirting within 90 days of placement in the manufactured home park. Skirting shall comply with the requirements of Section 4-7.3.A

### 3. Plan Review Process:

- (a) A preliminary site plan shall be submitted to the Planning Board for review and approval prior to referral of the project to the City Council for a special use permit. Such preliminary plan shall be drawn at a scale of not less than 100 feet to the inch and shall show the following on one or more sheets:
- (1) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park; date, approximate north arrow, and scale; and the boundary line of the tract with accurate linear and angular dimensions drawn to scale.
  - (2) Locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, sidewalks, pathways, water mains, sewers, culverts, drainpipes, and utility easement on the land to be developed as a manufactured home park. The names of adjoining parcels of unsubdivided land shall also be shown.
  - (3) The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exists, walkways, easements, recreation areas, parks and other spaces, reservations, trailer spaces and building lines within the park. This information should be graphical only, not requiring detailed computations or filed work, above that required to obtain the above information.
  - (4) Plans of proposed utility layouts (sewer lines, water lines, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plan for electric lighting; and the location and number of garbage receptacles. When deemed necessary by the City, profiles of all proposed streets, sidewalks, curbs, and associated infrastructure showing natural and finished grades drawn to scale of not less than one inch equals forty feet horizontal and one inch equals four feet vertical.  
*Amended June 6, 2022*
- (b) Two copies of the final plan shall be submitted to the Planning Board for review and submitted to the City Council for final approval. The final plan shall be prepared on mylar (reproducible film) and shall contain the information prescribed below and shall conform with the preliminary plan as approved. If desired by the applicant, it may constitute only that portion of the approved preliminary plan

to be developed at the time; provided, however, that such portion conforms to the minimum requirements of this Section. The final plan shall be drawn upon reproducible sheets either 15 inches by 21 inches or 20 inches by 24 inches in size, to a scale of not less than one inch equals 100 feet. It shall contain the following:

- (1) A site plan for the manufactured home park.
- (2) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park.
- (3) Date, approximate north arrow and scale.
- (4) The boundary line of the tract with accurate linear and angular dimensions drawn to scale.
- (5) The names, locations and dimensions of proposed streets, alleys, driveways, entrances, exists, walkways, easements, recreation areas, parks, and other open spaces, reservations, manufactured home spaces and building lines within the park. The information should be drawn accurately with detailed computations and field work completed.

#### **4. Utilities Required:**

- (a) Water. An adequate and safe supply of water shall be readily available at the manufactured home park site. This requirement shall be deemed to have met: (i) when an approved connection is made to the municipal water system, or (ii) when an independent water supply capable of furnishing three-hundred (300) gallons of water per day per available manufactured home space and which has been approved by the County Health Department as a safe supply of drinking water is available on the manufactured home park or manufactured home lot site.
- (b) Sewer. Each manufactured home park shall be required to have a connection with a municipally approved sanitary sewer system in the manner as required or, if located beyond the municipal service area, a sanitary sewer system approved by the County Health Department. Any extension of the municipal sanitary sewer system required to comply with this requirements shall be made in accordance with the utility extension ordinance or policies of the City of Mebane then in effect. No waste water from washing machines or similar sources shall be discharged on the ground or in streams.



- (c) Electricity. Each manufactured home so parked in accordance with this ordinance must have an individual metered connected to an electric supply and must have an approved fuse disconnect box at the metered location.
- (d) Street Lighting Requirements: All streets in the manufactured home park shall be adequately illuminated from sunset to sunrise. The minimum size streetlight shall be 175 watt (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet, and, preferably at intervals of 30 – 50 feet for pedestrian scale lighting.

*Amended June 6, 2022*

## **5. Site Development Requirements:**

Site requirements for all manufactured home parks shall be as follows:

- (a) The minimum lot size, tract or parcel of land to be used for a manufactured home park shall not be less than five (5) acres in size, and shall contain at least nine (9) manufactured home spaces as defined in this section. In no event shall there be more than seven (7) manufactured homes per acre.
- (b) The minimum lot size for each manufactured home space shall be 5,000 square feet.
- (c) No manufactured home shall be located closer than thirty (30) feet to any public street or exterior boundary line of the manufactured home park.
- (d) Off-street parking shall be provided as required in Table 6-5-1. Parking spaces shall not be located within any road or road right-of-way in the park. Guest and overflow parking shall be provided so as to be readily accessible to all manufactured home spaces. Parking spaces shall be designed in accordance with the requirements of Section 6-5.
- (e) Ingress and egress to the manufactured home park shall be made accessible only through driveways or opening not exceeding (25) feet in width at the curb line of the street. Interior streets shall be graded to a width of (33) feet and finished grade, cross-section and profile shall be approved by the city. All interior streets shall have a width of (21) feet if no parking is permitted on either side; or (31) feet if parking is permitted on one side of the street; or (41) feet if parking is permitted on both sides of interior streets. All interior streets shall be paved, curbed and guttered. No

manufactured home space shall have direct vehicular access to a public street. At least one entrance from a public road shall be provided to the manufacture home park for each 50 manufactured home spaces or fraction thereof.

*Amended June 6, 2022*

- (f) No manufactured home shall be located closer than (30) feet to the nearest other manufactured home or structure.
- (g) Cul-de-sacs shall be provided with a turnaround having a 40-foot radius. All interior streets shall be retained as private streets on the manufactured home park property.

*Amended June 6, 2022*

- (h) A minimum of 1,500 feet square per manufactured home space shall be reserved as useable open space. Private open space requirements and standards are more fully delineated in Section 6-8.3. In addition, at least 750 square feet of recreation space per manufactured home space shall be provided for private recreation space for the residents of the manufactured home park. No such recreation area shall contain less than 4,500 square feet. Recreational space requirements and standards are more fully delineated in Section 6-8.2.
- (i) The manufactured home park shall have a buffer strip between it and all adjacent properties. Such buffer strip shall comply with the standards of Section 6-4.
- (j) Manufactured Home Parks shall be located on ground that is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park. National Flood Insurance elevations shall be used to determine areas susceptible to flooding.

## **6. Facilities Required:**

Each manufactured home park shall provide minimum facilities for occupants as follows:

- (a) **Plumbing Installations:** All plumbing installations shall conform to any and all applicable city and state building and plumbing codes. Furthermore, each manufactured home shall be required to make separate connection with sanitary sewer facilities or Health Department approved septic tanks

immediately upon occupying a manufactured home site. A minimum of four-inch connections shall be required and shall have approved fittings to ensure a water-tight connection and means for capping or closing such connection when it is not in use.

- (b) Garbage and Recycling Containers: At least one covered garbage and recycling container (96 gallons maximum capacity) shall be provided for each manufactured home; containers shall be placed on racks and such racks shall be located within the manufactured home par at a point which is readily accessible for collection and screened from public view. In lieu of requiring individual garbage and trash containers for each manufactured home, other approved garbage and recycling disposal facilities may be provided with the approval of Orange/Alamance County Health Department.
- (c) Concrete Pads: Each manufactured home must be provided with a minimum of (10) feet by (10) feet concrete pad at front entrance or an approved porch constructed in accordance with building code requirements.

*Amended June 6, 2022*

#### **7. Conflict with Health Department Regulations:**

In the event the State or County Board of Health has adopted or adopts regulations governing manufactured homes or manufactured home parks, the requirements of this Ordinance or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

#### **8. Signs:**

Signs shall comply with the requirements of Section 6-7.

### **E. Multifamily Dwelling**

#### **1. Where Development Standards are Required:**

R-8, R-6, and B-1 districts.

*Amended October 4, 2021*

#### **2. General Requirements:**

- (a) Multi-family dwelling units are intended for renter occupancy and include no land or common ownership as an incidence of occupancy.
- (b) Plans for all multifamily units built on two or more acres require conditional zoning.

*Amended November 5, 2018*

- (c) Density: The number of units per acre shall be the same as that permitted for multi-family housing in the zoning district in which located.
- (d) Recreational space: Minimum private recreational space shall be provided as required in Section 6-8.2.
- (e) Open Space: The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3. The minimum amount of private common open space required by this subsection is in addition to the minimum private recreational space required in subsection (d) above.

### **3. Site Development Requirements:**

- (a) Parking: Off-street parking shall be provided as required in Table 6-5-1. Guest and overflow parking shall be provided so as to be readily accessible to all dwelling units. Parking spaces shall be designed in accordance with the requirements of Section 6-5.
- (b) Screening: Screening shall be provided in accordance with the requirements of Section 6-4. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-4, the minimum height of the berm shall be six feet.
- (c) Signs: Signs shall comply with the requirements of Section 6-7.
- (d) Private Drives: Private drives are allowed to connect parking areas and groups of multifamily units to public streets. These drives shall be constructed to the same standards as public streets except that the minimum pavement width shall be sixteen feet. Parking shall not be allowed on private drives except where approved parking bays are provided. A T-turnaround shall be provided for drives of less than 100 feet in length; a 70-foot diameter cul-de-sac is required for longer drives.

- (e) Vehicular Access: There shall be no direct vehicular access from an individual dwelling unit to a collector or higher capacity public street.
- (f) Area Lighting: All private drives and parking areas shall be illuminated from sunset to sunrise with a minimum light of approximately 7,000 lumens (175 watts), spaced 350 feet apart, and, preferably at intervals of 30 – 50 feet for pedestrian scale lighting. Exterior lighting shall comply with the standards of Section 6-6.

*Amended June 6, 2022*

- (g) Utility Requirements: Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (h) Fire Safety: All water mains shall be six inches or larger with fire hydrants located in accordance with the requirements of the City of Mebane.

#### **4. Site Plan Requirements:**

The site plan shall show the location, of the buildings, streets, walkways parking areas, recreational acres and facilities within the site and all existing building and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.
- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.
- (c) Proposed provisions for storm drainage and sanitary sewer, approved by an NC certified registered engineer.
- (d) Size and proposed location of any signs
- (e) Proposed solid waste storage facilities
- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections
- (g) The location and heights of all fences, walls and hedges shall be shown.
- (h) Provisions for control of water run-off and erosion.
- (i) Lighting plan.

- (j) Location and amount of recreation and open area.
- (k) Landscaping and buffering plan prepared in accordance with the standards of Section 6-4.

All plans and construction details must meet current specifications of the City of Mebane.

**5. Placement of Buildings:**

- (a) There shall be maintained at least 10 linear feet of open space between individual and unattached buildings of one story and 20 linear feet between two story buildings in a multifamily development.  
*Amended June 6, 2022*
- (b) Setbacks from public street right-of-ways shall be the same as required by the zoning district where the multifamily development is located.
- (c) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of the courtyard open for access by emergency vehicles.

**F. Townhouse Dwelling**

**1. Where Development Standards are Required:**

R-10, R-8, R-6, and B-1 districts.

*Amended October 4, 2021; June 6, 2022*

**2. General Requirements:**

- (a) A townhouse is a type of housing with one or more structures containing a total of two or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with North Carolina State Building Code.
- (b) Plans for all townhouse developments built on two or more acres require conditional zoning.

(Amended November 5, 2018)

- (c) Density: The number of units per acre shall be the same as that permitted for multi-family housing in the zoning district where the townhouse development is located.

### 3. Common Areas:

Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plat as an area to be held in separate ownership for the use and benefit of residents of the development.

- (a) Easements over the common areas for access, ingress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.
- (b) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.
- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 4, (g) below.

### 4. Site Development Requirements:

- (a) Parking: Off-street parking shall be provided as required in Table 6-5-1. Guest and overflow parking shall be provided so as to be readily accessible to all dwelling units. Parking spaces shall be designed in accordance with the requirements of Section 6-5.
- (b) Screening: Screening shall be provided in accordance with the requirements of Section 6-4. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-4, the minimum height of the berm shall be six feet.
- (c) Signs: Signs shall comply with the requirements of Section 6-7.
- (d) Area Lighting: All private drives and parking areas shall be illuminated from sunset to sunrise with a minimum light of

approximately 7,000 lumens (175 watts), spaced 350 feet apart, and, preferably at intervals of 30 – 50 feet for pedestrian scale lighting. Exterior lighting shall comply with the standards of Section 6-6.

*Amended June 6, 2022*

- (e) Utility Requirements: Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (f) Private Drives: Private drives are allowed to connect parking areas and groups of townhouse units to public streets. These drives shall be constructed to the same standards as public streets except that the minimum pavement width shall be sixteen feet. Parking shall not be allowed on private drives except where approved parking bays are provided. A T-turnaround shall be provided for drives of less than 100 feet in length; a 70-foot diameter cul-de-sac is required for longer drives.
- (g) Minimum recreational space shall be provided as required in Section 6-8.1.

#### **5. Placement of Buildings:**

- (a) Setbacks from public street rights-of-way shall be the same as required by the zoning district where the townhouse development is located.
- (b) Rear Yard: 20 feet
- (c) Side yard for end dwelling: 15 feet
- (d) Lot Width: 20 feet
- (d) At least 15 linear feet of open space shall exist between individual and unattached buildings in a townhouse development.

*Amended June 6, 2022*

#### **6. Site Plan Requirements:**

The site plan shall show the location of the buildings, streets, alleys, walkways, parking area, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within 100 feet in addition to public or private easements or rights-of-way



adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.
- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.
- (c) Proposed provision for storm drainage and sanitary sewer, approved by a NC certified registered engineer
- (d) Size and proposed location of any signs.
- (e) Proposed solid waste storage facilities.
- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (g) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles).
- (h) Location and heights of all fences, walls and hedges shall be shown.
- (i) Provisions for control of water run-off and erosion.
- (j) Lighting plan.
- (k) Location and amount of reaction area.

All plans and construction details must meet the current specifications of the City of Mebane.

## **7. Homeowners Association:**

- (a) The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a legal entity before or as part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site. The homeowners association shall comply with the standards of Article 7, Section 7-7.
- (b) The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on

the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas of assessments for a period of six months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, or assigns. The governmental authority may then either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

- (c) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed, shall constitute a lien on the residence of the owner.
- (d) As part of the approval process, the developer shall submit to the city the following documents for review:
  - (1) Proposed Articles of Incorporation: Such articles of incorporation shall provide for homeowners' control when over 50% of the dwelling units are sold.
  - (2) Proposed Bylaws: Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.
  - (3) Proposed annual budget: A proposed annual budget shall show monthly assessments which must be set at a sufficient level to insure success of the association.
  - (4) Proposed restrictions and covenant for the common area and residential sites shall be written.

## **G. Boarding and Rooming House**

**1. Where Development Standards are Required:**

B-1, and B-2 districts.

**2. General Requirements:**

- (a) The use must be owned and operated by a resident owner.
- (b) The use shall be located in a structure that was originally constructed as a dwelling.
- (c) The quarters utilized by boarders and occupants of the premises shall be in the principal residential structure.
- (d) Meals served on the premises shall be only for residents of the facility.

**3. Signs:**

There shall be no exterior advertising except that which is permitted for a home occupation.

**4. Screening:**

Parking lots shall be screened from adjoining residential uses by a buffer yard. Screening shall be provided in accordance with the requirements of Section 6-4.

**H. Family Care Home**

**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, and R-6 districts.

**2. Separation Requirement:**

In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.

**3. Sidewalks**

On site sidewalks shall be a minimum of eight feet wide to accommodate wheel chair use in both directions.

*Amended June 6, 2022*

## **I. Group Care Facility**

### **1. Where Development Standards are Required:**

O&I and B-2 districts.

### **2. Property Separation:**

No such facility shall be located within a 2,000-foot radius (measured by a straight line and not street distance) of another halfway house.

### **3. Operation:**

The facility shall be limited to not more than 30 persons including resident managers.

### **4. Screening:**

Parking lots shall be screened from adjoining residential uses by a buffer yard. Screening shall be provided in accordance with the requirements of Section 6-4.

### **5. Parking:**

Parking spaces shall be located on-site and located in the rear or to the side of the principal structure behind the building line.

### **6. Location:**

The use shall be located and sited so as to mitigate adverse impacts on adjoining residential properties.

### **7. Sidewalks:**

On site sidewalks shall be a minimum of eight feet wide to accommodate wheel chair use in both directions.

*Amended June 6, 2022*

**J. (Reserved)**

**K. (Reserved)**

**L. Temporary Emergency Shelter**

**1. Where Development Standards are Required:**

All districts.

**2. Time Limitation:**

The Zoning Administrator shall initially establish an automatic expiration date for the permit for such a facility with provisions for a maximum 6-month renewal, if necessary.

**3. Location:**

The facility shall be contained within the building of and operated by a government agency or nonprofit organization.

**4. Minimum Floor Area:**

A minimum floor space of 50 square feet shall be provided for each individual sheltered.

**5. Operation:**

The facility shall provide continuous on-site supervision during the hours of operation.

**6. Water & Sewer Access**

If no utility service is available to the building, a waste disposal plan shall be submitted to the City within the first four weeks of operation.

*Amended June 6, 2022*

**M. Live/Work Combination Dwelling and Nonresidential Use**

**1. Where Development Standards are Required:**

R-8, R-6, O&I, B-1, B-2, and B-3 districts.

## **2. General Requirements:**

- (a) The occupant of the residence shall be the owner or manager of the nonresidential activity.
- (b) No more than 2 persons shall be employed other than those residing on the premises.
- (c) The number of dwelling units per acre shall not exceed the density for multifamily residences in the O&I zoning district as shown in Table 4-2-1, Table of Density and Dimensional Requirements.
- (d) Minimum recreational space shall be provided as required in Section 6-8.1.
- (e) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection (d) above.

*Amended June 6, 2022*

## **3. Nonresidential Uses:**

All uses allowed in the B-1 Central Business District shall be permitted.

*Amended June 6, 2022*

The nonresidential use shall be compatible with a residential occupancy. The nonresidential activity shall be conducted wholly within the structure.

## **4. Access:**

The use shall have direct access to a collector or higher classified street. The use shall be located and sited so as to mitigate adverse impacts on adjoining residential properties.

## **5. Parking:**

Parking spaces, as required in Section 6-5, shall be provided for the residence, the nonresidential activity, and any non-resident employees. Employee and customer parking may be consolidated

into common parking areas located at strategic locations throughout the development.

**6. Screening:**

All parking lots located on the perimeter of the development shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4

**7. Hours of Operation:**

The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 7 am.

**8. Noise:**

The use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located.

**9. Outside Storage:**

No outside storage or display of items associated with the use shall be permitted.

**10. Signs:**

One identification sign, not to exceed six feet in height and twelve feet in sign area, is allowed for the development. There may also be one unlighted wall sign erected for each unit, not to exceed three feet in sign area.

**N. Planned Unit Development**

**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, and B-1 districts.

**2. General Requirements:**

- (a) A planned unit development (PUD) is an area of land under unified control, to be developed as a single entity for a number and variety of dwelling units, the plan for which

may not correspond in lot size, type of dwelling or lot coverage to the regulations of the residential zoning district in which the PUD is located.

- (b) The intent of the regulations of this section is to permit, upon approval of conditional zoning, establishment of planned unit development use, a higher level of amenities, appropriate and harmonious variety in physical development and creative design.

*Amended November 5, 2018*

- (c) Because of the fact that PUDs are developed to permit a variety of residential uses, a minimum of five acres is required to ensure appropriate lay-out, sufficient open space and pleasing design of various residential uses.
- (d) Density and Minimum Lot Area Requirements: Individual lot sizes may be reduced below the minimum specified in Table 4-2-1, Table of Density and Dimensional Requirements for the district in which the PUD is located. However, the overall residential density of a PUD shall not exceed that normally permitted in the underlying zoning district. Subsection 5 provides specific restrictions concerning density and dimensional standards for residential uses permitted in a PUD.
- (e) Minimum Dimensional Requirements: Minimum building setback and lot width requirements are waived except as specifically provided for herein. Maximum building heights shall be the same as specified in Table 4-2-1, Table of Density and Dimensional Requirements for the zoning district in which the PUD is located.

### **3. Common Areas:**

- (a) All planned unit developments shall contain commonly owned land for the use and enjoyment of the residents. Areas shall be designated on the site development plan as common areas and on the subdivision plan as an area to be held in separate ownership for the use and benefit of residents occupying specified lots (or units in the case of condominiums).
- (b) Approval of these common areas requires submission by the developer of a declaration of the covenants and restrictions that will govern the ownership management and maintenance of the common areas. Submissions and declarations shall follow the requirements of the North Carolina Unit Ownership Act where common areas serve condominiums. Submissions and declaration shall follow



the requirements for establishment of homeowners associations for townhouses or residential cluster development (same requirements) for all other forms of residential development.

- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 7, (g) below.
- (d) Common areas shall comply with the requirements of Section 6-8.

#### **4. Placement of Buildings:**

- (a) Individual and unattached buildings in a planned unit development shall have side yards with a minimum of ten feet.

*Amended June 6, 2022*

- (b) Any group of buildings forming a courtyard shall have at least (25) percent of the perimeter of such courtyard open for access to emergency vehicles.

*Amended June 6, 2022*

- (c) Setbacks from public street right-of-way shall be similar to the underlying zoning district in which the PUD is located.

(Amended August 13, 2018)

- (d) The minimum size and the minimum standards of periphery lots that will be adjacent to property for single-family houses shall be the same as the minimum size and minimum standards required in the zoning district where that portion of the PUD is located.

- (e) Planned unit developments may consist of individual lots served by a commonly owned private drive; such lots shall meet the minimum standards set forth in (d) above. Private drives shall be paved but do not have to meet the street construction standards of the City. Private drives must be constructed in such a way as to provide passage to emergency vehicles. Any development utilizing private drives to individual lots must have a homeowners association which is specifically required to maintain such private drives and which includes a mechanism for

establishing sufficient dues for that purpose. The charter and bylaws of the homeowners association must be approved by the City. Provided, however, if trash or garbage pick up is to be provided by the City to individual residences within the development, the drives must be constructed to city street standards. When private drives are used, the City may require that the developer provide easements to the City for utility, emergency vehicles, and service vehicles.

## **5. Permissible Residential Uses within a PUD:**

Generally, permissible residential uses within a PUD may include single-family detached and attached dwellings, two-family dwellings, townhouse dwellings, condominium dwellings, multi-family dwellings, patio homes, and live/work units. Manufactured homes are not permissible residential uses in a PUD. Single-family, two family, and patio home dwellings are not permissible residential uses in a PUD located within the B-1 zoning district.

(a) Maximum density standards for residential components in a PUD

(1) R-20, R-15, R-12, R-10 zoning districts:

The overall density of all permissible residential uses, including any two-family dwellings, multi-family residential uses, including apartments, condominiums, townhouses, patio homes, and live/work units, shall not exceed the density permitted for single-family dwellings as delineated in Table 4-2-1, Table of Density and Dimensional Requirements. Therefore, while a variety of residential types may be allowed in a PUD, the overall residential density is no different than that allowed for single-family detached residences.

(2) R-8 and R-6 zoning districts:

The overall density for any individual single-family, two-family, or multi-family residential component in a PUD, shall not exceed the density for each use type as delineated in Table 4-2-1, Table of Density and Dimensional Requirements.

(3) O&I and B-1 zoning districts:

The overall density for any individual single-family, two-family, or multi-family residential component in a PUD, shall not exceed the density for each use type as delineated in the table below:

<b>Zoning District</b>		
	<b>O&amp;I</b>	<b>B-1</b>
Minimum lot area		
Single-family	8,000 sq. ft.	not permitted
Two-family	12,000 sq. ft.	not permitted
Multi-family	12,000 sq. ft. for the first 2 units and 5,000 sq. ft. for each additional unit over 2	To be determined during the conditional zoning review process.

*Amended November 5, 2018*

Factors taken into consideration in determining the permissible density of a specific PUD in a B-1 zoning district shall include the anticipated vehicular traffic, parking, infrastructure, and environmental impacts of the proposed PUD.

**6. Permissible Nonresidential Uses within a PUD:**

Nonresidential uses allowed within a PUD shall be the same as those specified for the underlying zoning district in Table 4-1-1, Table of Permitted Uses. Minimally, all uses allowed in the B-1 Central Business District shall be allowed in a PUD, provided that no more than 15 percent of the total land area of the PUD shall be used for such nonresidential uses.

*Amended June 6, 2022*

- (a) No nonresidential use shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned unit development or is a use permitted by zoning on the adjoining property.
- (b) Building permits for commercial uses in PUDs located in residential zoning districts shall not be approved until building permits authorizing the construction of at least 30 percent of the total residential units have been issued.

**7. Site Development Requirements:**

- (a) **Parking:** The minimum parking for the individual components of a PUD shall be as required in Section 6-5.3. Parking spaces shall be designed in accordance with the requirements of Section 6-5.4.
- (b) **Screening:** Screening shall be provided in accordance with the requirements of Section 6-4. However, if a berm

is determined to be an adequate alternative screening method as provided for in Section 6-4, the minimum height of the berm shall be six feet.

- (c) Signs: Signs shall comply with the requirements of Section 6-7.
- (d) Area Lighting: Exterior lighting shall comply with the standards of Section 6-6.
- (e) Utility Requirements: Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (f) Private Drives: Private drives are allowed to connect parking areas and groups of townhouse units to public streets. These drives shall be constructed to the same standards as public streets except that the minimum pavement width shall be sixteen feet. Parking shall not be allowed on private drives except where approved parking bays are provided. A T-turnaround shall be provided for drives of less than 100 feet in length; a 70-foot diameter cul-de-sac is required for longer drives.
- (g) Minimum recreational space shall be provided as required in Sections 6-8.1 and 6-8.2.

## **8. Site Plan Requirements:**

The site plan shall show the location of the buildings, streets, alleys, walkways, parking area, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.
- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.
- (c) Proposed provision for storm drainage and sanitary sewer, approved by a NC certified registered engineer
- (d) Size and proposed location of any signs.
- (e) Proposed solid waste storage facilities.

- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (g) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles).
- (h) Location and heights of all fences, walls and hedges shall be shown.
- (i) Provisions for control of water run-off and erosion.
- (j) Lighting plan.
- (k) Location and amount of recreational area.

All plans and construction details must meet the current specifications of the City of Mebane.

## **O. Residential Custer Development**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, and R-6 districts.

### **2. General Requirements:**

- (a) Residential cluster development is a type of residential development which allows the transferring of densities, dwelling units, from one area of a land parcel to another. Residential cluster development is to be considered as an alternative to conventional single-family detached or single-family attached.
- (b) All plans for residential cluster developments require conditional zoning, and all site plans for cluster developments must be approved before any rezoning or development takes place.  
  
(Amended November 5, 2018)
- (c) The uses permitted within the residential cluster development shall be the same as those permitted in the zoning district in which it is located.

### **3. Density:**

- (a) Cluster Development permits the transfer of density, dwelling units, from one portion of a land parcel to another, and will permit the clustering of dwelling units in one or more locations upon the property.
- (b) The development shall result in a permitted number of dwelling units which shall in no case exceed the number of dwelling units which could be permitted if the land was subdivided into single family detached housing lots conforming to the minimum lot size and density requirements of the zoning district or districts in which the land is located.
- (c) No lot may be reduced in size more than 40 percent below the conventional single family lot for the zoning district in which the residential cluster development is located.
- (d) Every parcel intending to be sold shall front on either a public street or common area to be owned by a homeowners association.
- (e) A minimum of three acres is required for every residential cluster development.

#### **4. Common Areas:**

Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plat as an area to be held in separate ownership for the use and benefit of residents of the development.

- (a) Easements over the common areas for access, ingress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.
- (b) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.
- (c) The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3, H. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 5, (g) below.

- (d) Common areas shall comply with the requirements of Section 6-8.

## 5. Site Development Requirements:

- (a) **Parking:** The minimum parking for the individual components of a residential cluster development shall be as required in Section 6-5.3. Parking spaces shall be designed in accordance with the requirements of Section 6-5.4.
- (b) **Screening:** Screening shall be provided in accordance with the requirements of Section 6-4. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-4, the minimum height of the berm shall be six feet.
- (c) **Signs:** Signs shall comply with the requirements of Section 6-7.
- (d) **Area Lighting:** Exterior lighting shall comply with the standards of Section 6-6.
- (e) **Utility Requirements:** Water supply, sewage disposal, and solid waste disposal shall comply with the requirements of the city's or health department's regulations, whichever is applicable.
- (f) **Private Streets:** Private streets are allowed provided that they comply with the design and construction standards delineated in Section 7-6.5, H for private streets.
- (g) **Minimum recreational space** shall be provided as required in Section 6-8.1.

## 6. Site Plan Requirements:

The site plan shall show the location of the buildings, streets, alleys, walkways, parking area, recreational areas and facilities, numbered and dimensioned residential sites and common areas within the site and all existing buildings and structures within 100 feet in addition to public or private easements or rights-of-way adjoining or intersecting such property. In addition, the site plan shall indicate:

- (a) The proposed timing and schedule of development phases, if any.
- (b) Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.

- (c) Proposed provision for storm drainage and sanitary sewer, approved by a NC certified registered engineer
- (d) Size and proposed location of any signs.
- (e) Proposed solid waste storage facilities.
- (f) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections.
- (g) Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (Private streets shall be designed to assure proper access and turn around for service and emergency vehicles).
- (h) Location and heights of all fences, walls and hedges shall be shown.
- (i) Provisions for control of water run-off and erosion.
- (j) Lighting plan.
- (k) Location and amount of recreational area.
- (l) Residential sites: The site plan shall number and show the location and dimensions of residential sites within the development. A residential site is that property intended for conveyance to the fee simple owner for the purpose of construction thereon of a residence and shall be no less than 40 percent of the minimum lot size for a single-family lot in the zoning district in which the residential cluster development is located. The residential site may be on any larger size lot desired by the developer, provided that in this case the residential structure shall be located within the required setback areas from a public street right-of-way as set out for the zoning district in which the residential cluster development is located.

All plans and construction details must meet the current specifications of the City of Mebane.

## **7. Homeowners Association:**

- (a) The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a legal entity before or as part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site. The



homeowners association shall comply with the standards of Article 7, Section 7-7.

- (b) The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas of assessments for a period of six months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, or assigns. The governmental authority may then either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.
- (c) The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed, shall constitute a lien on the residence of the owner.
- (1) Proposed Articles of Incorporation: Such articles of incorporation shall provide for homeowners' control when over 50% of the dwelling units are sold.
  - (2) Proposed Bylaws: Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.
  - (3) Proposed annual budget: A proposed annual budget shall show monthly assessments which must be set at a sufficient level to insure success of the association.
  - (4) Proposed restrictions and covenant for the common area and residential sites shall be written.

- (d) As a part of the approval process, the developer shall submit to the city the following documents for review:
  - (1) Proposed Articles of Incorporation for the association. Such Articles of Incorporation shall provide for homeowners control when over 50% of the dwelling units are sold.
  - (2) Proposed bylaws of the association. Such bylaws shall provide for annual meetings of the association, election of officers and distribution of an annual financial accounting to members.
  - (3) Proposed annual budget of the association showing monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association and necessary capital expenses.

## **P. Traditional Neighborhood Development**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, and R-6 districts.

### **2. General Design Principles:**

TNDs shall adhere to the following general principles and design standards:

- (a) Neighborhoods have clearly delineated centers and edges and are limited in size to promote pedestrian activity.
- (b) The distance from the center to the edge of a neighborhood is generally no greater than  $\frac{1}{4}$  to  $\frac{1}{2}$  mile.
- (c) TNDs provide a balanced mix of residential, retail, professional and personal service, office, civic, public, and recreational uses.
- (d) Residential uses include a diversity of housing types.
- (e) Street patterns are interconnected and blocks are no greater than 500 linear feet.

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- (f) TNDs are organized around an activity center consisting of shopping, offices, public, and civic uses.

- (g) Public and civic uses, such as schools, libraries, government offices, parks and recreational facilities, plazas, and village greens are prominent features and focal points.
- (h) Formal and informal open space is located throughout a TND

**3. Development Area Requirements:**

A minimum of 10 acres shall be required for a TND.

**4. Minimum Lot Area and Density:**

- (a) Individual lot sizes may be reduced below the minimum specified in Table 4-2-1, Table of Density and Dimensional Requirements for the zoning district in which the TND is located.
- (b) The permitted density of the residential component of a TND shall be determined during the conditional zoning review process but in no case shall the density exceed the maximum density delineated in the following table:

Zoning District	Maximum DU/Gross Residential Acre
R-20	4
R-15	4
R-12	6
R-10	6
R-8	10
R-6	14

Factors taken into consideration in determining the permissible density of a specific TND shall include the anticipated vehicular traffic, infrastructure, and environmental impacts of the proposed TND.

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**5. Dimensional Requirements**

- (a) To promote flexibility and creativity, dimensional standards shall be established in accordance with the TND purpose

and design principles. The determination of appropriate building setbacks, lot coverage, building heights for proposed uses will be made during the conditional zoning review process.

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- (b) Each lot created within a TND shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

## **6. Permissible Residential Uses within a TND:**

Permissible residential uses within a TND include single-family detached dwellings, two-family dwellings, townhouse dwellings, condominium dwellings, multi-family dwellings, and live/work units.

## **7. Permissible Nonresidential Uses within a TND:**

Nonresidential uses allowed within a TND shall be the same as those specified for the underlying zoning district in Table 4-1-1, Table of Permitted Uses. Minimally, all uses allowed in the B-1 Central Business District shall be allowed in a TND provided that no more than 30 percent of the total land area of the TND shall be used for such nonresidential uses.

- (a) No nonresidential use shall be permitted within 150 feet of the perimeter of the planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of approval of the planned unit development or is a use permitted by zoning on the adjoining property.
- (b) Building permits for commercial uses in TNDs shall not be approved until building permits authorizing the construction of at least 30 percent of the total residential units have been issued.

## **8. Land Allocation by Use Type:**

The minimum and maximum land area devoted to specific land use types shall be determined as follows:

<b>Land Use Type</b>	<b>Minimum</b>	<b>Maximum</b>
Single-family uses	15%	75%
Two-family and multi-family uses, including townhouses and condominiums	10%	40%

Retail, service, and office uses	2%	30%
Civic Uses	2%	None

### 9. Open Space:

The minimum amount of useable common open space that shall be reserved for passive and/or active open space purposes shall be in accordance with the standards and requirements of Section 6-8.3. The minimum amount of private common open space required by this subsection is in addition to the minimum recreational space required in subsection 11 below.

### 10. Street Design:

The design and construction of streets within a traditional neighborhood development shall comply with the *NCDOT's Traditional Neighborhood Development (TND) Guidelines*.

### 11. Recreational Space:

Minimum recreational space shall be provided as required in Section 6-8.1.

### 12. Common areas:

Common areas shall comply with the requirements of Section 6-8.

## 4-7.4 Development Standards for Accessory Uses and Structures

Development standards applicable to particular accessory uses and structures identified in Table 4-1-1, Table of Permitted Uses include:

### A. Accessory Dwelling Unit (on single-family lots)

#### 1. Where Development Standards are Required:

R-20, R-15, R-12, R-10, R-8, and R-6 districts.

#### 2. General Requirements:

- (a) The accessory dwelling unit is permitted on the same lot with a principal dwelling unit.
- (b) No more than one accessory dwelling unit is permitted on the same lot with a principal dwelling unit.

- (c) No accessory dwelling unit shall be permitted on the same buildable lot with a two-family or multi-family dwelling or family care home.
- (d) The accessory dwelling unit shall be owned by the same person who owns the principal dwelling unit.
- (e) A home occupation shall not be conducted within an accessory dwelling unit.

### **3. Accessory Dwelling Unit within a Detached Accessory Structure:**

- (a) The lot containing both the principal dwelling and a detached accessory dwelling shall have the minimum lot area required for the zoning district in which located.

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- (b) Detached accessory dwelling units with a gross floor area of less than 600 square feet shall be located at least 10 feet from side and rear property lines. Accessory dwelling units with a gross floor area of 600 square feet or greater shall meet the setback requirements of the principal building.
- (c) Detached accessory dwelling units shall be located behind and at least 20 feet from the principal dwelling.
- (d) A detached accessory dwelling unit may be a manufactured home only in the MH, Manufactured Housing Overlay Zoning District and within an underlying zoning district that permits manufactured homes to be located on individual lots. A recreational vehicle shall not be utilized as an accessory dwelling unit.
- (e) A detached accessory dwelling unit may be a dwelling unit that is part of an accessory garage or a freestanding dwelling unit meeting the NC Building Code.
- (f) The total floor area of a detached accessory dwelling unit, other than a manufactured home, shall be no greater than 50 percent of the heated floor area of the principal building.

### **4. Accessory Dwelling Unit within a Principal Single-Family Dwelling:**

- (a) The principal building shall not be altered in any way so as to appear from a public or private road to be multi-family housing. Prohibited alterations include, but are not limited

to, multiple entranceways, or multiple mailboxes. 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 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 road.

- (b) An accessory dwelling unit shall occupy no more than 25 percent of the heated floor area of the principal building. The sum of all accessory uses (including home occupations) in a principal building shall not exceed 25 percent of the total floor area.

## **B. Accessory Dwelling Unit to an Office Use**

### **1. Where Development Standards are Required:**

O&I and B-1 districts.

### **2. General Requirements:**

- (a) A dwelling unit in the same building as an office is allowed as a special use in the O&I zoning district (It is permitted by right in B-1 district.)
- (b) For this use to be granted as a special use in O&I district, the building in which the mixed use occurs must have side yards on both sides at least 10 feet wide. This limitation does not apply on corner lots.

## **C. Caretaker Dwelling**

### **1. Where Development Standards are Required:**

All zoning districts.

### **2. Operation:**

The principal building must be established on the lot prior to occupancy of the caretaker dwelling or a building permit for the principal building must be obtained and the construction of the principal use must be initiated prior to occupancy of the caretaker dwelling.

### **3. Number:**

No more than one caretaker dwelling unit shall be permitted per lot.

#### **4. Manufactured Homes:**

A caretaker dwelling may be a manufactured home only in the MH, Manufactured Housing Overlay Zoning District and within an underlying zoning district that permits manufactured homes to be located on individual lots. A recreational vehicle shall not be utilized as a caretaker dwelling unit.

#### **5. General Requirements:**

A caretaker dwelling shall:

- (a) Have an approved water and sewage disposal connection;
- (b) Meet all setbacks applicable to the principal building or use;
- (c) Be erected in accordance with the NC Building Code;
- (d) Be located on a lot that has sufficient lot area to meet the minimum lot area requirements for both the principal use and a single-family dwelling. In nonresidential districts, where there is no minimum lot area requirement for single-family dwellings, a minimum of 8,000 square feet is required for a caretaker dwelling in addition to the minimum lot area required for the principal use;
- (e) Be located behind and at least 20 feet from the principal building; and
- (f) Be owned by the same person that owns the principal building or use.
- (g) Be occupied by a person or persons employed by the owner of the principal structure to provide domestic, maintenance, or security services.
- (h) A caretaker dwelling unit located within the principal structure shall not exceed 1,500 square feet of gross floor area.

#### **6. Screening:**

In MH, Manufactured Housing Overlay districts, a manufactured home used as a caretaker dwelling, shall be screened from abutting single-family, detached residences by a buffer yard which complies with the requirements of Section 6-4.

### **D. Communication Tower under 50 feet in Height**

#### **1. Where Development Standards are Required:**



R-20, R-15, R-12, R-10, R-8, and R-6 districts, except that communication towers on government facilities and structures are allowed by right in all zoning districts, provided that applicable lease agreements are obtained. Communications towers that are 50 feet or greater in height, except for public safety communications towers, are governed by the provisions of Section 4-7.9, D., Communications Towers and All Other Radio, Television Towers Over 50 feet in Height. Public safety communications towers are allowed in accordance with the requirements of Section 4-7.9, C.

## **2. Location:**

Towers shall not be placed in any front yard or side yard. All supporting cables shall be contained on the property.

## **E. Home Occupation**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, and B-1 districts.

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### **2. General Requirements**

- (a) Activities shall not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located.
- (b) The home occupation must be conducted entirely within a principal dwelling unit. It must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and a use that does not change the character or outside appearance of the residence.
- (c) The floor area used for home occupations shall not exceed 25% of the total floor area of the dwelling, and one home occupation shall not operate in more than one dwelling unit or residential lot.
- (d) No evidence of the home occupation shall be permitted except as provided below; nor shall the presence of the incidental use change the exterior character of the dwelling unit.

- (1) There shall be no sales rooms or display windows, nor open storage of materials or supplies associated with the home occupation.
- (2) The only permitted sign shall be an unlighted professional or occupational sign which is limited to three square feet in area and may be a freestanding or wall sign. The sign shall comply with the requirements of Section 6-7.
- (e) No more than one employee who is not a member of the immediate family residing in the dwelling unit may be employed in the operation of a home occupation.
- (f) Instruction in music, dancing, art, or similar subjects shall be limited to no more than 5 students at one time.
- (g) Client visits to the home occupation shall be limited to the hours of 8 am to 8 pm.
- (h) Delivery and pickup services shall be those customary to residential areas and shall occur only between the hours of 8 am and 8 pm.

## **F. Satellite Dish Antenna**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, and R-6 districts.

### **2. General Requirements**

- (a) Satellite dish antenna shall not be constructed or maintained within the right-of-way of any street, highway or sidewalk.
- (b) No satellite dish, short wave antenna or similar tower in excess of four feet in diameter shall be constructed or maintained within four feet of the edge of the pavement or shoulder of a street, highway or sidewalk.
- (c) Satellite dishes are restricted to rear and side yards and must meet setback requirements for the zoning district where located.
- (d) Satellite dish antenna shall not exceed the maximum building height restriction of the applicable zoning district.

## **4-7.5 Development Standards for Recreational Uses**

Development standards applicable to particular recreational uses identified in Table 4-1-1, Table of Permitted Uses include:

## **A. Athletic Fields**

### **1. Where Development Standards are Required:**

RA-20, R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-2, HM, and LM districts.

### **2. General Requirements:**

- (a) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (b) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (c) Parking: The permit issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (d) Vehicular Access: Principal vehicular access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.
- (e) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (f) Screening: Parking lots and outdoor storage areas shall be screened from adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with requirements of Section 6-4.

### **3. Site Plan Requirements:**

The applicant shall submit a site plan which shows:

- (a) The location and approximate size of all existing and proposed buildings and structures on the site and within 500 feet of the site;

- (b) The proposed points of ingress and egress and the proposed pattern of internal circulation;
- (c) The proposed parking areas;
- (d) The lighting plan; and
- (e) The proposed provision for storm and sanitary sewer; and the proposed treatment of ground cover, slopes, banks and ditches.

**B. Auditorium, Coliseum or Stadium**

**1. Where Development Standards are Required:**

B-2, HM, and LM districts.

*Amended June 6, 2022*

**2. General Requirements**

- (a) Minimum development area: Five acres.
- (b) Minimum use separation: Arena, auditorium, or stadium facilities shall be located a minimum of 500 feet from any adjoining residentially-used or zoned property.
- (c) Vehicular access: Vehicular access to arena, auditorium, or stadium facilities shall be from a major thoroughfare road. Access points shall be located so as to minimize vehicular traffic to and through local residential streets.
- (d) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (e) Screening: Parking lots and outdoor storage areas shall be screened from adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with requirements of Section 6-4.

**C. Batting Cages, Outdoor**

**1. Where Development Standards are Required:**

B-2 and LM districts.

## 2. General Requirements

- (a) Minimum Building Setbacks: All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.
- (b) Minimum Lot Area: The minimum lot area shall be one acre.
- (c) Minimum Lot Depth: The minimum lot depth from the tees to the end of the driving area shall be 1,000 feet or the end shall be controlled with netting and/or berms to prevent golf balls from leaving the property.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Security Fencing: Fencing, netting, or other control measures shall be provided around three sides of the batting area so as to prevent balls from leaving the designated area.
- (f) Outdoor storage areas shall comply with the screening requirements of Section 6-4.
- (g) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (h) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.

### D. Campground/RV Park

#### 1. Where Development Standards are Required:

R-20 and LM districts.

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#### 2. General Requirements:

- (a) The minimum development area of a campground/RV park shall be three acres. A minimum of 15 tent or RV spaces shall be included within the campground/RV park.
- (b) No campsite shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond three months in any 12-month period shall be presumed to be permanent occupancy.
- (c) Any action toward removal of wheels of a travel trailer except for temporary purposes of repair or to attach the trailer to the ground for stabilizing purposes shall be prohibited.
- (d) All campsites proposed for sale shall be recorded with subsections (b) and (c) above as deed restrictions.
- (e) Accessory uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly accessory to the principal use as a campground/recreational vehicle park. Accessory uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park.
- (f) Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- (g) Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. A soil sedimentation control plan shall be submitted in accordance with Section 5-7.
- (h) Surface drainage plans for the entire tract shall be reviewed to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

### **3. Dimensional Requirements:**

- (a) Maximum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
- (b) In no case shall any individual campsite contain less than 2,800 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. The portion of the campsite intended to accommodate a recreational vehicle or tent shall be level and well drained.
- (c) Recreational vehicles shall be separated from each other and from other structures within the campground/RV park by at least 15 feet. Any accessory structures such as attached awnings, carports, or individual storage facilities shall, for the purpose of this separation requirement, be considered part of the recreational vehicle.
- (d) Recreational vehicle sites and off-street parking spaces shall not be within the setback areas required for main buildings or principal structures.
- (e) Setback areas for recreational vehicle sites shall contain natural vegetation or be landscaped and shall be used for no other purposes.
- (f) The minimum setback of any building, structure, or recreational vehicle site from a public road right-of-way shall be the same as that required for a principal building in the zoning district in which the park is located.
- (g) The minimum setback from a private, interior street shall be 20 feet from the edge of pavement.
- (h) The minimum exterior side property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior side property line setback shall be at least 25 feet.
- (i) The minimum exterior rear property line setback, when abutting residentially used or zoned areas, shall be 50 feet. In all other cases, the exterior rear property line setback shall be at least 30 feet.

### **4. Access and Street Requirements:**

- (a) No individual campsite shall have direct vehicular access to a public street. All campsites shall directly abut and have

access to a private, interior road contained within the campground/RV park.

- (b) Entrance driveways shall be located not closer than 150 feet from the intersection of public roads.
- (c) Interior access roads shall conform to the construction standards for private streets in Section 7-6.5, H. Street plans and profiles shall be submitted with the site plan for review and approval. Streets shall be of sufficient width to accommodate the type and volume of anticipated traffic and, in any case, shall meet the following minimum pavement width requirements:
  - (1) One way with no parking: minimum 12 feet in width.
  - (2) Two-way with no parking: Minimum 24 feet in width.
- (d) Entrances and exits to campgrounds/RV parks shall be designed for safe and convenient movement of traffic into and out of the park and to minimize marginal friction with free movement of traffic into and out of the park. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended. Radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the road within (i) 100 feet where the speed limit is 45 mph or (ii) within 150 feet where the speed limit is over 45 mph or any portion of the approach lane of the access way within 25 feet of its intersection with the right hand of the lane.

## **5. Parking Requirements:**

- (a) There shall be at least 3 off-road parking spaces designated in a campground/RV park for each 2 campsites. At least 1 space must be provided on each campsite with any residual spaces provided within 100 feet of the site.
- (b) Each campsite shall contain a stabilized vehicular parking pad of paving or other suitable material.
- (c) No more than one recreational vehicle may be parked on a individual campsite.

## **6. Utility Requirements:**



- (a) No on-site water or sewer facilities shall be permitted on any campsite. Proposals for dumping stations and common toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the applicable Health Department and the City of Mebane.
- (b) All water supply facilities shall have the approval of the the City of Mebane and the NC Division of Health Services. All sewer facilities improvements shall have the approval of the City of Mebane and the NC Division of Environmental Management.
- (c) All water and sewer improvements within the campground/RV park shall comply with the NC Building Code for Plumbing.

## **7. Screening Requirements:**

- (a) Where campgrounds/RV parks abut a residential area, a permanent buffer yard of at least 50 feet shall be established with adequate restrictive covenants to prohibit development within the buffer yard. A natural year- round screen shall be planted, which at maturity, shall reach a minimum height of at least 8 feet. Such screening shall complement the adjacent environment.

## **8. Recreational Space Requirements:**

- (a) A minimum of 8 percent of the gross site area of the campground/RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

## **E. Civic, Social and Fraternal Clubs and Lodges**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-1, B-2, and B-3 districts.

*Amended June 6, 2022*

### **2. General Requirements**

- (a) Location: Clubs shall have direct access to a collector or higher capacity street. However, if the use is intended to serve only a membership that is limited to a residential

development, access may be provided from a residential street or an interior street within the residential development.

- (b) All building and structures shall be located a minimum of 30 feet from any residentially-used or zoned property.
- (c) Outdoor recreational facilities, including swimming pools , tennis courts, and athletic fields, associated with the use shall comply with the applicable standards delineated in Section 4-7.5 for such recreational facility.
- (d) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.
- (e) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

## **F. Community Center**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, and O&I districts.

### **2. General Requirements**

- (a) Vehicular Access: Clubs shall have direct access to a collector or higher capacity street. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from a residential street or an interior street within the residential development.
- (b) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.
- (c) Outdoor recreational facilities, including swimming pools , tennis courts, and athletic fields, associated with the use shall comply with the applicable standards delineated in Section 4-7.5 for such recreational facility.

- (d) All building and structures shall be located a minimum of 30 feet from any residentially-used or zoned property.
- (e) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

## **G. Country Club with Golf Course**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, O&I, B-2, and B-3 districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Minimum Area: The minimum area shall be 2 acres in addition to the golf course(s).
- (b) Use Separation: Fifty-foot minimum distance between clubhouse, swimming pool, lighted tennis court, tees, greens, or fairways and any adjacent residentially-zoned or used property.
- (c) Vehicular Access: Clubs shall have direct access to a collector or higher capacity street.
- (d) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.
- (e) Security Fencing: Outdoor swimming pools shall be protected by a fence in accordance with the applicable Health Department's public swimming pool regulations.
- (f) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall outdoor facilities that adjoin residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (g) Outdoor storage areas shall comply with the screening requirements of Section 6-4.

- (h) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.

## **H. Golf Course, Outdoor**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, B-2, HM, and LM districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Use Separation: Fifty-foot minimum distance between clubhouse, tees, greens, or fairways and any adjacent residentially-zoned or used property.
- (b) Vehicular Access: Clubs shall have direct access to a collector or higher capacity street.
- (c) Screening: All parking lots shall be screened from all adjoining residential uses by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.
- (d) Outdoor storage areas shall comply with the screening requirements of Section 6-4.
- (e) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.

## **I. Private Club or Recreational Facility, Outdoor**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-1, B-3 districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the facility.
- (b) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (c) Parking: The permit issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (d) Vehicular Access: Principal vehicular access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day.
- (e) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (f) Screening: Parking lots and outdoor storage areas shall be screened from adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with requirements of Section 6-4.
- (g) Setbacks: All activities and facilities shall be located at least 30 feet from any property line.

## **J. Race Track Operation**

### **1. Where Development Standards are Required:**

HM districts.

### **2. General Requirements:**

- (a) Minimum Lot Area: The minimum lot area shall be 40 acres.
- (b) Minimum Property Setbacks: All buildings and structures , including raceways, shall be a minimum of 500 feet from any residentially-zoned or used lot.
- (c) Vehicular Access: The use shall have direct access to an arterial or higher capacity street.

- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (f) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of the facility.
- (g) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (h) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- (i) Outdoor storage areas shall comply with the screening requirements of Section 6-4.
- (j) Parking: The permit-issuing authority shall not grant the permit unless such authority finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

## **K. Riding Academy, Riding Stables, Equestrian Facility**

### **1. Where Development Standards are Required:**

R-20, R-15, and HM districts.

### **2. General Requirements:**

- (a) Minimum Lot Area: The minimum development area shall be three acres. Parcels shall contain the following minimum lot area for horses kept on the property: 2.0 acres of gross lot area for one horse and 1.0 acre for each additional horse.
- (b) Use Separation: There shall be minimum 200-foot distance between manure storage areas, barns or stables and any adjacent residentially-zoned property.

- (c) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site.
- (d) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (e) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- (f) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (g) Outdoor storage areas shall comply with the screening requirements of Section 6-4.

## **L. Shooting Range, Indoor**

### **1. Where Development Standards are Required:**

HM and LM districts.

### **2. Noise:**

The facility shall, to the maximum extent feasible, be designed to absorb sound and shall be designed to meet the standards for indoor shooting ranges as established by the National Rifle Association.

## **M. (Reserved)**

## **N. Swim and Tennis Club**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, B-1, and B-3 districts.

### **2. General Requirements:**

- (a) Minimum Lot Area: The minimum area shall be 2 acres.

- (b) Use Separation: There shall be a minimum 50-foot distance between clubhouses, swimming pools, and lighted tennis courts and any adjacent residentially-used or zoned property.
- (c) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall outdoor activities and facilities that adjoin residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
- (d) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (e) Parking: The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.
- (f) Vehicular Access: Principal vehicular access must be from a collector or higher capacity road for any facility greater than 3 acres in size that generates an average daily traffic volume of over 200 or more trips per day. However, if the use is intended to serve only a membership that is limited to a residential development, access may be provided from a residential street or an interior street within the residential development.
- (g) Outdoor storage areas shall comply with the screening requirements of Section 6-4.
- (h) Security Fencing: Outdoor swimming pools shall be protected by a fence a minimum of 5 feet in height or as required by the applicable Health Department's public pool regulations, whichever is greater.
- (i) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.

#### **4-7.6 Development Standards for Educational and Institutional Uses**

Development standards applicable to particular educational and institutional uses identified in Table 4-1-1, Table of Permitted Uses include:

##### **A. Cemetery, Columbarium or Mausoleum (principal use not an accessory use to a church or other place of worship)**



**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, and, B-2 districts.

**2. General Requirements:**

- (a) The minimum lot area shall be 5 acres.
- (b) All applicable requirements of the North Carolina General Statutes and the applicable County concerning the interment of human dead shall be met.
- (c) No interment shall take place within 20 feet of any property line or public road right-of-way.
- (d) Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot line that adjoins a residential zoning district. Otherwise, such buildings shall conform to the requirements of the principal use for the district in which located.
- (e) Adequate off-street lot area shall be provided for funeral processions.
- (f) Screening: Screening shall be provided in accordance with the requirements of Section 6-4.
- (g) Vehicular Access: The use shall have direct access to a collector or higher capacity street

**B. Cemetery, Columbarium or Mausoleum on Same Property as Church**

**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-1, B-2, and B-3 districts.

**2. General Requirements:**

All grave sites adjoining residentially-used or zoned parcels adjoining residentially-used or zoned property lines shall be set back a minimum of 20 feet from the property line or the minimum required set back distance for the zoning distance in which located, whichever is greater.

**C. Church or Other Place of Worship**

**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, HM, and LM districts.

## **2. General Requirements:**

- (a) **Minimum Building Setbacks:** The minimum street setback shall be at least 25 feet greater than that required for a single-family dwelling for the zoning district in which located. The minimum side and rear setbacks shall be at least 50 feet.
- (b) **Vehicular Access:** Church facilities located on site of 3 acres or more shall have direct access to a collector or higher capacity road.
- (c) **Screening and Buffering:** The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-4.
- (d) **Accessory Uses:** Accessory uses such as day care centers, pre-schools, and schools shall comply with the applicable development standards of this Article for such uses.
- (e) **Special Use Permit:** In HM & LM zoning districts with the following two conditions: (1) Existing development standards for religious institutions are to be met, and (2) The church must accept any noise or other activities on adjacent properties that are otherwise allowed in current HM and LM zoning districts.

*Amended May 3, 2010*

## **D. College, University or Technical Institute**

### **1. Where Development Standards are Required:**

O&I, B-1, B-2, HM, and LM districts.

*Amended June 6, 2022*

### **2. Permissible Residential Uses:**

There are locations in which educational and support land uses that are physically removed from a main campus environment may be an appropriate and compatible land use in the O&I zoning district. In such cases, allowable uses may include, in addition to the principal college, university or technical institute use, the following residential land uses:

- (a) Single-family Detached Dwellings.
- (b) Two-family Dwellings.
- (c) Townhouse Dwellings.
- (d) Condominium Dwellings.
- (e) Multifamily Dwellings.

### **3. Residential Development Standards:**

Residential uses shall comply with the density and dimensional standards of the R-6 zoning district except that such residential uses may be developed as a Planned Unit Development, in which case the additional development standards delineated in Section 4-7.3, N shall be followed. Nonresidential uses may be developed as allowable in PUDs per Section 4-7.3, N.

### **4. Arena, Auditorium, or Stadium:**

See Section 4-7.5, B.

### **E. (Reserved)**

### **F. Day Care Center, Adult and Child, 5 or Less Clients (accessory to a principal residential use)**

#### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, and R-6 districts.

#### **2. General Requirements:**

Day care centers providing services to 5 or less clients are allowed as an accessory use in all residential districts provided the following requirements are met:

- (a) Day care services may include a care facility established in a residential dwelling where, at any one time, five or less children, receive day care as defined in NCGS 110-86. Day care services may also include providing adult day care for five or fewer adults on a regular basis for more than two hours per day.

- (b) Hours of Operation: The use shall not be operated between the hours of 7 p.m. and 6 a.m.
- (c) Security Fencing: Outdoor activity area(s) for children shall be enclosed by a security fence at least 6 feet in height and shall be located outside of the road setback.
- (d) Minimum lot area: The lot shall have sufficient land area to accommodate minimum required parking and loading/unloading areas for the residential dwelling and the day care use.
- (e) State Licensing Requirements: The use shall comply with all state licensing requirements.
- (f) The additional standards of Section 4-7.4, E for home occupations shall also be met.

**G. Day Care Center, Adult and Child, 6-12 Clients (principal use) [amended April 7, 2008]**

**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, and R-6 districts.

**2. General Requirements:**

Day care centers providing services to 6-12 clients are allowed as a principal use in all residential districts provided the following requirements are met:

- (a) The facility must have a minimum of 1200 square feet of outdoor play area, or such other area as shall be required by state licensing requirements, whichever is greater.
- (b) The aggregate play area must be surrounded by sturdy fence at least four feet high.
- (c) Screening: Screening between the use and adjoining residentially-used or zoned properties shall be provided in accordance with the requirements of Section 6-4.
- (d) Site Plans: In addition to the site plan requirements of Appendix A, the required site plan shall show (i) the proposed points of access and egress and the pattern of internal circulation, loading, and unloading and (ii) the location of extent of the outdoor recreation areas.
- (e) Hours of Operation: The use shall not be operated between the hours of 7 p.m. and 6 a.m.

- (f) Vehicular Access: Facilities on a site greater than 1 acre shall have access to a collector or higher capacity street.
- (g) State Licensing Requirements: The use shall comply with all state licensing requirements.

**G.1. Day Care Center, Adult and Child, 13 or More Clients (principal use)  
[amended April 7, 2008]**

**1. Where Development Standards are Required:**

R-20 and R-15 districts.

*Amended June 6, 2022*

**2. General Requirements:**

Day care centers providing services to 13 or more clients are allowed as a principal use in RA-20 districts provided the requirements delineated Section 4-7.6 G, 2 (a) through (g) are met:

**H. Elementary or Secondary School**

**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-2, and B-3 districts.

**2. General Requirements:**

- (a) Minimum Area: Minimum lot size shall be 3 acres.
- (b) Vehicular Access: Principal access shall be from a collector or higher capacity road.
- (c) Screening: All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.
- (d) Site Plans: In addition to the site plan requirements of Appendix A, the required site plan shall show (i) the proposed points of access and egress and the pattern of internal circulation, loading, and unloading and (ii) the location of extent of playgrounds, athletic fields, and other outdoor recreation areas.

## **I. Fire Station/Emergency Medical Service**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, B-1, and B-3 districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Use Separation: All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-zoned or used structure.
- (b) Vehicular Access: Principal access shall be from a collector or higher capacity road.
- (c) All equipment and vehicles shall be stored indoors.
- (d) Screening: All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.

## **J. Library**

### **1. Where Development Standards are Required:**

RA-20, R-20, R-15, R-12, R-10, R-8, R-6, B-1, and B-3 districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Vehicular Access: Principal access shall be from a collector or higher capacity road.
- (b) Screening: All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.

## **K. Nursing and Convalescent Home, Rest Home**

**1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-2, and B-3 districts.

*Amended June 6, 2022*

**2. Dimensional Requirements:**

The following minimum dimensional requirements shall apply to nursing and convalescent homes:

- (a) Minimum Development Area: 2 acres
- (b) Minimum Lot Area: 8,000 square feet for the first 9 patient beds, rooms, or suites plus 1,000 square feet for each additional patient bed, room, or suite or the minimum lot area requirement for the zoning district, whichever is greater.
- (c) Setbacks: 50 feet from all property lines and the street right-of-way.
- (d) Minimum Building Separation: 20'
- (e) Screening: All parking lots shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 6-4.
- (f) Vehicular Access: Principal access shall be from a collector or higher capacity road.

**L. [Reserved]; Amended June 6, 2022**

**M. Retreat/Conference Center**

**1. Where Development Standards are Required:**

LM districts.

*Amended June 6, 2022*

**2. General Requirements**

- (a) Minimum Development Area: 2 acres
- (b) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the facility.

- (c) Setbacks: 50 feet from all property lines and the street right-of-way.
- (d) Minimum Building Separation: 20'
- (e) Screening: All parking lots, loading areas, and trash disposal areas shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required buffer yards shall comply with the requirements of of Section 6-4.
- (f) Vehicular Access: Principal access shall be from a collector or higher capacity road.
- (g) Parking: The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the facility can be accommodated without undue disruption or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

#### **4-7.7 Development Standards for Business, Professional, and Personal Uses**

Development standards applicable to particular business, professional, and personal uses identified in Table 4-1-1, Table of Permitted Uses include:

##### **A. Automobile Repair Services, Minor and Major**

###### **1. Where Development Standards are Required:**

B-1, B-2, B-3, HM, and LM districts.

###### **2. General Requirements:**

- (a) Includes work done on motorcycles and all-terrain vehicles (ATVs), both classified as "Minor Automobiles"
- (a) No motor vehicle parked or stored on the premises shall be located closer than 10 feet to the street line.
- (b) No outdoor servicing, repair or disassembly is allowed.
- (c) Only vehicles capable of movement under their own power are allowed.
- (d) Temporary storage of wrecked or disabled motor vehicles is permitted as an accessory. The date of commencement of storage shall be prominently displayed by the repair shop



operator on the windshield of the vehicles, and vehicles shall be stored no longer than 90 days. All motor vehicles shall be stored within a suitably screened enclosure at least 6 feet high. No more than 10 vehicles shall be stored on the premises at the time.

- (e) The entire property shall be kept in a clean, neat and orderly condition.
- (f) Junkyards, automobile graveyards, disassembly plants or the outside storage of secondhand material for resale are prohibited in any form.

*Amended June 6, 2022*

## **B. Bed and Breakfast**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, B-1, and B-3 districts

*(Amended April 7, 2008; June 6, 2022)*

### **2. General Requirements:**

- (a) The use must be owned and operated by a resident owner.
- (b) Guest stays shall be limited to fourteen consecutive days.
- (c) Meals may be provided to overnight guests only and no cooking facilities may be provided in guest rooms.
- (d) The use shall comply with all local and state regulations.
- (e) The use shall be located in a structure that was originally constructed as a dwelling.
- (f) Signs: One exterior advertising sign not to exceed nine square feet in area and 36 inches in height is permitted.
- (g) Screening: Parking lots shall be screened from adjoining residential uses by a buffer yard. Screening shall be provided in accordance with the requirements of Section 6-4.

## **C. Contractor Office with Outside Storage Yard**

### **1. Where Development Standards are Required:**

HM and LM districts.

*Amended June 6, 2022*

**2. General Requirements:**

- (a) Use Separation: The active uses and all structures shall be separated from surrounding the side or rear property line of any residentially-zoned or used lot according the following table:

<b>Contractor Yard Area (acres)</b>	<b>Separation (feet)</b>
0 – 2	50
2 – 5	75
5 – 10	100
10 or greater	150

*Amended June 6, 2022*

- (b) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided around all outside storage areas.
- (c) Screening: Whenever the use abuts a residential district, a minimum six-foot high fence and landscaping shall be provided in accordance with Section 6-4.

**D. Equipment Rental and Leasing (with outside storage)**

**1. Where Development Standards are Required:**

HM and LM districts.

*Amended June 6, 2022*

**2. General Requirements:**

- (a) Use Separation: Fifty feet minimum from any side or rear property line of any residentially-zoned or used lot.
- (b) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided around all outside storage areas.
- (c) Screening: Whenever the use abuts a residential district, a minimum six-foot high fence and landscaping shall be provided in accordance with Section 6-4.

- (d) Vehicular Access: Principal access shall be from a collector or higher capacity road.

**E. Kennels with Outside Runs**

**1. Where Development Standards are Required:**

R-20, R-15, and HM districts.

*Amended June 6, 2022*

**2. General Requirements:**

- (a) Minimum Lot Area: The minimum lot area shall be one acre.
- (b) Outside Pens and Runs: Pens and runs located outdoors shall be located a minimum of 100 feet from any residentially-zoned or used lot and shall be screened in accordance with the standards of Section 6-4. Outdoor runs shall have a concrete floor, drains shall be provided every 10 feet, and drains shall be connected to an approved sanitary facility. Three sides of each run must have four foot high walls of block or concrete. The open side of the run must be screened from the view of the public.
- (c) Noise: The amount of noise generated by the use shall not disrupt the activities of the adjacent land uses and in no case shall noise-generated activities be conducted between the hours of 6:00 pm and 8:00 am.
- (d) Outdoor storage areas shall comply with the screening requirements of Section 6-4.
- (e) The facility's waste treatment plan must be approved by the city.

**4-7.8 Development Standards for Retail Trade Uses**

Development standards applicable to particular retail trade uses identified in Table 4-1-1, Table of Permitted Uses include:

**A. Bar, Night Club, Tavern, Brewpub**

**1. Where Development Standards are Required:**

B-2 and B-3 districts.

**2. General Requirements:**

- (a) Minimum Building Setbacks: When abutting a residentially-used or zoned lot, the minimum side and rear setbacks shall be at least 50 feet.
- (b) Outside serving areas adjacent to a residentially-used or zoned property are prohibited.
- (c) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses. No outdoor loudspeaker or public address system is permitted.

**B. Building Supply Sales**

**1. Where Development Standards are Required:**

B-2, HM, and LM districts.

**2. General Requirements:**

- (a) Use Separation: Fifty feet minimum from any adjoining residentially-used or zoned property line.
- (b) Dust: All unpaved areas shall be maintained in a manner that prevents dust from leaving the property.
- (c) Noise: Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (d) Outdoor Storage: Outdoor storage is not permitted in B-2 and LM zoning districts. In HM zoning districts, outdoor storage is permitted provided that all such storage is enclosed by a solid fence at least six feet in height and is landscaped in accordance with the provisions of Section 6-4.
- (e) Screening: Parking lots, loading areas, and any outdoor storage areas shall be screened from an abutting residentially-used or zoned lot by a buffer yard which complies with the requirements of Section 6-4.
- (f) Vehicular Access: Access to the use shall be from a collector or higher capacity road.

## **C. Convenience Store with Gas Pumps**

### **1. Where Development Standards are Required:**

B-1 and B-3 districts.

### **2. General Requirements in B-1 Zoning Districts:**

- (a) Minimum Dimensional Requirements: The use shall have a minimum area of 10,000 square feet and a frontage of not less than 150 feet.
- (b) Automobile storage or repair is not permitted in conjunction with the use.
- (c) The use shall not be located within 200 feet of any pre-existing school, playground, church, library or community center as measured from any point of the property line.
- (d) No portion of a building or equipment shall be nearer than 25 feet to the property line

### **3. General Requirements in B-3 Zoning Districts:**

- (a) Minimum Dimensional Requirements: The use shall have a minimum area of 6,000 square feet and a frontage of not less than 100 feet.
- (b) Automobile storage or repair is not permitted in conjunction with the use.
- (c) No portion of a building or equipment shall be nearer than 25 feet to the property line
- (d) Whenever the use abuts a residential district, a six foot high fence and landscaping, in accordance with Section 6-4, shall be provided.

## **D. Food Stores**

### **1. Where Development Standards are Required:**

B-1 & B-3 districts.

*Amended June 6, 2022*

## **2. General Requirements:**

- (a) Maximum Floor Area: A maximum of 15,000 square feet of gross floor area shall be permitted per establishment.
- (b) Minimum Property Setbacks: All buildings and structures shall be a minimum of 50 feet from any residentially-zoned or used lot.
- (c) Screening: All off-street parking lots and loading areas shall be screened from all adjoining residential uses or residentially-zoned lots by a buffer yard. The required parking lot buffer yard shall comply with the requirements of Section 6-4.
- (d) Outdoor Storage: Outdoor storage area is not permitted.
- (e) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 11 pm and 7 am.

## **E. Manufactured Home Sales**

### **1. Where Development Standards are Required:**

B-2 and LM districts.

### **2. General Requirements:**

- (a) Location: No manufactured home sales and display lot may be located within 5,000 feet of another manufactured home sales lot.
- (b) Minimum Lot Area: The minimum lot area shall be one acre.
- (c) Lot Coverage: At least 60% of the property must be open land.
- (d) Minimum Building Setbacks: The minimum side setback shall be at least 15 feet.
- (e) Building Separation: There shall be a 20-foot separation between manufactured homes and between a manufactured home and any other structure.

- (f) Vehicular Access: The use shall have direct access to a collector or higher capacity street.
- (g) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
- (h) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.
- (i) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (j) Site Plans: In addition to the site plan requirements of Appendix A, the required site plan shall show (i) the proposed points of access and egress and the pattern of internal circulation, loading, and unloading, (ii) the proposed placement plan for display units, and (iii) the location and extent of any temporary storage areas.
- (k) Prohibited Signs: Banner-type signs are not permitted.

## **F. Restaurant (drive-in or take out window only)**

### **1. Where Development Standards are Required:**

B-1, B-2, and B-3 districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Minimum Lot Area: The use shall have sufficient lot area to accommodate the building, on-site parking, loading, and vehicle circulation.
- (b) Parking: The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners. Sufficient on-site vehicle maneuvering space shall be available to prevent interference with the flow of traffic on the street providing access to the site.

- (c) Vehicular Access: The use shall have direct access to a collector or higher capacity street.
- (d) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (e) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 6 am.
- (f) Screening and Buffering: The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-4.
- (g) Whenever the use abuts a residential district, a six-foot high fence and landscaping shall be provided in accordance with Section 6-4.

## **G. Restaurant (with drive-thru)**

### **1. Where Development Standards are Required:**

B-1, B-2 and B-3 districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Minimum Lot Area: The use shall have sufficient lot area to accommodate the building, on-site parking, loading, and vehicle circulation.
- (b) Parking: The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners. Sufficient on-site vehicle maneuvering space shall be available to prevent interference with the flow of traffic on the street providing access to the site.



- (c) Vehicular Access: The use shall have direct access to a collector or higher capacity street.
- (d) Drive-through Facilities: Drive-through facilities shall be located to the rear or side of the principal building. Canopies for drive-through facilities shall be pitch-roofed consisting of materials and at an angle compatible with the principal building.
- (e) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (f) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 6 am.
- (g) Screening and Buffering: The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-4.
- (h) Whenever the use abuts a residential district, a six-foot high fence and landscaping shall be provided in accordance with Section 6-4.

## **H. Farm Supplies and Equipment**

*Amended June 6, 2022*

### **1. Where Development Standards are Required:**

B-2 districts.

### **2. General Requirements:**

- (a) Shall have a minimum of 15,000 square feet of gross floor space, including outdoor storage areas
- (b) Vehicular Access: The use shall have direct access to a collector or higher capacity street.
- (c) Outdoor Storage: The outdoor area devoted to the display and sales of retail goods shall be limited to a maximum 15

percent of the net developable lot area. Trailers used for the temporary storage of retail goods shall not be permitted.

- (d) **Driveways and Curb Cuts:** On a corner tract, no driveway shall be located closer than 75 feet to the closest right-of-way line extended from the intersecting public or private road. No driveway shall be located closer than 25 feet to a side or rear lot line, unless a common driveway serves adjacent uses, and in no instance shall the distance between separate driveways serving adjacent uses be less than 125 feet.
- (e) **Impact Assessments:** A traffic impact analysis shall be provided in accordance with Article 7, Section 6.10.
- (f) **Open Space Requirements:** A minimum of 20 percent of the gross site area shall be landscaped open space.
- (g) **Building Materials:** New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, high quality metal, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.
- (h) **Architectural Rendering:** An architectural rendering shall be submitted for review at the time of site plan submission.
- (i) **Pedestrian facilities:** Sidewalks or paved pedestrian paths shall be provided from the parking lot to the entrances of the principal building to ensure a safe separation of vehicular and pedestrian traffic.

## **I. Service Station, Gasoline Sales**

### **1. Where Development Standards are Required:**

B-1 and B-3 districts.

### **2. General Requirements in B-1 Zoning Districts:**

- (a) **Minimum Dimensional Requirements:** The use shall have a minimum area of 10,000 square feet and a frontage of not less than 150 feet.

- (b) Automobile storage or repair is not permitted.
- (c) The use shall not be located within 200 feet of any pre-existing school, playground, church, library or community center as measured from any point of the property line.
- (d) No portion of a building or equipment shall be nearer than 25 feet to the property line
- (e) Air compressors, hydraulic hoists, pits, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.

**3. General Requirements in B-3 Zoning Districts:**

- (a) Minimum Dimensional Requirements: The use shall have a minimum area of 6,000 square feet and a frontage of not less than 100 feet.
- (b) Automobile storage or repair is not permitted.
- (c) No portion of a building or equipment shall be nearer than 25 feet to the property line
- (d) Whenever the use abuts a residential district, a six foot high fence and landscaping, in accordance with Section 6-4, shall be provided.
- (e) Air compressors, hydraulic hoists, pits, greasing and lubrication equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.

**J. Shopping Center**

*Amended October 7, 2019*

**1. Where Development Standards are Required:**

B-2 districts.

**2. General Requirements:**

- (a) Shopping Center Classifications:
  - (1) Multi-Tenant Building (Neighborhood Shopping Center). A building or buildings owned or managed by a single party that is used for two or more

occupancies, provided each occupancy is separated by construction having fire-resistive ratings in compliance with the NC Building Code, in a building or buildings containing a total floor area of 15,000 square feet or less, designed to provide for the day-to-day needs of consumers in the immediate neighborhood. Such buildings shall not allow the following uses:

- i. Batting Cages, Outdoor
- ii. Sports and Recreation Club, Indoor
- iii. Automobile Parking (Commercial)
- iv. Automobile Rental or Leasing
- v. Automobile Repair Services
- vi. Blacksmith
- vii. Car Wash, Auto Detailing
- viii. Funeral Home, Crematorium
- ix. Hotel or Motel
- x. Insurance Agency, with On-Site Claims Inspections
- xi. Kennels, with No Outside Runs
- xii. Laundromat, Coin-Operated
- xiii. Medical or Dental Laboratory
- xiv. Theater (outdoor)
- xv. Veterinary Clinic
- xvi. Vocational, Business or Technical School
- xvii. Building Supply Sales
- xviii. Convenience Store, with Gas Pumps
- xix. Fuel Oil Sales
- xx. Garden Center or Retail Nursery
- xxi. Motor Vehicle Sales (new and used)
- xxii. Recreational Vehicle Sales
- xxiii. Restaurant (drive-in or take-out window only)
- xxiv. Restaurant (with drive-through)
- xxv. Service Station, Gasoline Sales
- xxvi. Golf Course, Miniature
- xxvii. Golf Driving Range
- xxviii. Physical Fitness Center, Training Center
- xxix. Private Club or Recreational Facility, Other
- xxx. Public Park or Recreational Facility, Other
- xxxi. Taxi Terminal
- xxxii. Tire Sales
- xxxiii. Beverage Products
- xxxiv. Ice
- xxxv. Jewelry and Silverware Fabrication, No Plating
- xxxvi. Printing and Publishing, Incidental to a Newspaper Office

*Amended June 6, 2022*

- (2) Community Shopping Center. A group of two or non-residential uses on a single property containing a total floor area of 15,000 to 80,000 square feet in one or multiple buildings, designed as a large-scale commercial center offering a wider range of retail and service establishments providing a shopping environment for the community and general public. This use shall only be permitted by approval of a special use permit.
- (3) Regional Shopping Center. A retail shopping area with a minimum lot size of 5 acres, containing at least two major commercial establishments and over 80,000 square feet of gross floor area designed as a large-scale commercial center with a clientele drawn from the regional population. This use shall only be permitted by approval of a special use permit.

The development standards in this subsection are applicable to the particular category of shopping center as indicated.

- (b) Minimum Development Area (Regional Only): The minimum development area for a regional shopping center shall be 5 acres.
- (c) Open Space Requirements (Neighborhood, Community, and Regional): A minimum of 20 percent of the gross site area shall be landscaped open space.
- (d) Floor Area Ratio (Community and Regional Only): The maximum floor area ratio shall be 0.30. Floor area ratio is the gross floor area of all buildings or structures on a lot divided by the total lot area.
- (e) Setbacks (Community and Regional Only): Shopping center developments that are adjacent to or across a public road right-of-way from a residential zoning district shall provide a minimum building setback of 60 feet to such residential district. Otherwise, all B-2 setbacks and landscaping buffers apply.
- (f) The outdoor area devoted to the display of retail goods shall be limited to a maximum 15 percent of the net developable lot area. All refuse shall be contained in completely enclosed facilities. Trailers and other portable structures used for the temporary on-site storage of retail goods shall not be permitted.

*Amended June 6, 2022*

- (g) Driveways and Curb Cuts (Community and Regional Only): On a corner tract, no driveway shall be located closer than 75

feet to the closest right-of-way line extended from the intersecting public or private road. No driveway shall be located closer than 25 feet to a side or rear lot line, unless a common driveway serves adjacent uses, and in no instance shall the distance between separate driveways serving adjacent uses be less than 125 feet.

- (h) Coordinated Design Plan (Community, and Regional): Exterior building materials, signs, and outdoor lighting used in a shopping center development, including outparcels, shall be planned so as to provide a coordinated design scheme for the entire development. The coordinated design plan shall be submitted for review at the time of site plan submission. The coordinated design plan shall include drawings, specifications, dimensions, and maps.
- (i) Access (Community and Regional Only): Access to the use shall be from a thoroughfare or higher classified street that has the capacity to accommodate the additional traffic projected to be generated by the shopping center.
- (j) Building Materials (Neighborhood, Community, and Regional): New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. Building facades that extend greater than 100 linear feet shall incorporate into the design recesses and projections to cover at least 20 percent of the total building frontage. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.
- (k) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (l) Outdoor Lighting Standards: 90 percent cutoff on pole lighting; a maximum height of 30 feet on all pole lighting; colors and elevation details of poles and fixtures are to be standard aluminum gray or black; no lighting elements shall be directly visible from any public roadway, sidewalk, or adjacent property; any floodlighting attached to the building walls shall be angled so as to not cast light directly onto adjacent properties and/or road rights-of-way.
- (m) Architectural Rendering (Neighborhood, Community, and Regional): An architectural rendering of the proposed

shopping center shall be submitted for review at the time of site plan submission.

- (n) Pedestrian facilities: Sidewalks or paved pedestrian paths shall be provided from the parking lot to the entrances of the principal building(s) and all adjacent public rights of way and all adjacent public rights of way to ensure a safe separation of vehicular and pedestrian traffic.

## **K. Superstore**

### **1. Where Development Standards are Required:**

B-2 and LM districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Superstores are defined as freestanding department, variety, or general merchandise stores that are in excess of 50,000 square feet of gross floor space.
- (b) Minimum Building Setbacks: Superstores that are adjacent to or across a public road right-of-way from a residential zoning district shall provide a minimum building setback of 60 feet.
- (c) Floor Area Ratio: The maximum floor area ratio shall be 0.30. Floor area ratio is the gross floor area of all buildings or structures on a lot divided by the total lot area.
- (d) Vehicular Access: The use shall have direct access to a NC or US-numbered highway that has the capacity to accommodate the additional traffic, including truck traffic, projected to be generated by the superstore.
- (e) Outdoor Storage: The outdoor area devoted to the display of retail goods shall be limited to a maximum 15 percent of the net developable lot area and shall be completely enclosed by a wall and landscaped in accordance with the provisions of Section 6-4. All refuse shall be contained in completely enclosed facilities. Trailers used for the temporary storage of retail goods shall not be permitted.
- (f) Driveways and Curb Cuts: On a corner tract, no driveway shall be located closer than 75 feet to the closest right-of-way line extended from the intersecting public or private

road. No driveway shall be located closer than 25 feet to a side or rear lot line, unless a common driveway serves adjacent uses, and in no instance shall the distance between separate driveways serving adjacent uses be less than 125 feet.

- (g) Impact Assessments: A traffic impact assessment shall be provided in accordance with NCDOT standards and specifications for traffic impact assessments.
- (h) Open Space Requirements: A minimum of 20 percent of the gross site area shall be landscaped open space.
- (i) Building Materials: New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. Building facades that extend greater than 100 linear feet shall incorporate into the design recesses and projections to cover at least 20 percent of the total building frontage. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.
- (j) Outdoor Lighting: All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (k) Outdoor Lighting Standards: 90 percent cutoff on pole lighting; a maximum height of 30 feet on all pole lighting; colors and elevation details of poles and fixtures are to be standard aluminum gray or black; no lighting elements shall be directly visible from any public roadway, sidewalk, or adjacent property; any floodlighting attached to the building walls shall be angled so as to not cast light directly onto adjacent properties and/or road rights-of-way.
- (l) Architectural Rendering: An architectural rendering of the proposed superstore development shall be submitted for review at the time of site plan submission.
- (m) Pedestrian facilities: Sidewalks or paved pedestrian paths shall be provided from the parking lot to the entrances of the principal building to ensure a safe separation of vehicular and pedestrian traffic.



## **L. Truck Stop**

### **1. Where Development Standards are Required:**

HM districts.

### **2. General Requirements:**

- (a) **Minimum Dimensional Requirements:** The use shall have a minimum area of 40,000 square feet and a frontage of not less than 150 feet.
- (b) No portion of a building or equipment shall be nearer than 25 feet to the property line
- (c) Air compressors, hydraulic hoists, pits, greasing and lubrication equipment, repair equipment, auto washing equipment, and similar equipment shall be entirely enclosed within a building.
- (d) **Parking:** The permit-issuing authority shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners. Sufficient on-site vehicle maneuvering space shall be available to prevent interference with the flow of traffic on the street providing access to the site.
- (e) **Vehicular Access:** The use shall have direct access to a collector or higher capacity street.
- (f) **Drive-through Facilities:** Drive-through facilities shall be located to the rear or side of the principal building. Canopies for drive-through facilities shall be pitch-roofed consisting of materials and at an angle compatible with the principal building.
- (g) **Outdoor Lighting:** All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed 0.3 onto adjacent residential sites and 1.0 onto adjacent nonresidential sites and public rights-of-way.
- (h) **Screening and Buffering:** The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-4.

- (i) Fencing: Whenever the use abuts a residential district, a six foot high fence and landscaping, in accordance with Section 6-4, shall be provided.
- (j) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses. No outdoor loudspeaker or public address system is permitted where the use abuts a residentially-used or zoned property.

**4-7.9 Development Standards for Wholesale, Transportation, Warehousing, and Utilities Uses**

Development standards applicable to particular wholesale, transportation, warehousing, and utilities uses identified in Table 4-1-1, Table of Permitted Uses include:

**A. Airport or Air Transportation Facility**

**1. Where Development Standards are Required:**

HM districts.

*Amended June 6, 2022*

**2. General Requirements:**

- (a) Minimum Area: Fifty acres for Basic Utility Stage 1 airport with 2,000-foot runway. More area is required for larger airports. Airport size and layout shall conform to *FAA Advisory Circular 150/5300-4B*.
- (b) Use Separation: There shall be a minimum 300-foot distance between the airport property and the nearest residence.
- (c) Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum 6 feet in height.

**B. Petroleum and Petroleum Products, Bulk Storage (Wholesale Trade of)**

**1. Where Development Standards are Required:**

HM districts.

*Amended June 6, 2022*

## 2. General Requirements:

- (a) The minimum size lot, tract or parcel shall be one acre.
- (b) All storage tanks and loading facilities shall be located at least 50 feet from any nonresidential side or rear property line. The minimum building setback line is 50 feet. All storage tanks and loading facilities shall be located a minimum of 200 feet from any exterior property line bordering a residentially-used or zoned property.
- (c) A buffer strip is required for side or rear lot lines that abut a residential or office and institutional zoning district. The buffer shall comply with the standards of Section 6-4.
- (d) Vehicular access to the use shall be provided only by way of a nonresidential collector or higher capacity street or an industrial area access road.
- (e) The proposed site shall not endanger the safety of properties in the area.
- (f) Dikes:
  - (1) 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.
  - (2) 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 3 feet or more in height shall have a flat section at the top not less than 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 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, empty or full drums or barrels, shall be permitted within the diked area.
  - (3) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed 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.

- (g) Security Fencing: Security fencing, a minimum of 6 feet in height, shall be provided along the entire boundary of such facilities.
- (h) The proposed site shall not endanger the safety of properties in the area.
- (i) The use must meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.
- (j) Facilities must meet all EPA requirements.

### **C. Communications Tower, Public Safety**

#### **1. Where Development Standards are Required:**

All districts.

#### **2. Definition:**

A public safety communications tower is a telecommunications tower utilized by the federal government, state government, local government, or a non-governmental entity engaged in public safety activities. Public safety activities include, but are not limited to, homeland security, law enforcement, emergency management, fire protection, and emergency medical services.

#### **3. General Requirements:**

Lattice and guy tower structures no taller than 500 feet are permitted if the wireless communications tower is owned by a local, state, or federal government agency and operated primarily for public safety purposes. Privately-owned wireless telecommunications attachments may be co-located on the structure as long as the wireless communications tower's primary purpose is to serve public safety purposes.

### **D. Communications, Radio & Television Towers Over 50 Feet in Height**

## 1. Where Development Standards are Required:

RA-20, HM, LM districts. **(Note:** Wireless communication facilities and supporting devices are governed by the requirements of 4-7.9E & F. (Amended July 9, 2018) All other communications towers that are under 50 feet in height and are accessory structures are governed by the provisions of Section 4-7.4, D., Communications Towers under 50 feet in Height. Public safety communications towers are allowed in accordance with the requirements of Section 4-7.9, C.)

## 2. General Guidelines:

The following shall be required of all communications towers constructed subsequent to the enactment of this Ordinance, whether approved by administrative or special use approval:

- (a) The perimeter around the base of the tower and all guy anchors shall be surrounded by a security fence or wall at least 8 feet in height, unless the entirety of the tower and guy anchor(s) are mounted on a structure above 8 feet in height. The guy towers may be fenced separately in order to comply with the requirements of this subsection.
- (b) Before any communications tower is approved, a site plan showing location, height of existing and proposed towers(s), guys and the like, along with proposed accessory structures or equipment, proposed landscaping, screening, points of ingress and egress, and any other features that are proposed or existing shall be submitted and approved.
- (c) Towers constructed in the Mebane zoning jurisdiction shall be of the monopole type, unless the provider can establish that reasonable service could not be provided by a monopole tower.
- (d) No buildings associated with a communications tower within a residential zoning district may be used as an employment center for any worker. This provision does not prohibit periodic maintenance or monitoring of equipment, instruments or anything else on the site.
- (e) Commercial advertising shall not be allowed on the tower or any of its related facilities. However, an identification wall sign is allowed on any equipment shelter, provided it not exceed 10 percent of the wall area.
- (f) Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards, presents no threat to aviation standards, or to persons or property by reason of unusual exposure to aviation hazards as set forth in Section 204, E. Such

evidence shall consist of engineering certification that, in the event of collapse, the tower's structure shall crumble inward, causing no threat to persons or property on adjoining lots. The cost of all engineering evidence shall be at the expense of the applicant. In addition, the applicant shall provide proof of adequate insurance coverage, covering damages of the facility itself and all surrounding property before any permits are issued.

- (g) The maximum height of any tower located in all zoning districts is 200 feet, unless applicant establishes that a taller tower is required to provide minimal service and need.
- (h) The minimum lot size requirements for any telecommunications tower up to 200 feet in height shall be 2 acres. The minimum lot size does not apply if facilities are located on existing structures or buildings. If towers are permitted which exceed 200 feet in height, the lot size shall be sufficient to meet the requirements of subsection (k) below.
- (i) No outside storage shall be allowed on any communication facility site.
- (j) Any driveway accessing a telecommunications facility shall be paved, at least 15 feet wide, and well maintained. Such drives shall have recorded easements, where appropriate.
- (k) The setback distance from existing property lines in all zoning districts for all towers shall be 100 feet, or one foot for every one foot of tower height, whichever is greater.
- (l) Before any permit is issued for the construction of a telecommunications tower, each applicant for approval of any new tower shall provide the Zoning Administrator with an inventory of existing towers located within a one mile radius of the proposed tower, including specific information concerning location, height, and design of each tower. The applicant shall also provide sound engineering evidence as to why any proposed communications equipment could not be added onto existing towers. Such information may be shared with other organizations proposing to locate towers within the governing district, without representing such sites as being appropriate.
- (m) The applicant must provide documentation that the proposed tower complies with Federal Radio-Frequency Emission standards.
- (n) No telecommunications tower shall be allowed within the front yard of any existing development within any zoning district.

- (o) All lighting of towers must comply with FAA standards. No lighting shall present a glare to any adjoining properties or into any public right of way or a nuisance to pilots.
- (p) No telecommunications tower shall be constructed within one mile of another free standing telecommunications site.
- (q) Consideration of placing towers on existing structures is encouraged.

### **3. Structures Not Subject to the Requirement of this Section:**

- (a) Any private tower structure erected solely for residential or non-commercial (civic, religious and the like) use such as television antennas, satellite dishes or amateur radio antennas. Such structure shall, however, comply with all other applicable requirements of this Ordinance.
- (b) Telephone or utility poles erected for the sole purpose of providing basic electrical coverage or noncellular telephone coverage.
- (c) Alternative freestanding tower structures such as clocks, steeples, bell towers and the like, which are not used for telecommunications purposes. Such structure shall, however, comply with all other applicable requirements of this Ordinance.
- (d) Public safety communications towers as defined in Section

### **4. Administrative Approval:**

The following uses may be approved by the Zoning Administration after an administrative review is conducted. Such approval shall be contingent on the satisfaction of criteria listed in subsection 2 above.

- (a) Installation of an antenna on any existing structure other than a residential structure (such as a non-residential building or water tower) that is greater than 50 feet in height so long as the addition adds no more than 20 feet to the height of the existing structure.
- (b) Installation of an antenna on any existing structure other than a residential structure (such as a non-residential building or water tower) that is less than 50 feet in height, so long as such addition adds no more than 20 feet, or doubles the total height of building, whichever is less.

- (c) Installation of an antenna on an existing tower of any height, including the placement of additional buildings directly related to such use, so long as the antenna adds no more than 20 feet, or 25 percent, whichever is greater, to the height of the existing tower.

## 5. Special Use Permit:

All newly constructed telecommunication towers shall require a special use permit, issued by the City Council after public hearing. At said hearing, in addition to meeting the general requirements set forth in this Ordinance for the issuance of special use permits, the applicant must provide evidence that the applicant has investigated other means for locating proposed facilities than construction of a new tower. Such alternative means shall consist of, but are not limited to, consolidating the proposed facility onto an existing tower, stealth technology, or constructed so that it would be permitted as an administratively approved use. Such evidence shall consist of the following:

- (a) The applicant shall send letters to all owners of existing towers within one mile radius of the proposed tower requesting the following information:
  - (1) Tower height;
  - (2) Existing and planned tower uses;
  - (3) Assessment of existing tower's ability to accommodate proposed antenna without causing radio frequency disturbance or instability; and
  - (4) If subsection (3) above cannot be met, an evaluation of whether existing tower could be modified so as to support an additional tower without producing electromagnetic interference.
- (b) A copy of all responses of the letter required by subsection (a) above.
- (c) A summary explanation of why the applicant believes the proposed tower cannot be located on an existing tower.
- (d) Presentation of sound engineering evidence which demonstrates that the location of a new tower rather than the addition onto an existing tower is necessary to avoid interference; is in the interest of public safety; is technologically necessary; or is more practical in any other relevant way.
- (e) Sound engineering evidence that the communication tower is designed to support at least one additional



telecommunications provider, and a statement that, if commercially reasonable, the owner would be willing to accommodate additional user(s) to attach communications additions onto the proposed tower, so long as the addition(s) not interfere with the functional purpose of the tower.

- (f) Evidence that the proposed tower, if permitted, meets all the requirements established by this Ordinance.

## **6. Landscaping:**

In order to screen fencing and supports of telecommunication towers from the view of the public and adjoining properties, adequate landscaping shall be provided. Such landscaping shall meet the requirements of Section 6-4.

## **E. Telecommunications Facilities**

*Amended July 9, 2018*

### **1. Where Development Standards are Required:**

R-20, R-15, R-10, R-8, R-6, B-1, B-2, B-3, HM, LM

### **2. General Requirements:**

- (a) Telecommunications Facilities: All telecommunications facilities that are not “qualifying small wireless facilities,” “qualifying utility poles,” and that are not exempted in Section 4-7.9D. Non-stealth telecommunications facilities are not permitted to locate on an existing utility pole.
- (b) Before any communications tower is approved, a site plan showing location, height of existing and proposed towers(s), guys and the like, along with proposed accessory structures or equipment, proposed landscaping, screening, points of ingress and egress, and any other features that are proposed or existing shall be submitted and approved.
- (c) The applicant must provide documentation that the proposed tower complies with Federal Radio-Frequency Emission standards.
- (d) All lighting of towers must comply with FAA standards. No lighting shall present a glare to any adjoining properties or into any public right of way or a nuisance to pilots.
- (e) Use: As defined in NCSL 2017-159 and Article 12 of this UDO, telecommunication facilities are intended to provide a network of wireless communication service while minimizing the visual, aesthetic, and public safety impacts of their installation and maintenance.

- i. Support buildings located in any residential zoning district shall not be used as an employment center for any worker. Periodic maintenance and/or monitoring of equipment and/or instruments is not prohibited by this clause.
- ii. The City of Mebane has a preference of telecommunication facility types, and offers the following list of telecommunication facilities in preferred order as guidance:
  - Co-locations on Existing Wireless Support Structures;
  - Concealed (Stealth) Telecommunications Facilities on Existing Buildings/Structures;
  - New Concealed (Stealth) Wireless Support Structures;
  - Non-Stealth Telecommunications Facilities on Existing Buildings/Structures;
  - New Freestanding Non-Stealth Wireless Support Structures (“unipoles”); and
  - New Freestanding Non-Stealth Wireless Support Structures (“lattice-type”).

(f) Placement:

- i. New antennae may be co-located upon wireless support structures that exist on the effective date of this Ordinance. Should a request for an increase in height for an existing wireless support structure exceed the height limits placed upon wireless support structures found herein, the proposed antennae shall require issuance of a special use permit by the City Council;
- ii. No portion of a telecommunications facility may be placed in the public right-of-way in a manner that
  - a. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals, including all access for persons with disabilities;
  - b. Results in ground-mounted, above-ground equipment cabinets in the public right-of-way associated with the support structure that are 10% larger in height or overall volume than other equipment cabinets in the same area; or
  - c. Involves placement of pole-mounted equipment (other than cabling) whose lowest point is lower than 8 feet above ground level.
- iii. Non-Stealth Telecommunications facilities on existing buildings or structures shall be allowed as a permitted use on

land used for any purpose in nonresidential zoning districts, and on land used for non-residential purposes in Planned Unit Development District and Traditional Neighborhood District. Non-stealth telecommunications facilities on existing buildings or structures are prohibited in the public right-of-way;

- iv. Concealed (Stealth) Antennae shall be allowed as a permitted use in all non-residential zoning districts, and on residentially-zoned land used for non-residential purposes; and
- v. Applicants seeking a special use permit for the construction of a new freestanding wireless support structure greater than 75 feet in height shall provide evidence that reasonable efforts have been made to lease or otherwise acquire space on all existing wireless support structure greater than 75 feet in height within a 3,000 feet radius of the proposed new wireless support structure. No new freestanding wireless support structures shall be permitted unless the applicant demonstrates that
  - a. no existing or previously-approved wireless support structures can reasonably be used for placement of the new wireless telecommunications equipment rather than constructing the proposed new freestanding wireless support structure;
  - b. residential, historic, and municipal recreational areas cannot be served with an alternative placement of wireless support structure(s); or
  - c. the service the applicant wishes to provide necessitates the proposed height or proposed height increase of a substantially-changed wireless support structure.

(g) Setbacks:

- i. Stealth wireless support structure must comply with the minimum building setbacks for the zoning district in which they are located. They shall also satisfy the following setback requirements:
  - a. All residentially-zoned properties shall be minimally separated at its property line from the proposed wireless support structures by a distance equivalent to the wireless support structures' height(s);
  - b. All dwelling units in a non-residential zoning district shall be minimally separated from the proposed wireless support structures by a distance equivalent to the wireless support structures' height(s);
  - c. All non-residentially-zoned properties shall be minimally separated from the proposed wireless support structures by a distance equivalent to either one-half the wireless

support structures' height(s) or the required buffer width for that property, whichever is greater; and

- d. All adjacent road right-of-way boundaries shall be minimally separated from all buildings by a distance equivalent to the proposed wireless support structures' height(s).
- ii. Non-stealth wireless support structure must comply with the minimum building setbacks for the zoning district in which they are located. They shall also satisfy the following setback requirements:
  - a. The setback distance from existing property lines in all zoning districts for all towers shall be 100 feet, or one foot for every one foot of tower height, whichever is greater,
  - b. All dwelling units in residential and non-residential zoning districts shall be minimally separated from the proposed wireless support structures by the greater of either 200 feet or a distance twice that of the wireless support structures' height(s); and
  - c. All adjacent road right-of-way boundaries shall be minimally separated from all buildings by a distance equivalent to the proposed wireless support structures' height(s).

(h) Height:

- i. If located in the right-of-way of any public road or street, stealth antennae shall be located on an existing utility pole that does not exceed a height of 35 feet above the immediately local ground area. Regardless of placement relative to a public right-of-way, stealth antennae on an existing utility pole shall not be higher than ten (10) feet above the pole's highest point;
- ii. If located in the right-of-way of any public road or street, non-stealth antennae shall not exceed a height of 50 feet above the immediately local ground area;
- iii. Non-stealth telecommunications facilities on existing buildings or structures located outside of the right-of-way and not on an existing utility pole shall have the following maximum heights, relative to the height of the structure it is mounted upon:

MAXIMUM STRUCTURE HEIGHT	MAXIMUM TOTAL HEIGHT ( <u>measured from height of structure &amp; including antennae</u> )
150 feet	15% of the structure height
75 feet – 149 feet	25% of the structure height
<75 feet	40% of the structure height

- iv. The maximum permitted height for a stealth wireless support structures shall be 199 feet;
- v. The maximum permitted height for a freestanding non-stealth wireless support structures shall be 200 feet;
- vi. The ground-mounted components of all non-stealth and stealth telecommunications facilities on existing buildings or structures shall be located flush to grade whenever possible to avoid inconveniencing the public or creating a potential hazard;
- vii. All structure-mounted telecommunications facilities shall be designed to meet current building standards and wind load requirements;
- viii. The property owner(s) or applicant shall submit a certification letter from a North Carolina certified land surveyor or licensed engineer verifying that the structure's height complies with the approved development plan.

(i) Design:

- i. Non-stealth wireless communications facilities shall be of the unipole type unless the provider can establish that reasonable service could not be provided by a monopole tower.
- ii. Commercial advertising shall not be allowed on the tower or any of its related facilities. However, an identification wall sign is allowed on any equipment shelter, provided it not exceed 10 percent of the wall area.
- iii. The exterior appearance of all wireless support structures and all associated support structures and buildings shall be compatible with the other buildings in the surrounding area. Telecommunication facilities shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations. Telecommunications facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community;
- iv. Concealed (stealth) wireless support structures shall be designed to complement the physical landscape in which they are intended to be located. Examples of stealth wireless support structure that may be considered complementary include, but are not limited to, faux pine trees, unipoles/slick sticks, bell towers, etc. New stealth wireless support structures shall be configured and located in a manner that shall minimize adverse effects, including visual impacts on the

landscape, horizon, and adjacent properties. New freestanding stealth wireless support structures shall be designed to be compatible with adjacent structures and landscapes with specific design considerations such as architectural designs, scale, color, and texture;

- v. Non-stealth communications facilities placed on existing buildings or structures shall be appropriately camouflaged to blend in with the surroundings, and non-reflective paints and adhesives shall be used;
- vi. Wireless support structures shall be constructed to accommodate antenna arrays as follows:

WIRELESS SUPPORT STRUCTURE HEIGHT	ANTENNA ARRAYS SUPPORTED THROUGH ENGINEERING & CONSTRUCTION
>150 feet	6+
121 – 150 feet	5+
<120 feet	4+

(j) Exemptions: The provisions of this ordinance do not permit the placement of telecommunications facilities of any type on privately-owned utility poles or wireless support structures, or upon private property, without the consent of the property owner or any person who has interest in the property. Provided that all placement, setback, and design requirements are met per this section, the following categories of telecommunications facilities are exempt from other requirements set forth herein:

- i. Any telecommunications facility below 65 feet when measured from ground level which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations;
- ii. Over the air reception devices covered under 47 C.F.R. §1.4000, so long as it satisfies the requirements set forth in 4-7.9(D);
- iii. Routine maintenance and removal or replacement of an antenna or other equipment related to the wireless support structure or base station that does not change the physical dimensions of the wireless support structure or base station, or defeat any of the concealment elements of the wireless support structure or base station;
- iv. A temporary telecommunications facility that
  - a. upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City of Mebane designees; except

that such facility must comply with all federal and state requirements and must be removed at the conclusion of the emergency; or

- b. if necessary to continue providing service while a wireless support structure or other structure upon which the existing telecommunications facility has been placed (e.g. a water tank) is undergoing maintenance, replacement, or reconstruction, rendering use of the existing telecommunications facility unusable, excepting that
  1. the temporary facility must be located on site and no taller than the existing wireless support structure or other structure;
  2. as for all permanent facilities, the temporary facility must meet the placement and setback requirements detailed herein;
  3. the temporary facility must be removed within 60 days of the conclusion of the operation that necessitated its use, or within one year, whichever is shorter, unless the time is administratively extended based upon evidentiary cause provided to the City of Mebane Planning Department; or
- b. Public safety facilities or installations required for public safety on public or private property, including transmitters, repeaters, and remote cameras, so long as the facilities are designed to match the supporting structure.

### **3. Review and Approval**

- (a) Engineering evidence must be presented which demonstrates that the proposed use meets all FAA standards, presents no threat to aviation standards, or to persons or property by reason of unusual exposure to aviation hazards as set forth in Section 204, E. Such evidence shall consist of engineering certification that, in the event of collapse, the tower's structure shall crumble inward, causing no threat to persons or property on adjoining lots. In addition, the applicant shall provide proof of adequate insurance coverage, covering damages of the facility itself and all surrounding property before any permits are issued.
- (b) All applications received by the City shall comply with the submittal requirements detailed herein and serve the application requirements provided by the City. All qualifying applications shall be reviewed and deficiencies noted and identified by the City to the applicant within 30 days of submission. Should no feedback be provided within that window, the application will be deemed approved by administrative review after 45 days. Any deficiencies noted by the City may be addressed and resubmitted by the applicant after 30 days of

notification by the City. This resubmission shall be considered to be the same application by the City. Deficiencies that are not present in the initial application and arise following this initial review and resubmission must be addressed through a new application. The City and the applicant do have the authority to mutually agreed to an alternate review window for applications.

- (c) Applicant must obtain all other required permits, authorizations, approvals, agreements, and declarations that may be required for installation, modification, and/or operation of the proposed facility under federal, state, or local law, rules, or regulations, including, but not limited to, private, local, and state encroachment agreements, and approvals by the Federal Communications Commission. An approval issued under this section is not *in lieu* of any other permit required under the City of Mebane Unified Development Ordinance or Code of Ordinances, nor is it a franchise, license, or other authorization to occupy the public right-of-way, or a license, lease, or agreement authorizing occupancy of any other public or private property. It does not create a vested right in occupying any particular location, and an applicant may be required to move and remove facilities at its expense consistent with other provisions of applicable law. An approval issued in error that is based upon incomplete or false information provided by an applicant, or any application that conflicts with other requirements within this ordinance, is not valid. No person may maintain a small wireless facility in place unless required by state or federal authorization.
- (d) All wireless communications facilities and related equipment, including, but not limited to, fences, cabinets, poles, and landscaping, shall be maintained in good working conditions over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless facility shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 30 calendar days from the date of notification by the City. In public rights-of-way, damaged or deteriorated components must be corrected within 5 business days of notification.
- (e) All wireless communication facilities and related equipment shall be maintained in good working order. A wireless communications facility that ceases to provide its intended service or falls to disrepair, as defined in Section 4-7.9E(2) and is not repaired or removed within 30 calendar days shall be considered abandoned. A wireless services provider may also declare a facility abandoned. Abandoned facilities must be removed within 180 days of declaration either by the owner or the City. After 180 days of abandonment, the City may remove the facility, recovering costs of removal, including legal services costs, from the owner of that facility.
- (f) The property owner(s) or applicant shall submit a certification letter from a North Carolina-certified land surveyor or licensed engineer which verifies that structure height complies with the approved development plan;



- (g) The applicant or owner of the facility shall maintain onsite at all times the contact information for all parties responsible for the maintenance of the facility;
- (h) No telecommunications facilities shall, whether by individual or collective operation with other facilities, generate radio frequency emissions in excess of the standards established by the Federal Communications Commission;
- (i) The City may provide written notice to the applicant and/or owner of a small wireless facility of the requirement to relocate any facilities, or an associated utility pole, city utility pole, or wireless support structure upon which they are co-located, in the public right-of-way, to be paid for by the applicant and/or owner, as necessary for maintenance or reconfiguration of the right-of-way for other public projects, or to serve any other needs that serve the health and welfare of the City;
- (j) Co-location or any other modification of small wireless facilities or an existing non-conforming wireless support structure or base station shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming structure and/or use, provided that the co-location or modification constitute an eligible facilities request; and
- (k) All wireless support structures shall be approved as a permitted use, provided they meet the requirements provided herein. A special use permit granted by City Council is required if a wireless support structure involves one of the following criteria:
  - i. The setbacks required by the underlying zoning must be reduced to accommodate the proposed wireless support structure;
  - ii. A proposed stealth wireless support structure is greater than 150 feet in height and is to be located in a residentially-zoned district that is used for residential or vacant purposes; and
  - iii. A proposed non-stealth wireless support structure is proposed within 200 feet of a property line for any property used, zoned, or otherwise approved for residential purposes.

#### **4. Operations and Maintenance**

- (l) Approval by the City of a new wireless support structure or a co-location that is a substantial change from existing conditions shall permit the construction of such facilities for a period of 24 months, at which time the approval for the project shall expire;
- (m) The applicant or owner of the wireless telecommunications facility shall maintain onsite at all times the contact information for all parties responsible for the maintenance of the facility;

- (n) No telecommunications facilities shall, whether by individual or collective operation with other facilities, generate radio frequency emissions in excess of the standards established by the Federal Communications Commission;
- (o) The City may provide written notice to the applicant and/or owner of a wireless communication facility of the requirement to relocate any facilities located in the public right-of-way, to be paid for by the applicant and/or owner, as necessary for maintenance or reconfiguration of the right-of-way for other public projects, or to serve any other needs that serve the health and welfare of the City;
- (p) Co-location or any other modification of a telecommunications facility shall be permitted upon an existing wireless support structure or base station that has been deemed a non-conforming use by the City, provided that the co-location or modification(s) are determined to be an eligible facilities request, as detailed herein.

## **F. Small Wireless Facilities**

*Amended July 9, 2018*

### **1. Where Development Standards are Required:**

All Districts

### **2. General Requirements:**

The following shall be required of all communications towers constructed subsequent to the enactment of this Ordinance, whether approved by administrative or special use approval:

- (a) Placement: The City prefers that small wireless facilities be located outside the public right of way; co-located on existing utility poles or wireless support structures; concealed; and have their accessory equipment mounted on a utility pole or wireless support structure.
  - i. Small wireless facilities located in designated historic districts or on property designated as a landmark (pursuant to NCGS Chapter 160D, Article 9, Part 4) shall be required to obtain a Certificate of Appropriateness from the Historic Preservation Commission;

*Amended June 7, 2021*

- i. Co-location of small wireless facilities on land used as single-family residential property or vacant land that is zoned for single-family development, and any small wireless facility that extends more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is co-located, are subject to Section

4-7.9(E) of this UDO. Notwithstanding the foregoing, replacement of an existing streetlight for with the City is financially responsible with a streetlight capable of including a co-located, concealed small wireless facility is permitted on land used as single-family residential property or vacant land that is zoned for single-family development, pursuant to the requirements of 4-7.9E.

- a. Co-locations of qualifying small wireless facilities in municipal right-of-way, or outside of the municipal right-of-way on land that is zoned and/or used for non-residential purposes, are subject to the following requirements:
- b. Application: Applicants must complete an application, as specified in form and content by the City;
- c. Height: Each new small wireless facility shall not extend more than 10 feet above the utility pole, city utility pole, or wireless support structure on which it is co-located;
- d. Public Safety: In order to protect public safety,
  - i. Small wireless facilities shall cause no signal or frequency interference with public safety facilities or traffic control devices and shall not physically interfere with other attachments that may be located on the existing pole or structure;
  - ii. A structural engineering report prepared by an engineer licensed by the State of North Carolina, certifying that the host structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennae and other equipment, extensions, and appurtenances associated with the installation;
- e. A traffic and pedestrian management plan must be submitted for any installation that requires work in the public right-of-way;
- f. No portion of a small wireless facility may be placed in the public right-of-way in a manner that:
  - i. Obstructs pedestrians or vehicular or bicycle access, obstructs sight lines or visibility for traffic, traffic signage, or signals; or interferes with access by persons with disabilities. An applicant may be required to place equipment in vaults to avoid obstructions or interference; or
  - ii. Involves placement of pole-mounted equipment (other than cabling) that has a lowest point under 8 feet above ground level; and

- g. An abandoned small wireless facility shall be removed within 180 days of abandonment.

### 3. Design

- (a) All small wireless facilities shall be stealth facilities, with antennae and accessory equipment shrouded or otherwise concealed;
  - i. No advertising signs or logos are permitted on small wireless facilities;
  - ii. Small wireless facilities shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal and state regulations. Small wireless facilities shall be located, designed, and/or screened to blend in with the existing natural or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community; and
  - iii. All ground equipment shall be screened, to the extent possible, with evergreen plantings or other acceptable alternatives, as detailed in Section 4-7.9E.
- (b) Exemptions: Unless expressly set forth herein, the following categories of small wireless facilities are exempt from the requirements detailed herein, provided they meet the placement and design requirements set forth below:
  - i. Any telecommunications facility less than 65 feet in height when measured from ground level that is owned and operated by an amateur radio operator licensed by the Federal Communications Commission and used exclusively for amateur radio operations;
  - ii. Over the air reception devices covered under 47 C.F.R. § 1.4000, so long as it satisfies the requirements set forth in Section 4-7.9(D);
  - iii. Eligible facilities requests that satisfy the requirements set forth in Section 4-7.9(E);
  - iv. Routine maintenance of small wireless facilities; the replacement of small wireless facilities with small wireless facilities that are the same size or smaller; or installation, placement, maintenance, or replacement of micro wireless facilities (as defined in NCGS Chapter 160D, Part 3) that are suspended on cables strung between existing utility poles or municipal utility poles in compliance with all applicable laws or regulations by or for a communications service provider authorized to occupy the City

rights-of-way and who is remitting taxes under NCGS 105-164.4(a)(4c) or (a)(6).

*Amended June 7, 2021*

- v. A temporary small wireless facility, upon declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City of Mebane, except that such facility must comply with all federal and state requirements and must be removed at the conclusion of the emergency;
- vi. Public safety facilities or installations required for public safety on public or private property, including transmitters, repeaters, and remote cameras so long as the facilities are designed to match the supporting structure; or
- vii. A small wireless facility located in an interior structure or upon the site of any stadium or athletic facility, provided that the small wireless facility complies with applicable codes.

(c) Standard Conditions

- i. Applicant must obtain all other required permits, authorizations, approvals, agreements, and declarations that may be required for installation, modification, and/or operation of the proposed facility under federal, state, or local law, rules, or regulations, including, but not limited to, encroachment agreements and approvals by the Federal Communications Commission. An approval issued under this section is not *in lieu* of any other permit required under the City of Mebane Unified Development Ordinance or Code of Ordinances, nor is it a franchise, license, or other authorization to occupy the public right-of-way, or a license, lease, or agreement authorizing occupancy of any other public or private property. It does not create a vested right in occupying any particular location, and an applicant may be required to move and remove facilities at its expense consistent with other provisions of applicable law. An approval issued in error that is based upon incomplete or false information provided by an applicant, or any application that conflicts with other requirements within this ordinance, is not valid. No person may maintain a small wireless facility in place unless required by state or federal authorization.
- ii. All small wireless facilities and related equipment, including, but not limited to, fences, cabinets, poles, and landscaping, shall be maintained in good working conditions over the life of the use. This shall include keeping the structures maintained to the visual standards established at the time of approval. The small wireless facility shall remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than 30 calendar days from the date of notification by the City. In public rights-of-way,

damaged or deteriorated components must be corrected within 5 business days of notification.

- iii. The property owner(s) or applicant shall submit a certification letter from a North Carolina-certified land surveyor or licensed engineer which verifies that structure height complies with the approved development plan;
- iv. The applicant or owner of the facility shall maintain onsite at all times the contact information for all parties responsible for the maintenance of the facility;
- v. No telecommunications facilities shall, whether by individual or collective operation with other facilities, generate radio frequency emissions in excess of the standards established by the Federal Communications Commission;
- vi. The City may provide written notice to the applicant and/or owner of a small wireless facility of the requirement to relocate any facilities, or an associated utility pole, city utility pole, or wireless support structure upon which they are co-located, in the public right-of-way, to be paid for by the applicant and/or owner, as necessary for maintenance or reconfiguration of the right-of-way for other public projects, or to serve any other needs that serve the health and welfare of the City; and
- vii. Co-location or any other modification of small wireless facilities or an existing non-conforming wireless support structure or base station shall not be construed as an expansion, enlargement, or increase in intensity of a non-conforming structure and/or use, provided that the co-location or modification constitute an eligible facilities request.

## **G. Solar Farms**

### **1. Where Development Standards are Required:**

HM and LM districts

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) **Solar Farm or Photovoltaic Energy Facilities.**  
Any nonresidential solar collection applications designed to facilitate the capture and conversion of solar energy for the purpose of supplying it to utility companies rather than for personal use on the property on which it is collected.

- (b) Height.  
Systems, equipment and structures shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall not exceed the maximum height for the applicable zoning district as measured from the grade at the base of the structure to the apex of the structure. The Planning Board may recommend approval of a waiver of up to 25 feet to the City Council.
- (c) Setbacks.  
All Active solar system structures must meet the following setbacks. All Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the HM zoning district even though located in a LM zoning district. Solar energy systems shall be setback a minimum of 100 feet from any property line.

*Amended June 6, 2022*

- (d) Distribution lines.  
To the extent practical, all new distribution lines to any building, structure or utility connection may be located above ground.
- (e) Approved solar components.  
Electric solar system components must have a UL listing.
- (f) Compliance with building code.  
All solar systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by the building inspector.
- (g) Compliance with National Electric Code.  
All photovoltaic systems shall comply with the National Electrical Code, current edition.
- (h) Utility notification.  
No grid tied photovoltaic system shall be installed until written evidence has been given to the planning department that the owner has been approved by the utility company to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (i) Abandonment.  
It is the responsibility of the parcel owner to remove all obsolete or unused systems within 180 days of cessation of operations. Reusable components are to be recycled whenever possible. A bond or guarantee shall be required to cover such removal costs.
- (j) Fencing.

A minimum six-foot high chain-link fence shall be installed around the perimeter of the site of a solar farm.

- (k) Lighting.  
Shall be in accordance with the City of Mebane Lighting Standards.
- (l) Landscaping.  
Landscaping shall be in accordance with a modified version of the Type B buffer required by the City of Mebane Landscape Ordinance. Solar farms shall be fully screened from adjoining properties and adjacent roads by a 20-foot evergreen buffer capable of reaching a height of 10 feet within three years of planting, with at least 75% opacity at the time of planting.
- (m) Accessibility for emergency services vehicles shall be required.
- (n) No signage is allowed on the solar farm fencing except for a sign not to exceed 32 square feet displaying the facility name, address and emergency contact information.
- (o) Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road so as not to create a nuisance or safety hazard. Glare resistant solar panels shall be used if the system is adjacent to an airport.
- (p) Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
- (q) Other conditions, including, but not limited to, buffering and noise controls that provide adequate protection for adjacent properties as may be deemed reasonable and appropriate for the type of system, may be recommended by the Planning Board and approved by the City Council.
- (r) A "Glint and Glare Study" shall be provided to demonstrate that the panels are located and installed so that the sum of glare is directed away from an adjoining property or public rights of way.
- (s) A copy of the active lease from the property owner with the public utility must be on file in the planning office. If changes are made in such agreement, it is the applicant's responsibility to make sure that the most recent copy of the lease is on file within ten (10) days of any changes made.
- (t) All power transmission lines to any building, other structure and/or utility connection shall be located underground.



- (u) Inverter noise shall not exceed 40dBA at the property line.
- (v) Driveways within the site may be constructed of impervious materials and shall be designed to minimize the extent of drives constructed and soil compaction. Surface cover shall be a permanent vegetative cover to the extent possible. Stormwater management provisions will apply if impervious surfaces exceed the regulatory thresholds.
- (w) All panels shall have natural ground cover under and between the rows.
- (x) A Solar Farm or Photovoltaic Energy Facility or Structure shall be designed to comply with all storm water, grading and soil disturbance regulations of the Unified Development Ordinance and any clearing and grading operations shall be done in accordance with any county, city, or state rules governing erosion and sedimentation control.
- (y) The electrical disconnect switch shall be clearly identified and unobstructed, and the owner must file a map of the facility with the Fire and Police Department clearly showing where the disconnect switch is located.
- (z) NCDOT standards shall be met for any work constructed within the right-of-way. A NCDOT driveway permit is required. Site Plan must provide additional description of any needed utility connections within right of way, assess driveway location for adequate sight distance relative to horizontal and vertical curves of existing road, locate internal gate deep enough within the stem to allow pull off outside roadway, provide additional driveway design detail per NCDOT Standard. I.e. width=20 ft., radius= 20 ft., paved apron min 8" ABC, 2" SF9.5A, drainage, and 10'x70' sight distance triangle. (Amended October 6, 2014)

## **H. Public Works and Public Utility Facilities Essential to the Immediate Area;**

### **1. Where Development Standards are Required:**

All districts.

### **2. General Requirements:**

- (a) Vehicles or material shall be stored on the premises inside a building or under cover.

- (b) All buildings and apparatus shall be set back at least 20 feet from all property lines and shall be designed, landscaped and maintained in accordance with other public facilities.
- (c) Facilities such as water towers, pumping stations and similar public facilities shall be surrounded by a chain link fence six feet high.
- (d) Outside storage of apparatus and equipment is permitted only in the HM zoning district and must be enclosed by a solid fence at least 6 feet high and screened in accordance with the provisions of Section 6-4.
- (e) Noise: Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (f) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

## **I. Wastewater Treatment Plant (Water Resource Recovery Facility)**

*Amended June 6, 2022*

### **1. Where Development Standards are Required:**

HM and LM districts.

### **2. General Requirements:**

- (a) Minimum Use Separation: All structures, buildings, or enclosed areas used for the operation shall be a minimum of 300 feet from a residentially-used structure.

*Amended June 6, 2022*

- (b) Security Fencing: Security fencing, a minimum of 8 feet in height, shall be provided around hazardous operations, as determined by the City Council, involved with the use.
- (c) Screening and Buffering: The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-4.
- (d) Outdoor storage areas shall comply with the screening requirements of Section 6-4.

- (e) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

**J. (Reserved)**

**K. Telephone Exchange; Transformer Stations**

**1. Where Development Standards are Required:**

RA-20, R-20, R-15, R-12, R-10, R-8, R-6, B-1, B-2, HM, and LM districts.

**2. General Requirements:**

- (a) Vehicles or material shall be stored on the premises inside a building or under cover.
- (b) All buildings and apparatus shall be set back at least 20 feet from all property lines and shall be designed, landscaped and maintained in accordance with other public facilities.
- (c) Facilities such as water towers, pumping stations and similar public facilities shall be surrounded by a chain link fence six feet high.
- (d) Outside storage of apparatus and equipment is permitted only in the HM zoning district and must be enclosed by a solid fence at least 6 feet high and screened in accordance with the provisions of Section 6-4.
- (e) Noise: Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.
- (f) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

**L. Indoor Warehouse (self-storage)**

*Amended June 6, 2022*

**1. Where Development Standards are Required:**

B-2

## **2. General Requirements:**

- (a) The minimum size lot, tract or parcel shall be two acres.
- (b) All storage shall be contained within a building meeting NC State Building Codes. The building shall not exceed 50% of the lot area.
- (c) Outdoor storage is prohibited.
- (d) Primary access shall be to a collector street or larger.
- (e) Off-street loading facilities facing a public street, residential use or residential zoning shall be screened from view.
- (f) New buildings shall be constructed of materials that are consistent with the materials used in the construction of existing buildings within the community. Those portions of buildings visible from a public street right-of-way shall be sheathed in materials such as wood siding, stone, brick, tilt-up concrete panels, and sandstone and tinted/textured concrete masonry units (CMUs) in a low reflective, subtle or neutral color. No more than 40 percent of the façade of any principal building facing a public street right-of-way shall be glass or reflective material.
- (g) An architectural rendering of the proposed warehouse shall be submitted for review at the time of site plan submission.

## **M. Water Treatment Plant**

### **1. Where Development Standards are Required:**

HM and LM districts.

### **2. General Requirements:**

- (a) **Minimum Use Separation:** All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from a residentially-used or zoned lot.
- (b) **Security Fencing:** Security fencing, a minimum of 8 feet in height, shall be provided around hazardous operations, as determined by the City Council, involved with the use.

- (c) Screening and Buffering: The use shall provide a buffer yard between any adjoining residentially-used or zoned property in accordance with the requirements of Section 6-4.
- (d) Outdoor storage areas shall comply with the screening requirements of Section 6-4.
- (e) Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjoining properties.

#### **4-7.10 Development Standards for Manufacturing and Industrial Uses**

Development standards applicable to particular manufacturing and industrial uses identified in Table 4-1-1, Table of Permitted Uses include:

**A. (Reserved)**

**B. (Reserved)**

#### **4-7.11 Development Standards for Agricultural Uses**

Development standards applicable to particular agricultural uses identified in Table 4-1-1, Table of Permitted Uses include:

**A. [Reserved]; Amended June 6, 2022**

#### **4-7.12 Development Standards for Mining Uses**

Development standards applicable to particular mining uses identified in Table 4-1-1, Table of Permitted Uses include:

**A. Mining, Quarrying, Sand Pits, Clay and Mineral Extraction**

*Amended June 6, 2022*

**1. Where Development Standards are Required: N/A**

*Amended June 6, 2022*

**2. General Requirements:**

- (a) Use Separation:
  - (1) The edges of any pit where a mining operation is taking place and any equipment used in the

processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least 300 feet from any property line.

- (2) 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.
- (b) Hours of Operation: All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.
- (c) Vehicular Access: The use shall have direct access to a NC or US-numbered highway or industrial area access road that has the capacity to accommodate the additional traffic, including truck traffic, projected to be generated by the use.
- (d) Mining Permit: A valid state-issued mining permit must be obtained.
- (e) Screening: Screening shall be provided in accordance with the requirements of Section 6-4. However, if a berm is determined to be an adequate alternative screening method as provided for in Section 6-4, the minimum height of the berm shall be six feet.

#### **4-7.13 Development Standards for Temporary Uses**

Development standards applicable to particular temporary uses identified in Table 4-1-1, Table of Permitted Uses include:

##### **A. Carnivals and Fairs**

###### **1. Where Development Standards are Required:**

O&I, B-2, HM, and LM districts.

*Amended June 6, 2022*

###### **2. General Requirements:**

- (a) Duration: The special use permit shall specify the number of days of operation for the event but in no case shall the time period exceed 14 days.

- (b) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
- (c) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (d) Vehicular Access: The use shall have direct access to an collector or higher capacity street.
- (e) Parking: The permit-issuing authority shall not approve the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (f) Adequate bathroom facilities shall be provided and the use shall comply with the applicable health department requirements for sanitation and public health safety.
- (g) The applicant shall coordinate with the city to provide for trash removal.
- (h) Site Plan: In addition to the site plan requirements of Appendix A, the required site plan shall show the following:
  - (1) Internal circulation patterns and provisions for parking;
  - (2) How noise, dust and traffic will be controlled and the visual impact of the event;
  - (3) Size and location of signage; and
  - (4) Surrounding land uses within 500 feet of the property.

## **B. Concerts, Stage Shows**

### **1. Where Development Standards are Required:**

B-1 and B-2 districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Minimum Lot Area: The minimum lot area shall be 3 acres.
- (b) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the carnival or fair.
- (c) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (d) Vehicular Access: The use shall have direct access to an collector or higher capacity street.
- (e) Parking: The permit-issuing authority shall not approve the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (f) Adequate bathroom facilities shall be provided and the use shall comply with the applicable health department requirements for sanitation and public health safety.
- (g) The applicant shall coordinate with the city to provide for trash removal.

## **C. Agritourism**

### **1. Where Development Standards are Required:**

R-20 districts.

### **2. General Requirements:**

- (a) Location: No building or structure shall be located within 40 feet of a public street right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.



- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Duration: The permit shall be valid for a period not to exceed 60 days.
- (f) Signs: One sign per street frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.

*Amended June 6, 2022*

**D. Farm Products, Christmas Tree, Pumpkin, Seafood, Fireworks Stand and Similar Outdoor Seasonal Sales**

**1. Where Development Standards are Required:**

O/I, B-1, B-2, B-3 districts.

**2. General Requirements:**

- (a) Location: No building or structure shall be located within 50 feet of a public street right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins

residentially-used or zoned property conduct business between the hours of 10 pm and 8 am.

- (e) Duration: The permit shall be valid for a period not to exceed 45 days.
- (f) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (g) Signs: One sign per street frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.

*Amended June 6, 2022*

## **E. Farmers Market**

### **1. Where Development Standards are Required:**

R-20, R-15, B-1, B-2, B-3, & LM districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Location: No building or structure shall be located within 50 feet of a public streetright-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity road.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.

- (e) Duration: The permit shall be valid for a period not to exceed 90 days.
- (f) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (g) Signs: One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.

## **F. Health Care Structure**

### **1. Where Development Standards are Required:**

All residential districts.

### **2. General Requirements:**

- (a) The requirements of this temporary use shall be consistent with the standards established by NC General Statute 160D-915.
- (b) A permitted accessory use and structure for a caregiver assigned to as a guardian and/or to provide care for a mentally or physically impaired person on property owned or occupied by the caregiver as their residence.
- (c) This use is allowed by right and shall not be considered a special use. It is not subject to any development standards than those established for an accessory structure to a residence, Section 4-2.B.
- (d) Restrictions:
  - (i) Only one temporary structure shall be permitted per property;
  - (ii) The structure is primarily assembled at a separate location from the residence;
  - (iii) The occupant of the structure is limited to the single individual with mental or physical impairment;
  - (iv) The structure shall not exceed 300 square feet in gross floor area or the floor area allowed for a detached accessory dwelling unit, whichever is smaller;

- (v) The structure complies with the applicable provision of the NC State Building Codes and NC General Statute 143-139.1(b);
  - (vi) The structure shall not be placed on a permanent foundation but is permitted to connect to utilities as if the structure were permanent real property;
  - (vii) The zoning permit allowing for this use shall be reviewed annually with the maximum review fee determined by NCGS 160D-915; and
  - (viii) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (e) Any structure installed pursuant to this use shall be removed within 60 days of being vacated unless it is to be occupied by another qualifying individual, as supported by documentation provided to the City; and
  - (f) All relevant permits pertaining to this use may be revoked should the permit holder violate any of these standards or NCGS 160A-202. The City may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

*Amended June 6, 2022*

## **G. Outdoor Religious Event**

### **1. Where Development Standards are Required:**

R-20, O&I, B-1, B-2, HM, and LM districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) Location: No building or structure shall be located within 50 feet of a public road right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal

use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.

- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (f) Duration: The permit shall be valid for a period not to exceed 14 days.
- (g) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (h) Adequate bathroom facilities shall be provided and the use shall comply with the applicable health department requirements for sanitation and public health safety.
- (i) Signs: One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.

## **H. Temporary Construction Office or Security Residence**

### **1. Where Development Standards are Required:**

R-20, R-15, R-12, R-10, R-8, R-6, O&I, B-2, HM, LM districts.

*Amended June 6, 2022*

### **2. General Requirements:**

- (a) A temporary construction office or security residence is intended for short-term use during the construction of nonresidential buildings and residential developments such as subdivisions and multi-family developments.

- (b) Operation: A building permit for the principal building or use must be obtained or the principal use must be initiated prior to occupancy of the construction office or security residence.
- (c) Number: No more than one construction office or security residence shall be permitted per building lot or development.
- (d) A manufactured home or recreational vehicle may be used as a temporary security residence.
- (e) The temporary construction office or security residence shall:
  - (1) Have an approved water and sewage disposal connection;
  - (2) Meet all setbacks applicable to the principal building or use;
  - (3) Be erected in accordance with the NC Building Code;
  - (4) Be located at least 20 feet from the principal building; and
  - (5) Be owned by the same person that owns the principal building or use.
- (f) Time Limitation: Temporary construction offices and security residences shall be removed within 30 days after the issuance of a final certificate of occupancy for the principal building(s). In the case of a multi-lot residential development, the permit for a security residence shall expire within 12 months after the date of issuance of the zoning permit, except that the Zoning Administrator may renew such permit for a period not to exceed 6 months if he/she determines that such renewal is reasonably necessary to provide on-site security services for the residential development.

## **I. Temporary and Special Events not Listed Elsewhere**

### **1. Where Development Standards are Required:**

O&I, B-1, B-2, B-3, HM, and LM districts.

### **2. General Requirements:**

- (a) Location: No building or structure shall be located within 50 feet of a public street right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use that adjoins residentially used or zoned property conduct business between the hours of 10 pm and 8 am.
- (e) Noise: The amount of noise generated shall not disrupt the activities of the adjacent land uses.
- (f) Duration: The permit shall be valid for a period not to exceed 14 days. No more than three special temporary and seasonal events shall occur at any one premises per calendar year.
- (g) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (h) Signs: One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.
- (i) Health Department Requirements: The event shall comply with all applicable health department requirements for sanitation and public health safety.

## **J. Turkey Shoot**

### **1. Where Development Standards are Required:**

HM and LM districts.

## 2. General Requirements:

- (a) Location: No structure or operational activity shall be located within 50 feet of a public street right-of-way.
- (b) Parking: Sufficient room for customer parking shall be provided on the lot and must be located such that parking is completely off of the public street right-of-way. The lot shall encompass sufficient lot area to accommodate the off-street parking needs of both the temporary use and the principal use. The Zoning Administrator shall not grant the permit unless he/she finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.
- (c) Vehicular Access: Principal vehicular access shall be from a collector or higher capacity street.
- (d) Hours and Days of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. Turkey shoots shall be limited to operating on Thursdays, Friday, and Saturdays and shall not conduct business between the hours of 10 pm and 8 am.
- (e) Duration: The permit shall be valid for a period not to exceed 30 days.
- (f) All structures must be portable and shall be removed from the site at the termination of the permit period.
- (g) Signs: One sign per road frontage not exceeding four feet in height and 16 square feet in sign area is permitted. All temporary signs shall be removed at the termination of the permit period.
- (h) All turkey shoots shall be established with the line of fire perpendicular to and away from a road 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 not less than 500 feet from the street right-of-way.
- (i) Sites adjacent to more than one street right-of-way must designate the higher classified street as the front, and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a street must be a minimum distance of 200 feet from and parallel to the street right-of-way.
- (j) Operation:
  - (1) All backstops shall be constructed a minimum of 500 feet from a residence located to the rear and/or side



of the backstop. The design of the backstop shall be as approved by the National Rifle Association.

- (2) The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight. No firearms may be used which have been altered from manufacturer's specifications.
  - (3) The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.
  - (4) Provisions for sanitation and refuse disposal must be made in accordance with city and/or the applicable health department standards.
- (k) Permit Review: The Zoning Administrator shall coordinate the review of a request for a turkey shoot with the Mebane Police Department and/or the applicable sheriff's department.

## **K. Temporary Portable Storage Containers**

### **1. Where Development Standards are Required:**

All districts.

### **2. Requirements in Residential Zoning Districts:**

- (a) Duration: A temporary portable storage container may be permitted on a parcel containing a residence for a period not to exceed 60 days within any consecutive 6-month period. However, in the case where a residence has been destroyed or damaged by casualty, the maximum time period may be as authorized in subsection 4 (a) below.

*Amended June 6, 2022*

- (b) Size: Temporary portable storage containers may not exceed a gross floor area of 130 square feet or eight and one-half feet in height.
- (c) Location: Temporary portable storage containers shall not be located within 3 feet of the property line unless placed on an existing impervious driveway and shall not be located in a street right-of-way, in any required landscaped area or open space, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation.

- (d) Maximum number: No more than one temporary portable storage container may be located on a parcel within a residential zoning district.

### **3. Requirements in Nonresidential Zoning Districts:**

- (a) Duration: A temporary portable storage container may be permitted on a parcel within a nonresidential zoning district for a period not to exceed 7 days within any consecutive 6-month period. However, in the case where a structure has been destroyed or damaged by casualty, the maximum time period may be as authorized in subsection 4 (a) below.
- (b) Size: Temporary portable storage containers may not exceed a gross floor area of 130 square feet or eight and one-half feet in height.
- (c) Location: Temporary portable storage containers shall be located behind the principal building or at the side if the physical nature of the site renders rear placement impossible, as determined by the Zoning Administrator. Temporary portable storage containers shall not be located within 3 feet of the side or rear property line. Temporary portable storage containers shall not be located in a street right-of-way, in any required landscaped area or open space, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation.
- (d) Maximum number: No more than two temporary portable storage containers may be located on a single parcel within a nonresidential zoning district.

### **4. Temporary portable storage containers used in connection with permitted construction activity:**

Temporary portable storage containers used in connection with permitted construction activity may be located in any zoning district subject to the following conditions:

- (a) Duration: A temporary portable storage container may be permitted for the duration of construction authorized by an active building permit. The container shall be removed within 30 days of the issuance of a certificate of occupancy or final inspection.
- (b) Size: Temporary portable storage containers may not exceed a gross floor area of 130 square feet or eight and one-half feet in height.

- (c) Location: Temporary portable storage containers shall not encroach on sidewalks, public rights-of-way, or adjacent properties, or be placed in a location that blocks or interferes with any vehicular and/or pedestrian circulation.
- (d) Maximum number: No more than one temporary portable storage container may be located on a single parcel within a residential zoning district. No more than two containers may be located on a single parcel within a nonresidential zoning district.

#### **4-7.14 Development Standards for Miscellaneous Uses**

Development standards applicable to particular miscellaneous uses identified in Table 4-1-1, Table of Permitted Uses include:

##### **A. [Reserved]; Amended June 6, 2022**

##### **B. Adult Establishments**

###### **1. Where Development Standards are Required: HM districts.**

###### **2. General Requirements:**

- (a) Definitions: See the definition of 'Adult Establishments' in Section 12-4.
- (b) Location Restrictions: No adult establishment may be located within 1,500 feet of a:
  - (1) Residence
  - (2) School
  - (3) Church or other place of worship
  - (4) Community center
  - (5) Community college
  - (6) Community recreational facility
  - (7) Another adult establishment

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed

adult establishment is to be located to the nearest point of the lot line or boundary of the closest residence or other use enumerated above.

- (c) Light and Noise:
  - (1) Flashing lights or fluttering devices designed and used to attract attention are not permitted.
  - (2) Amplification of sound directed outside of the building used by the establishment is not permitted.
- (d) Information Required for Special Use Permit Application: In addition to information required by this Ordinance for any special use permit application, the following additional information shall be required:
  - (1) The name, address and age of the applicant; or if a partnership, the names, addresses and ages of the persons who constitute such partnership; or if a corporation, the names, addresses and ages of its directors, officers and principal stockholders. Each application shall also include the names, ages and addresses of all present employees.
  - (2) A complete statement of convictions of any person whose name is required to be given in subsection (1) above for any crime other than traffic violations, including but not limited to, any felony, prostitution or violation of any local ordinance or state law related to adult establishments, pornography or indecent exposure.
  - (3) A description of any other business to be operated on the same premises or on adjoining premises owned by or controlled by anyone listed in subsection (1) above.
- (e) Procedure: The application for a special use permit for an adult establishment shall be acted on as prescribed by this Ordinance for any special use application. In addition,
  - (1) The City shall be given 30 days from receipt of a properly completed application form to verify the information contained in the application before any further steps are taken.
  - (2) The application must contain no misstatement of fact.
  - (3) The applicant, or any person having a legal or beneficial interest in the establishment, or any employee cannot have been convicted of any crime

or ordinance violation involving sexual misconduct, including but not limited to NCGS14-177, NCGS 14-202.1, NCGS 14-203, NCGS 14-208, or any local, state or federal law related to racketeering or the possession, sale or distribution of a controlled substance.

- (4) The applicant must conform to all requirements of applicable law, including building and fire prevention codes and the approval has been obtained pursuant to zoning requirements provided by law.
- (f) Conditions Leading to Revocation of the Special Use Permit: A special use permit issued pursuant to this section and Article 2 of this Ordinance shall be revoked by the City, if by action of the city council using the procedures delineated in Section 11-6, Permit Revocation, it finds the following:
- (1) A misstatement of fact contained in the application is discovered after issuance of the permit.
  - (2) The applicant allows persons or corporations to own in interest in or be employed by the business after issuance of the permit which would have been in violation of subsection (d)(2) above if the same had owned an interest or been employed at the time of filing the application.
  - (3) The applicant has violated any provision of this ordinance.
  - (4) The applicant or beneficial owner or an employee is convicted of any crime after issuance of the permit which are listed in subsection (d)(2) above.
  - (5) The permittee violates any unified development, building or fire prevention ordinance.
- (g) Restriction of Uses on the Same Property or in the Same Building: There shall not be more than one adult 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 adult business.
- (h) Signs: Except for a business identification sign permitted in accordance with Section 6-7, Signs, no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.

- (i) Hours and Days of Operation: The hours of operation shall be compatible with the land uses adjacent to the proposed site and shall be limited to the hours of 10 am to midnight, Monday through Saturday.

**C. [Reserved]; Amended, June 6, 2022**

**D. Video Gaming Arcade**

*(Amended March 4, 2019)*

**1. Where Development Standards are Required:**

B-2 districts.

**2. General Requirements:**

- (a) Definitions: See the definition of 'Video Gaming Arcade' in Section 12-4.
- (b) Location Restrictions: No video gaming arcade may be located within 1,500 feet of a:
  - (1) Residence
  - (2) School
  - (3) Church or other place of worship
  - (4) Community center
  - (5) Community college
  - (6) Community recreational facility
  - (7) Another video gaming arcade

All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed video gaming arcade is to be located to the nearest point of the lot line or boundary of the closest residence or other use enumerated above.

- (d) Light: Flashing lights or fluttering devices designed and used to attract attention are not permitted.
- (e) Signs: Except for a business identification sign permitted in accordance with Section 6-7, Signs, no other exterior

advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.

- (f) Hours and Days of Operation: The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site. In no case, however, shall such use be conducted between the hours of 10 p.m. and 10 a.m.
- (g) Procedure: The application for a special use permit for a video gaming arcade shall be acted on as prescribed by this Ordinance for any special use application. In addition,
  - a. The City shall be given 30 days from receipt of a properly completed application form to verify the information contained in the application before any further steps are taken.
  - b. The application must contain no misstatement of fact.
  - c. The applicant, or any person having a legal or beneficial interest in the establishment, or any employee cannot have been convicted of any crime, including but not limited to NCGS14-177, NCGS 14-202.1, NCGS 14-203, NCGS 14-208, or any local, state or federal law related to racketeering or the possession, sale or distribution of a controlled substance.
  - d. The applicant must conform to all requirements of applicable law, including building and fire prevention codes and the approval has been obtained pursuant to zoning requirements provided by law.
- (h) Conditions Leading to Revocation of the Special Use Permit: A special use permit issued pursuant to this section and Article 2 of this Ordinance shall be revoked by the City, if by action of the city council using the procedures delineated in Section 11-6, Permit Revocation, it finds the following:
  - a. A misstatement of fact contained in the application is discovered after issuance of the permit.
  - b. The applicant allows persons or corporations to own in interest in or be employed by the business after issuance of the permit which would have been in violation of subsection (d)(2) above if the same had owned an interest or been employed at the time of filing the application.

- c. The applicant has violated any provision of this ordinance.
- d. The applicant or beneficial owner or an employee is convicted of any crime after issuance of the permit which are listed in subsection (d)(2) above.
- e. The permittee violates any unified development, building or fire prevention ordinance.

## **E. Highway Corridor Overlay District Requirements**

The Highway Corridor Overlay (HCO) District, as described in Section 3-1, C., is established to provide specific appearance and operational standards for specifically designated highway corridors while accommodating development along the corridors. All uses, with the exception of single-family detached dwellings and two-family dwellings located on their own separate lots unless specifically provided for herein, proposed to be located in the Highway Corridor Overlay District are subject to the additional requirements of this Section. All buildings, parking and loading areas, or open uses of land which are expanded in excess of 3,000 square feet of their gross square footage after the effective date of this Ordinance are subject to the requirements of this Section. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.

### **1. Procedures**

- (a) The applicant shall submit a site plan of the parcel and the proposed use to the Zoning Administrator. The City Council shall review the site plan in accordance with the provisions of this Section. Approval of the site plan and the proposed uses by the City Council authorizes the issuance of a zoning permit or special use permit.
- (b) Permits are issued at each phase of development and only in accordance with the approved site plan.
- (c) If a site plan was approved and a use permit was issued for the development of a lot or lots, no subsequent change or expansion which was not shown on the site plan shall be allowed unless also approved by the City Council.

### **2. General Standards Applicable to All Highway Corridor Overlay Districts**

- (a) Site development plan:



- (i) A site plan shall be prepared to provide a complete and accurate description of the proposed use; building footprint of existing and proposed structures; proposed landscaping and buffering areas; proposed points of ingress and egress; proposed pedestrian facilities, parking, loading, and trash containment areas; proposed type and location of outdoor lighting; and proposed type and location of signs.
  - (ii) Site plans shall also include building schematics showing proposed front and side elevations to scale with materials noted.
  - (iii) All site plans shall be submitted to and reviewed by the Planning Director for completeness and accuracy prior to being forwarded to the City Council for approval.
- (b) A traffic analysis indicating the estimated effect of the proposed development on adjacent existing road traffic, including volume flows to and from the development prepared by a registered professional engineer may be required if, in the opinion of the Zoning Administrator and upon the recommendation of the City Engineer, such an analysis is warranted based upon the intensity of the proposed development.
  - (c) A preliminary plan or engineering feasibility report providing for the site grading, landscaping, storm drainage, sanitary sewerage, and water supply prepared by a licensed professional engineer shall be submitted along with the site plan.
  - (d) The maximum lot coverage by total impervious surfaces such as rooftops, paving, walkways, etc. shall be ~~50~~ 70 percent of the lot area except when stormwater is retained or detained on the site. Any additional runoff resulting from lot coverage in excess of ~~50~~ 70 percent must be compensated for by such on-site detention or retention measures.
  - (e) All new driveway access shall be permitted in accordance with the NCDOT 'Policy on Street and Driveway Access to North Carolina Highways' Rev. Jul. 03'.
  - (f) If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress on such streets are provided and maintained consistent with the regulations and intent of this Section.
  - (g) Loading docks, service areas, and trash facilities shall be located at the rear of structures, and shall not be visible from the street. Parking and loading areas shall be screened from

abutting properties in accordance with the requirements of Section 6-4.

- (h) A required streetscape buffer yard shall comply with the requirements of Section 6-4, except that the additional minimum standards shall also be applicable to properties in the HCO District:
  - (i) Two canopy trees for every 40 linear feet of highway frontage;
  - (ii) Two understory trees for every 20 linear feet of highway frontage; and
  - (iii) Thirty-four shrubs for every 100 linear feet of highway frontage.
- (i) Signs shall be architecturally compatible with the style, composition, materials, colors, and details of the structure as well as with other signs used on the structure.
- (j) General building design standards:
  - (i) No awnings or canopy fascias shall be internally lit.
  - (ii) Building and roof colors shall consist of natural earth tones, white, black, or shades of gray. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be avoided.
  - (iii) Building color schemes shall blend in with surroundings. Multiple colors and garish or unusual patterns or geometric shapes shall be avoided.
  - (iv) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with subsections (ii) and (iii) above shall be achieved and approved by the City Council prior to installation.
  - (v) Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances from view from the highway corridor.

*Amended June 6, 2022*

