

Section 4. General Districts

4A.1 Rural District (RD)

4A.1.1 Purpose

The Rural Zoning District (RD) is established to provide for agricultural activities as well as a transition zone to provide for the orderly transition of land from rural to urban uses. The RD District is generally located outside the Urban Growth Area. The regulations of this district are designed to discourage the premature development of urban services and to encourage the maintenance of an open and rural character.

4A.1.2 Permitted Uses

1. Accessory buildings
2. Agricultural uses
Note: Keeping livestock is defined as an agricultural use and only allowed where agricultural uses are allowed. Livestock includes, but is not limited to: cattle, horses, swine, goats, and sheep.
3. Amateur Wireless Facility
4. Cemeteries, mausoleums, columbariums and memorial gardens
5. Conference centers
6. Detached single family dwellings
7. Family care homes
8. Golf courses and related activities, driving ranges when associated with the golf course
9. Home occupations
10. Manufactured homes, permanent, Class A
11. Manufactured homes, permanent, Class B on lots of 1 acre or more
12. Public parks and playgrounds
13. Satellite dish antennae
14. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4A.1.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Antique shops
3. Bed and breakfast inns
4. Campgrounds, recreational, public or privately owned
5. Clubs, lodges, and recreation facilities, for use by non-profit organizations
6. Convalescent centers
7. Day care facilities
8. Equestrian facilities, including stables, horse race tracks, grounds for the showing of horses and riding stables
9. Garden centers
10. Golf driving ranges as an independent use
11. Group homes
12. Kennels
13. Manufactured homes, permanent, Class B on lots of less than 1 acre
14. Places of Worship
15. Private schools
16. Public utility facilities with outdoor storage (County only)
17. Recreation, commercial facilities on natural sites (defined term)
18. Roadside stands
19. Summer camps
20. Veterinary clinics
21. Wireless communications facilities, non-concealed

4A.1.4 Major Special Uses Subject to Approval by the Governing Body

1. Airports
2. Broadcast Antennae
3. Colleges and universities
4. Government facilities, not to include correctional facilities and jails
5. Heliports

6. Marinas and boating facilities
7. Public schools
8. Public utility facilities with or without outdoor storage (City only)
Shooting ranges

4A.1.5 Dimensional Requirements

1. Minimum lot area: 30,000 square feet
2. Minimum lot width: 100 feet

4A.1.6 Yard Requirements

1. Front yard: 50 feet from ultimate right-of-way
2. Side yards: 30 feet total, 12 feet minimum side yard
corner side yards – one half front yard requirement on the street side
with septic or well system – 30 feet total, 12 feet minimum
3. Rear yard: 25 feet
4. New farm buildings and equestrian facilities shall be located at least 50 feet from property lines. Stables shall be at least 100 feet from any off-site residences. Pens, chicken coops, corrals or similar enclosures where livestock are kept, shall be located at least 100 feet away from any pre-existing off-site dwelling and at least 50 feet from any property line. Drainage shall be provided for the pen or enclosure so as not to create areas for breeding flies or mosquitoes. Grazing land shall be exempt from this regulation.

4A.1.7 Height Limitations

Non-farm structures shall not exceed 35 feet in height except that an additional 10 feet in height shall be allowed if an additional foot in each required yard dimension is given for each additional foot in height over 35 feet.

4A.1.8 Additional Requirements

1. Uses other than agricultural or residential shall require a site plan.
2. Supplementary requirements of Section 7 may apply depending on the type of development.
3. Parking shall be provided in accordance with requirements found in Section 9 of this ordinance.
4. Landscaping and buffers, if required, shall meet the standards of Section 10.

4A.2 Residential 20 District (R-20)

4A.2.1 Purpose

The Residential 20 (R-20) District is established to provide sites for low density residential purposes and to allow for other uses which are compatible with low density residential development.

4A.2. Permitted Uses

1. Accessory buildings
2. Agricultural Uses
3. Amateur Wireless Facility
4. Cemeteries, mausoleums, columbariums, and memorial gardens
5. Detached single family dwellings
6. Family care homes
7. Golf courses, and related activities; driving ranges when associated with the golf course
8. Home occupations
9. Public parks and playgrounds
10. Satellite dish antennae
11. Wireless communication facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4A.2.3 Minor Special Use Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Bed and breakfast inns
3. Clubs, lodges, and recreation facilities, for use by non-profit organizations
4. Convalescent centers
5. Daycare facilities
6. Group homes
7. Places of worship
8. Private schools
9. Public utility facilities without outdoor storage (County only)
10. Summer camps
11. Wireless communication facilities, non-concealed

4A.2.4 Major Special Uses Subject to Approval by the Governing Body

1. Colleges and universities
2. Government facilities, not to include correctional facilities and jails
3. Public schools
4. Public utility facilities without outdoor storage (City only)

4A.2.4 Dimensional Requirements

1. Minimum lot area: 20,000 square feet
With well or septic system: 30,000 square feet
2. Minimum lot width: 100 feet

4A.2.6 Yard Requirements

1. Front yard: 35 feet from ultimate right-of-way
2. Side yards:
Minimum total side yards: 30 feet
Minimum total side yard on a corner lot: 30 feet
Minimum each side: 12 feet
Minimum street side yard: ½ front yard requirement measured from ultimate right-of-way
3. Rear yard: 25 feet
4. New farm buildings shall be located at least 50 feet from any property line. Stables shall be at least 100 feet from any off-site residences. Pens, chicken coops, corrals or similar enclosures where livestock are kept, shall be located at least 100 feet away from any pre-existing off-site dwelling and at least 50 feet from any property line. Drainage shall be provided for the pen or enclosure so as not to create areas for breeding flies or mosquitoes. Grazing land shall be exempt from this regulation.

4A.2.7 Height Limitations

No building shall exceed 35 feet in height; however, the height may be increased up to an additional 10 feet if an additional 1 foot above the minimum is added to each required yard dimension for every additional 1 foot in height over 35 feet.

4A.2.8 Additional Requirements

1. Uses other than agricultural or residential shall require a site plan.
2. Supplementary requirements of Section 7 may apply depending on the type of development.
3. Parking shall be provided in accordance with requirements found in Section 9 of this ordinance.
4. Landscaping and buffers, if required, shall meet the standards of Section 10 of this ordinance.

4A.3 Residential 15 District (R-15)

The Residential 15 (R-15) District is established primarily to provide sites for single-family detached dwellings. The regulations of this district are designed to promote single family development and to discourage uses that would be detrimental to single family detached dwellings.

4A.3.1 Purpose

The Residential 15 (R-15) District is established primarily to provide sites for single-family detached dwellings. The regulations of this district are designed to promote single family development and to discourage uses that would be detrimental to single family detached dwellings.

4A.3.2 Permitted Uses

1. Accessory buildings
2. Amateur Wireless Facility
3. Cemeteries, mausoleums, columbariums and memorial gardens
4. Detached single family dwellings
5. Family care homes
6. Home occupations
7. Public parks and playgrounds
8. Satellite dish antennae
9. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4A.3.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Bed and breakfast inns
3. Clubs, lodges, and recreation facilities, for use by non-profit organizations
4. Convalescent centers
5. Day care facilities
6. Golf courses and related activities; driving ranges when associated with the golf course
7. Group homes
8. Places of Worship
9. Private schools
10. Public utility facilities with outdoor storage (County only)

4A.3.4 Major Special Uses Subject to Approval by the Governing Body

1. Colleges and universities
2. Government facilities, not to include correctional facilities and jails
3. Public schools
4. Public utility facilities with or without outdoor storage (City only)

4A.3.5 Dimensional Requirements

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|-----------------------|--------------------|
| 1. Minimum lot area: | 15,000 square feet |
| 2. Minimum lot width: | 90 feet |

4A.3.6 Yard Requirements

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|--|--|
| 1. Front yard: | 30 feet from ultimate right-of-way |
| 2. Side yards: | |
| Minimum total side yards: | 24 feet |
| Minimum total side yard on a corner lot: | 30 feet |
| Minimum each side: | 10 feet |
| Minimum street side yard: | ½ front yard requirement measured from ultimate right-of-way |
| 3. Rear yard: | 25 feet |

4A.3.7 Height Limitations

No building shall exceed 35 feet in height; however, the height may be increased up to an additional 10 feet if an additional 1 foot above the minimum is added to each required yard dimension for every additional 1 foot in height over 35 feet.

4A.3.8 Additional Requirements

1. Public water and sewer service shall be required for all new residential construction.
2. Site plans shall be required for all nonresidential development.
3. Supplementary requirements of Section 7 may apply depending on the type of development.
4. Parking shall be provided in accordance with requirements found in Section 9 of this ordinance.
5. Landscaping and buffers, if required, shall meet the standards of Section 10 of this ordinance.

4A.4 Residential 10 District (R-10)

4A.4.1 Purpose

The Residential 10 (R-10) District is established to provide sites for detached dwellings of a low density. The regulations are designed to promote single family development and to discourage uses that would be detrimental to single family detached dwellings.

4A.4.2 Permitted Uses

1. Accessory buildings
2. Amateur Wireless Facility
3. Cemeteries, mausoleums, columbariums and memorial gardens
4. Detached single family dwellings
5. Family care homes
6. Home occupations
7. Public parks and playgrounds
8. Satellite dish antennae
9. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing.

4A.4.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Bed and breakfast inns
1. Clubs, lodges, and recreation facilities, for use by non-profit organizations
3. Convalescent centers
4. Day care facilities
5. Golf courses and related activities; driving ranges when associated with the golf course
6. Group homes
7. Places of Worship
8. Private schools
9. Public utility facilities without outdoor storage (County only)

4A.4.4 Major Special Uses Subject to Approval by the Governing Body

1. Colleges and universities
2. Government facilities, not to include correctional facilities and jails
3. Public schools
4. Public utility facilities with or without outdoor storage (City only)

4A.4.5 Dimensional Requirements

1. Minimum lot area: 10,000 square feet
2. Minimum lot width: 75 feet

4A.4.6 Yard Requirements

1. Front yard: 25 feet from ultimate right-of-way
2. Side yards:
 - Minimum total side yards: 24 feet
 - Minimum total side yard on a corner lot: 30 feet
 - Minimum each side: 10 feet
 - Minimum street side yard: ½ front yard requirement measured from ultimate right-of-way
3. Rear yard: 25 feet

4A.4.7 Height Limitations

No building shall exceed 35 feet in height; however, the height may be increased up to an additional 10 feet if an additional 1 foot above the minimum is added to each required yard dimension for every additional 1 foot in height over 35 feet.

4A.4.8 Additional Requirements

1. Public water and sewer service shall be required for all new residential construction.
2. A site plan shall be required for all nonresidential development.

3. Supplementary requirements of Section 7 may apply depending on the type of development.
4. Parking shall be provided in accordance with requirements found in Section 9 of this ordinance.
5. Landscaping and buffers, if required, shall meet the standards of Section 10 of this ordinance.

4A.5 Residential 8 District (R-8)

4A.5.1 Purpose

The Residential 8 (R-8) District is established to provide sites for detached dwellings of a medium density. The regulations are designed to promote single family development and to discourage uses that would be detrimental to single family detached dwellings.

4A.5.2 Permitted Uses

1. Accessory buildings
2. Amateur Wireless Facility
3. Cemeteries, mausoleums, columbariums and memorial gardens
4. Detached single family dwellings
5. Family care homes
6. Home occupations
7. Public parks and playgrounds
8. Satellite dish antennae
9. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4A.5.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Bed and breakfast inns
3. Clubs, lodges, and recreation facilities, for use by non-profit organizations
4. Convalescent centers
5. Day care facilities
6. Golf courses and related activities; driving ranges when associated with the golf course
7. Group homes
8. Places of Worship
9. Private schools
10. Public utility facilities without outdoor storage (County only)

4A.5.4 Major Special Uses Subject to Approval by the Governing Body

1. Colleges and universities
2. Government facilities, not to include correctional facilities and jails
3. Public schools
4. Public utility facilities with or without outdoor storage (City only)

4A.4.5 Dimensional Requirements

1. Minimum lot area: 8,000 square feet
2. Minimum lot width: 75 feet

4A.5.6 Yard Requirements

1. Front yard: 25 feet from ultimate right-of-way
2. Side yards:
 - Minimum total side yards: 22 feet
 - Minimum total side yard on a corner lot: 28 feet
 - Minimum each side: 9 feet
 - Minimum street side yard: ½ front yard requirement measured from ultimate right-of-way
3. Rear yard: 25 feet

4A.5.7 Height Limitations

No building shall exceed 35 feet in height; however, the height may be increased up to an additional 10 feet if an additional 1 foot above the minimum is added to each required yard dimension for every additional 1 foot in height over 35 feet.

4A.5.8 Additional Requirements

1. Public water and sewer service shall be required for all new residential construction.
2. A site plan shall be required for all nonresidential development.

3. Supplementary requirements of Section 7 may apply depending on the type of development.
4. Parking shall be provided in accordance with requirements found in Section 9 of this ordinance.
5. Landscaping and buffers, if required, shall meet the standards of Section 10 of this ordinance.

4A.6 Residential 5 District (R-5)

4A.6.1 Purpose

The Residential 5 (R-5) District is established to provide sites primarily for detached dwellings of a medium density. The regulations are designed to promote residential development and to discourage uses that would be detrimental to residential dwellings.

4A.6.2 Permitted Uses

1. Accessory buildings
2. Amateur Wireless Facility
3. Detached single family dwellings
4. Family care homes
5. Home occupations
6. Public parks and playgrounds
7. Satellite dish antennae
8. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4A.6.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Bed and breakfast inns
3. Cemeteries, mausoleums, columbariums, and memorial gardens
4. Clubs, lodges, and recreation facilities, for use by non-profit organizations
5. Day care facilities
6. Golf courses and related activities; driving ranges when associated with the golf course
7. Group homes
8. Museums
9. Places of Worship
10. Private schools
11. Public utility facilities without outdoor storage (County only)

4A.6.4 Major Special Uses Subject to Approval by the Governing Body

1. Colleges and universities
2. Government facilities, not to include correctional facilities and jails
3. Public schools
4. Public utility facilities with or without outdoor storage (City only)

4A.6.5 Dimensional Requirements

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|-----------------------|-------------------|
| 3. Minimum lot area: | 5,000 square feet |
| 4. Minimum lot width: | 50 feet |

4A.6.6 Yard Requirements

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| 4. Front yard: | 20 feet from ultimate right-of-way |
| 5. Side yards: | |
| Minimum total side yards: | 15 feet |
| Minimum total side yard on a corner lot: | 20 feet |
| Minimum each side: | 6 feet |
| Minimum street side yard: | ½ front yard requirement measured from ultimate right-of-way |
| 6. Rear yard: | 25 feet |

4A.6.7 Height Limitations

No building shall exceed 35 feet in height; however, the height may be increased up to an additional 10 feet if an additional 1 foot above the minimum is added to each required yard dimension for every additional 1 foot in height over 35 feet.

4A.6.8 Additional Requirements

1. Public water and sewer service shall be required for all new residential construction.
2. A site plan shall be required for all nonresidential development.

3. Supplementary requirements of Section 7 may apply depending on the type of development.
4. Parking shall be provided in accordance with requirements found in Section 9 of this ordinance.
5. Landscaping and buffers, if required, shall meet the standards of Section 10 of this ordinance.

4A.7 Residential 3 District (R-3)

4A.7.1 Purpose

The Residential 3 District (R-3) is established to provide for a mix of single family detached dwellings, two family attached (duplex) dwellings, three family attached (triplex) dwellings, and other selected uses that complement the residential character of the district.

4A.7.2 Permitted Uses

1. Accessory buildings
2. Amateur Wireless Facility
3. Detached single family dwellings
4. Duplex and triplex dwellings (or 2 unit and 3 unit attached dwellings)
5. Family care homes
6. Home occupations
7. Public parks and playgrounds
8. Satellite dish antennae
9. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4A.7.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Bed and breakfast inns
3. Cemeteries, mausoleums, columbariums, and memorial gardens
4. Clubs, lodges, and recreation facilities, for use by non-profit organizations
5. Day care facilities
6. Golf courses and related activities; driving ranges when associated with the golf course
7. Group homes
8. Places of Worship
9. Private schools
10. Public utility facilities without outdoor storage (County only)

4A.7.4 Major Special Uses Subject to Approval by the Governing Body

1. Colleges and universities
2. Government facilities, not to include correctional facilities and jails
3. Public schools
4. Public utility facilities with or without outdoor storage (City only)

4A.7.5 Dimensional Requirements

5. Minimum lot size

Duplex and triplex dwellings	3,000 square feet per dwelling unit
Single family dwelling	5,000 square feet
6. Minimum lot width:

Single family dwelling	50 feet
Duplex	60 feet
Triplex	70 feet

4A.7.6 Yard Requirements

7. Front yard: 20 feet from ultimate right-of-way
8. Side yards:

Total side yard:	
Single family	15 feet
Duplex and triplex	18 feet
Corner	20 feet
Minimum each side:	
Single family	6 feet
Duplex and triplex	8 feet from exterior building
Street	12.5 feet from ultimate right of way

Where attached units are subdivided into individual units for sale:

- a. Lot lines may conform to centerline wall dividing individual units.
- b. Side yard requirements may be eliminated except for end units and, in such circumstances; there is no Total Side Yard Requirement.
- c. Duplex and triplex units shall provide a lot size of at least 3,000 square feet per unit.

4A.7.7 Height Limitations

No building shall exceed 35 feet in height; however, the height may be increased up to an additional 10 feet if an additional 1 foot above the minimum is added to each required yard dimension for every additional 1 foot in height over 35 feet.

4A.7.8 Additional Requirements

1. Public water and sewer service shall be required for all new residential construction.
2. A site plan shall be required for all nonresidential development.
3. Supplementary requirements of Section 7 may apply depending on the type of development.
4. Parking shall be provided in accordance with requirements found in Section 9 of this ordinance.
5. Landscaping and buffers, if required, shall meet the standards of Section 10 of this ordinance.

4A.8 Multifamily Residential Districts (RM and RM-CN))

4A.8.1 Purpose

The Multifamily Residential Districts (RM) are established to provide sites suitable primarily for multifamily dwellings as well as detached and attached dwelling units. The following districts are established:

1. RM8 Residential Multifamily low density
 2. RM12 Residential Multifamily medium density
 3. RM16 Residential Multifamily medium density
 4. RM20 Residential Multifamily high density
- City jurisdiction:
5. RM-CN 40 Residential Multifamily Compact Neighborhood high density
 6. RM-CN 60 Residential Multifamily Compact Neighborhood high density
 7. RM-CN 80 Residential Multifamily Compact Neighborhood high density

4A.8.2 Permitted Uses

1. Accessory buildings
2. Accessory dwellings [City Only] when associated with detached single family dwellings [subject to the additional requirements of Section 7 for accessory dwellings].
3. Amateur Wireless Facility
4. Cemeteries, mausoleums, columbariums, and memorial gardens
5. Convalescent centers
6. Detached single family dwellings
7. Duplex and triplex dwellings (or 2 unit or 3 unit attached dwellings)
8. Family care homes
9. Home occupations
10. Golf courses and related activities; driving ranges when associated with the golf course
11. Multifamily dwellings
12. Public parks and playgrounds
13. Retirement centers and life care facilities
14. Satellite dish antennae
15. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4A.8.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Bed and breakfast inns
2. Boarding houses
3. Clubs, lodges, and recreation facilities, for use by non-profit organizations
4. Commercial dorms
5. Conference centers and retreat centers
6. Day care facilities
7. Group homes
8. Health clubs and athletic facilities
9. Places of Worship
10. Private schools
11. Public utility facilities without outdoor storage (County only)
12. Rooming houses

4A.8.4 Major Special Uses Subject to Approval by the Governing Body

1. Colleges and universities
2. Government facilities, not to include correctional facilities and jails
3. Helistops
4. Public schools
5. Public utility facilities with or without outdoor storage (City only)

4A.8.5 Dimensional Requirements

1. Minimum lot size
 - Duplex 7,500 square feet
 - Triplex 3,750 square feet per dwelling unit
 - 2,500 square feet
2. Minimum lot width:

Single family dwelling	50 feet
Duplex	60 feet
Triplex	70 feet
Multifamily	75 feet

4A.8.6 Yard and Setback Requirements

1. *Detached single family, duplex and triplex:*

Front yard:	25 feet from ultimate right-of-way
Side yard:	8 feet minimum; single family dwelling: 6 feet minimum
Corner lot side yard:	15 feet minimum on street side and 23 feet total
Rear yard:	25 feet

Where attached units are subdivided into individual units for sale:

- a. Lot lines may conform to centerline wall dividing individual units.
- b. Side yard requirements may be eliminated except for end units and, in such circumstances; there is no Total Side Yard Requirement.
- c. Duplex and triplex units shall provide a lot size of at least 3,000 square feet per unit.

City Jurisdiction

2. RM multifamily: Buildings shall be a minimum of 25 feet from front and rear property lines and all public street rights-of-way.
- RM-CN multifamily: Maximum front, rear, and side setbacks shall be 20 feet. Setbacks may be increased beyond the maximum for purposes of pedestrian access, open space or transit facilities.

Where attached units in RM (not RM-CN) districts are to be subdivided into individual lots for sale:

- a. Lot lines may conform to centerline walls dividing individual units.
- b. Side yard requirements may be eliminated except for end units and, in such circumstances, there is no Total Side Yard requirement.
- c. Duplexes shall provide a lot size of at least 3,750 square feet per unit. (7,500 divided by 2) and triplexes shall provide a lot size of at least 2,500 square feet for each unit (7,500 sq. ft. divided by 3).
- d. Townhouses shall have a front, side, or rear privacy yard having a minimum area of 100 sq. ft. on each lot. The privacy yard space may be deducted from open space requirement.

County Jurisdiction

3. RM multifamily: Buildings shall be a minimum of 25 feet from front and rear property lines and all public street rights-of-way.
4. Where attached units are to be subdivided into individual lots for sale:
 - a. Lot lines may conform to centerline walls dividing individual units.
 - b. Side yard requirements may be eliminated except for end units and, in such circumstances, there is no Total Side Yard requirement.
 - c. Duplexes shall provide a lot size of at least 3,750 square feet per unit. (7,500 divided by 2) and triplexes shall provide a lot size of at least 2,500 square feet for each unit (7,500 sq. ft. divided by 3).
 - d. Townhouses shall have a front, side, or rear privacy yard having a minimum area of 100 sq. ft. on each lot. The privacy yard space may be deducted from open space requirement.

4A.8.7 Building Height

City Jurisdiction

1. **RM Districts** – (*not RM-CN*), buildings up to 35 feet in height are permitted with the yard requirements specified in 4A.8.6. A building height of 45 feet is allowed when required yards are increased by an additional 10 feet. A building height of up to 145 feet is allowed on lots of 5 acres or larger with approval of a special use permit by the Board of Adjustment.
2. **RM-CN Districts:**
RM-CN 40: Maximum height 55 feet. An increase in building height to a maximum of 145 feet may be permitted upon Governing Body approval at the time of rezoning action.

RM-CN 60 and RM—CN 80: Maximum height 75 feet. An increase in building height to a maximum of 145 feet may be permitted upon Governing Body approval at the time of rezoning action.

County Jurisdiction

Buildings up to 35 feet in height are permitted with the yard requirements specified in 4A.8.6. A building height of 45 feet is allowed when required yards are increased by an additional 10 feet. A building height of up to 145 feet is allowed on lots of 5 acres or larger with Board of Adjustment approval.

4A.8.8 Density

- RM 8 Maximum of 8 units per acre
- RM 12 Maximum of 12 units per acre
- RM 16 Maximum of 16 units per acre
- RM 20 Maximum of 20 units per acre

City Jurisdiction

- RM-CN 40 Maximum of 40 units per acre
- RM-CN 60 Maximum of 60 units per acre
- RM-CN 80 Maximum of 80 units per acre

4A.8.9 RM Building to Building Relationship

1. The minimum distance between unattached multifamily dwellings is displayed in the following table. Distance is based on taller building. If other ordinances, such as Building Code, require greater separation then that ordinance shall apply.

	Minimum for One Story	Additional Distance for Each Additional Floor Above First Floor
If either building wall contains a front entrance	35 feet	10 feet up to 4 stories, 15 feet for each additional story*
If either building wall contains a rear entrance	30 feet	5 feet*
If building walls contain windows but no public entrance	20 feet	5 feet*

(*Not to exceed 100 feet)

2. If parallel buildings overlap for 20 feet or less, the required separation may be reduced by 50%.
3. If two buildings are situated so that neither is visible from any window or public entrance of the other and not structurally connected, the minimum distance between buildings shall be 15 feet plus 2.5 feet for each story over 6.
4. If two buildings structurally connect, they shall maintain an angle of 90 degrees or more.
5. Positioning of buildings that are three stories or greater, to create an inner yard space or court that does not have at least partial visibility to a street yard, or parking area is discouraged.

4A.8.10 Open Space Requirements

1. RM Districts: Open space shall be provided in RM districts in accordance with the open space provisions of Section 4B.1.9 Open Space Requirements (for PDR Districts).
2. *City Jurisdiction:* RM-CN Open Space
 - a. **Open Space:** Open space in RM-CN districts shall be equal to at least 18% of the total site area. This requirement can be met by provision of both public-access and non-public-access open spaces. Non-public-access spaces may not meet more than 50% of this requirement. Public-access space must constitute at least 50% of the requirement and may be located on the RM-CN site, within the Compact Neighborhood area, or adjacent to the Compact Neighborhood area, within 1000 feet.

The Governing Body may reduce this requirement up to a maximum of 25% in recognition that some recreational provisions are more costly to provide and are expected to serve a greater number of residents, yet occupy a smaller land area than other possible provisions. The reduction allows the Governing Body to determine the appropriate balance so that open space and recreational provisions most suitable to residents of the site and area can be achieved. The Governing Body may grant such a reduction in area of provided open space as part of rezoning or

site plan approval. In any event, the open space provided shall address the recreational, aesthetic and open space needs for the development area and be consistent with open space as called for adopted plans for the area.

To grant the reduction, the Governing Body shall find that the proposed open space facilities are 1) appropriate to the project and Compact Neighborhood area, and 2) result in facilities likely to serve more residents as facilities found more typically in residential developments.

- b. **Open Space Public-Access Standards-** Open space within a Compact Neighborhood area should form a network of spaces accessible to project and area residents. Pedestrian routes shall connect all parts of the Compact Neighborhood area with open space and recreational facilities, pedestrian-oriented uses, transit stations and other public facilities in the area.
- c. **Payment in Lieu Option-** Where a developer proposes to meet part of the open space requirement offsite, and an appropriate offsite public project has been identified, and the development or improvement of such project is imminent or the costs can be reasonably estimated by the Governing Body, the developer may acquire and dedicate land needed for such project or otherwise participate in the project, and shall specify as part of the rezoning Development Plan application how much of the cost of such project is to be contributed by the development. Payment shall be made prior to the issuance of building permits, or certificate of compliance, at the discretion of the Governing Body. Where an appropriate offsite project has not been identified or the costs cannot be reasonably estimated, the developer may make a payment in lieu of providing such space directly for a future public-access open space facility or contributions toward improvements at existing facilities. The Governing Body shall adopt a schedule of fees for such payments. The fee should take into account the amount of open space requirement being provided offsite and the estimated costs typically associated with providing land for that facility within the Compact Neighborhood.
- d. **Impact Fee Credits-** Impact fee credits shall be available where the amount of publicly accessible open space provided directly or through in lieu of payments exceeds requirement.
- e. **Definition of Eligible Open Space-** Required open spaces may consist of any of the following: parks, plazas, recreation facilities, natural areas, greenways, playgrounds, sitting areas, and other such community gathering areas and play spaces. Properties that have severe development constraints or other conditions that affect their usability by residents may be counted for up to 50% of the total required open space. Property developed for active recreational purposes (such as pools, children's playgrounds, basketball courts) may be counted for up to 50% of the total required open space.
- f. **Limitations on Eligible Open Space-** Sidewalk areas along streets are intended primarily for transportation purposes and shall not be counted as public-access open space. Areas adjacent to 'right-of-way' (defined as public right of way or public access easement), beyond the standard 5-foot wide sidewalk, can count as eligible public-access open space if they are 1) not less than 5 feet wide, 2) wide enough to, and actually do, accommodate seating and/or other pedestrian amenities, and 3) are specifically designed for such multiple uses. All pedestrian open space areas should include all-weather walking surfaces, perimeter plantings, and at least two of the following amenities: benches or seating, tables, shelters, gazebos, one or more prepared play areas, play equipment, accessible and visible grassed and landscaped areas, water features, public art, kiosks, trash receptacles and similar amenities. Landscaped areas outside of ROW and between public-access sidewalks and buildings or parking areas may also count for up to 25% of the public-access open space requirement, if they are greater than 10 feet wide and if they are visible and/or accessible from other public-access open space or sidewalks. Streets, driveways and other service areas shall not be counted toward the open space requirements. See Section 4B1.9 of this Zoning Ordinance for more detail.

4A.8.11 Additional Requirements for RM Districts

1. In order to provide visual diversity, no more than 6 contiguous townhouse units shall be allowed with the same setback and the same facade treatment. Variations in setback must be at least 2 feet. In a Historic District, with the approval of the Historic Preservation Commission, townhouse units in excess

of 6 units shall be allowed with the same setback and the same facade treatment. Architectural features and facades should provide sufficient architectural variations and scale, and should be compatible with nearby structures by utilizing authentic or historic details.

2. Parking shall be provided in conformance with the parking standards found in Section 9 of this ordinance.
3. Condominiums shall be recorded in compliance with the North Carolina Condominium Act (NCGS 47C).
4. Supporting commercial, office, and institutional uses are permitted in the RM-20 district, subject to the following requirements:

The multifamily development shall contain 100 or more dwelling units.

The total floor area of all commercial, office, and institutional uses in the development shall not exceed 5% of the total floor area of all dwelling units or 20,000 square feet, whichever is smaller.

- a. The total floor area of any single establishment shall not exceed 5,000 square feet.
 - b. Such uses shall be oriented primarily to serving persons living within the developm.
 - c. No such use shall have an entrance onto a public street or adjoining property, nor shall any such use display a sign which is visible from any public street or adjoining property.
 - d. Uses shall be limited to: convenience stores, financial institutions, medical clinics, offices, personal service establishments, restaurants, retail shops.
5. Site plan approval shall be required for all projects prior to permitting. Single family detached dwellings, triplexes, and duplexes are exempt from this requirement.
 6. Supplementary requirements of Section 7 may apply depending on the type of development.
 7. Landscaping and buffers, if required, shall meet the standards of Section 10 of this ordinance.
 8. Accessory buildings for multifamily developments include but are not limited to: management offices, laundry rooms, and recreation facilities for residents of the development. Accessory buildings must be shown on an approved site plan.
 9. A pre-1945 single-family dwelling may be converted to a multifamily building subject to the requirements found in Section 7.

4A.8.12 Additional Requirements for RM-CN Districts (*City Jurisdiction*)

Applicability: RM-CN 40, RM-CN 60 and RM-CN 80 districts and regulations shall only be applied within Compact Neighborhood areas as defined under the 2020 Plan, based on approved locations of fixed guideway regional transit station areas.

1. **Applicability:** RM-CN 40, RM-CN 60 and RM-CN 80 districts and regulations shall only be applied within Compact Neighborhood areas as defined under the 2020 Plan, based on approved locations of fixed guideway regional transit station areas.
2. **Single Family Transition:** If a portion(s) of a multi-family building taller than 35 feet is located within 100 feet of a single family dwelling in a residential district, a buffer obscuring 75% of the view (within 3-5 years) of that portion of the multi-family structure (as viewed from the ground level of the single-family structure) shall be provided. This buffer shall meet the requirements of Section 10.3.1 of the Ordinance. This is intended to encourage 'stepping-down' building height as residential areas are approached. In addition, Class 3 buffer requirements for a 30 foot wide landscaped buffer, as per Section 10.2.4, apply to multi-family developments directly adjoining developed residentially zoned properties. The approving authority may modify these requirements if the applicant demonstrates that changes improve the project's compatibility with adjacent areas and overall design.
3. **Development Plan Required:** A Development Plan is required for all developments being rezoned to RM-CN 40, RM-CN 60, or RM-CN 80 districts. Particular attention shall be given to exterior facades and perimeter site design features to ensure that they are compatible with surrounding development.

The building heights, location, and orientation; parking, pedestrian, bicycle and transit use enhancement features; and open space provisions shall be specified in the Development Plan.

4. **Site plan approval:** Site plan approval shall be required in accordance with Section 17.
5. **Parking Requirements:** Given the limitation of these districts to within Compact Neighborhoods based on regional transit station locations, limitations on parking to encourage the use of available transit are appropriate. The parking standards cited in Section 9.4 are maximum, rather than minimum, standards in these districts. Reductions by up to 40% of the applicable standard can be granted by the approving authority once transit service is available if adjacent areas are protected from over-flow parking due to the reduced on-site provision of spaces. Enhanced bicycle, pedestrian and transit use facilities shall be primary among the considerations for such a reduction.
6. **Tree Coverage:** The tree coverage requirements of Section 10 shall apply.
7. **Supporting Commercial and Office Uses:** Supporting commercial and office uses that provide services or work to nearby residents and are compatible with nearby residential uses may be approved for the RM-CN districts, subject to the following requirements:
 - a. The development contains at least 100 dwelling units.
 - b. The location of retail and/or office uses in the same structure as the residential units, or in a structure physically attached to the residential structure, is required, unless it is persuasively demonstrated that it is not feasible to physically attach the non-residential uses to the residential structure(s). When allowed to be located in separate structures the buildings housing such uses must be fully architecturally compatible with the residential structure(s).
 - c. To assure that the commercial and/or office uses are supportive of the RM-CN project, site plan approval and building permits for at least 25% of the residential units shall have been issued before building permits for the retail and/or office uses can be issued. The site plan approving authority may waive this requirement when residences are located in the same building as the retail and/or office uses.
 - d. The retail and/or office uses must provide ground-level direct public street access deemed adequate by Durham Public Works Department.
 - e. Performance Standards (Section 8) apply to protect residences from potential light, glare, noise, etc., generated by retail and/or office uses.
 - f. Retail and office acreage shall not be used to reduce the calculated residential density in the computation of open space requirements.
 - g. Accessible and visible pedestrian connections shall be provided between the retail and/or office uses and the dwelling units within the RM-CN project. To further facilitate access by pedestrians and transit, at least 30% of the parking spaces shall be located to the side or rear of the retail and/or office structures.
 - h. Blank walls are strongly discouraged. Windows and doorways are encouraged on all exterior walls for such office and/or retail uses. A limited amount of blank wall space will be permitted only when it is shown that windows and doorways are not feasible to include in these locations. Blank walls visible from the street or parking areas shall be buffered with plantings to lessen their potential for negative effects. Landscaping improvements meeting the same requirements as those required for vehicle parking areas with exposure to the street (Section 10) shall be provided for parking visible from the street and for all blank walls.
 - i. Retail and office uses allowed in the RM-CN districts shall be limited to those uses found in the Office and the Commercial Categories of Section 4B.2.3 (Mixed Use). Other uses permitted in the RM district shall also be allowed.
 - j. Site design shall foster compatibility between the office and/or retail uses and adjacent or adjoining residential uses within the RM-CN districts. This shall include landscaping, signage, lighting, service areas and architectural features.
 - k. Retail and office square footage shall promote a range of services beneficial to nearby residents. Therefore, the retail and/or office component within a RM-CN project shall not exceed an aggregate of 20,000 square feet of building space, and shall be devoted to more than one business. Use of the square footage for one establishment is not allowed.

4B.1 Planned Density Residential District (PDR)

4B.1.1 Purpose

The Planned Density Residential District (PDR) is established to allow for design flexibility. The district is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.

Note: PDR ZONING PROCEDURES ARE FOUND IN SECTION 4B.1.12

4B.1.2 Permitted Uses

1. Accessory buildings
2. Amateur Wireless Facility
3. Cemeteries, mausoleums, columbariums, and memorial gardens
4. Convalescent centers
5. Detached single family dwellings
6. Duplex and triplex dwellings (or 2 unit or 3 unit attached dwellings)
7. Family care homes
8. Home occupations
9. Golf courses and related activities; driving ranges when associated with the golf course
10. Manufactured Home Park
11. Manufactured Home Park accessory buildings
12. Manufactured home subdivision
13. Multifamily dwellings
14. Public parks and playgrounds
15. Retirement centers and life care facilities
16. Satellite dish antennae
17. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4B.1.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Accessory dwellings
2. Bed and breakfast inns
3. Clubs, lodges, and recreation facilities, for use by non-profit organizations
4. Colleges and universities
5. Day care facilities
6. Group homes
7. Health clubs and athletic facilities
8. Hospitals
9. Places of Worship
10. Private schools
11. Public utility facilities without outdoor storage (County only)
12. Rooming houses

4B.1.4 Major Special Uses Subject to Approval by the Governing Body

1. Government facilities, not to include correctional facilities and jails
2. Public schools
3. Public utility facilities with or without outdoor storage (City only)

4B.1.5 Density Requirements

The specific density in units per gross acre must be included in the application. The maximum allowable density is as follows:

1. *Rural PDR* - generally, for property located outside the Urban Growth Area Boundary, - 3 units per gross acre maximum.

2. *Urban PDR* - generally, for property located within the Urban Growth Area Boundary, - 25 units per gross acre maximum.
3. Density specified in the approval is the maximum allowable density.

4B.1.6 Dimensional Requirements

1. *Gross tract size for initial zoning purposes:*
 - a. Within the Central City (as defined on the Official Zoning Map) - 2 contiguous acres minimum
 - b. Outside the Central City - 4 contiguous acres minimum
 - c. Additions to an existing approved PDR District may be made in increments of any size
2. *Minimum lot area:*
 - a. The PDR District provides for a variety of dwelling unit styles and support uses without adherence to the lot area and yard requirements provided in other districts; therefore, no minimum lot area is specified. However, building separations specified in 4B.1.7 shall be maintained.

Interpretation: PUD/PDR site plans approved prior to 1994 continue to use the property line setbacks for PUD/PDRs approved prior to the effective date of the Merged Durham Zoning Ordinance. (1/1/94) These setbacks are called out either dimensionally on the site plans or in a special conditions box. Additionally, building separations shall be a minimum of 16 feet.

3. *Pre-existing dwellings:*
Dwellings that exist prior to the application of a PDR zone which shall remain and not be included in a development plan shall maintain the following minimum standards:
 - Lot size - 5,000 square feet
 - Front yard - 20 feet
 - Rear yard - 25 feet
 - Total side yards - 15 feet with a 6 foot minimum on each side
4. Lot areas may be increased by the appropriate County Health Department in order to insure adequate sewage disposal.
5. *Setback from streets:* No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table:

Residential Density in PDR Tract (dwelling units per acre)	Minimum Distance from Property line Along Front Street (feet)
1.0 - 8.0	8
8.1 - 16.0	15
16.1 - 25.0	25

6. Minimum side distance from street - 10 feet.
7. Accessory buildings shall not be placed in the front yard.
8. Setbacks from adjacent property which is residentially zoned but not the PDR zone - 25 foot rear yard and side yards which conform to the requirements of the adjacent residential zone.

4B.1.7 Building and Building Relationships

1. Single family detached: The building envelope for each lot shall be shown on the recorded plat.
2. The minimum separation between buildings in a PDR District shall be as follows:

Minimum Horizontal Distance	
Height of Taller Building	Total Distance Between Vertical Projections
	The Governing Body may reduce separations after consideration of the general bulk and scale in comparison with nearby development.

Between 35.1 and 40.0 feet	30 feet
Between 40.1 and 50.0 feet	60 feet
Between 50.1 and 85.0 feet	70 feet
Between 85.1 and 90.0 feet	80 feet

The vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

3. Zero lot line developments shall conform to the requirements of Section 8.
4. Building separations may be increased by the appropriate Health Department or Inspections Department.
5. In order to allow for design flexibility yet assure adequate site size, single family PDR Developments shall identify the building envelope for each lot on the recorded plat.

4B.1.8 Height Requirements

Maximum building height shall be 90 feet. Any building over 35 feet shall be identified on the development plan submitted for approval.

4B.1.9 Open Space Requirements

Open space in PDR developments add to the visual character and uniqueness of each development and allows for recreational and aesthetic enjoyment by the residents. In more densely developed PDR projects, improved open space provides centrally located natural areas, community gathering spots, and play spaces that are integral to the livability of the neighborhoods.

1. Required open space shall be as follows:

Residential Density in PDR Tract (dwelling units per acre)	Percent of Gross Site Area Required as Open Space
0.00 – 3.00	5
3.01 – 6.00	10
6.01 - 10.00	12
10.01 – 16.00	15
16.01 – 25.00	18

2. Required open space may consist of any of the following:
 - a. Property which is naturally vegetated or revegetated to appear naturally vegetated.
 - b. Properties which have severe development constraints or other conditions which affect their usability by residents of the development, including properties in the flood fringe, floodway, water bodies, exceptionally low or wet soils, steep slopes, or properties which are actively farmed may be counted for up to 50% of the total required open space.
 - c. Property developed for active recreational purposes (swim clubs, etc.) may be counted for up to 50% of the total required open space.
3. PDR developments or subcomponents shall provide improved open space when the median lot size is 6000 square feet or less for detached single family projects, or when the net density is eight units per acre or greater for other residential uses. The improved open space(s) shall be located and placed so that 95% of the residential units covered by this provision are located within a 1300 feet walking distance from an improved open space area. Improved open space shall be on land that is generally dry, with mild topography, suitable for frequent use, and with a minimum of 8000 square feet in land area. The improved open space must include an all-weather walking path, perimeter plantings, and at least two of the following: benches, picnic tables, shelters, gazebos, one or more prepared play areas, play equipment, grassed and landscaped areas, and other similar community amenities. The improved open space(s) shall be accessible and conveniently located within common areas. Improved open space for single-family detached areas shall be located with at least one side having street frontage. Active recreation uses that charge a fee for use may not count towards this provision.

4. Streets, driveways and yard spaces provided for the residences may not be counted toward the open space requirement.
5. Open space shall be established on the Development Plan with provisions for permanent maintenance either through dedication to a legally established homeowners association, or by dedication and acceptance by a governing jurisdiction for public use, if such dedication is desired by the governing jurisdiction.
6. Open space property shall be described and identified by location, size, use and improvements on the Development Plan prior to dedication to an entity identified for permanent maintenance.
7. Open space property shall not be disturbed, graded or cleared except in conformance with an approved plan.
8. Open space provided to meet the requirements of this section (4B.1.9) may also be used to meet other applicable zoning ordinance or subdivision requirements.

4B.1.10 Transitional Use Areas

A transitional use area shall be established around the perimeter of each PDR District that shall be a minimum of 50 feet in depth. The purpose of this area shall be to insure compatibility with surrounding land uses. Permitted uses in the transitional use area are as follows:

1. Where a PDR District adjoins a Residential Zoning District, only residential development shall be permitted in the transitional use area. The density shall be determined at time of approval.
2. Where a PDR District adjoins a nonresidential district such as an Industrial, Commercial, or Office District the permitted use shall be a planted buffer area.
3. Where a PDR District adjoins another PDR District, only a single transitional use area is required. The required depth and allowed uses shall be determined at the time of the approval.

4B.1.11 Standards for Retail and office in PDR District

Certain retail and office uses may be approved for the PDR district when the following conditions are met:

1. The development contains 100 or more dwelling units. The dwelling units may be separate structures from the retail and/or office uses or located in the same structure as the retail or office uses. To assure that the commercial and office uses are supportive of the PDR project, Certificates of Compliance [aka: CO's] shall be issued for at least 25% of the residential units before Certificates of Compliance may be issued for the retail and/or office uses. The DRB may waive this requirement when residences are located in the same building as the retail and/or office uses.
2. The retail and office uses must provide street access as deemed adequate by Durham Public Works Department.
3. Residences shall be protected from light, glare and noise generated by the retail and office uses in accordance with Section 8.1.15 [Performance Standards].
4. Retail and office acreage shall not be used to reduce the calculated residential density in the computation of open space requirements.
5. Pedestrian connections shall be provided between the retail and office uses and the dwelling units within the PDR project. To further facilitate access by pedestrians and transit, at least 30% of the parking spaces shall be located to the side or rear of the retail and office structures.
6. Blank walls visible from the street and/or parking areas shall be buffered with plantings to lessen their potential for negative effects. Landscaping improvements meeting the same requirements as the landscaping required for vehicle parking areas with exposure to the street [Section 10] shall be provided for parking visible from the street and for all blank walls exceeding 50 feet in length.
7. Retail and office uses allowed in the PDR district shall be limited to those uses found in the Office Category and the Commercial Category of Section 4B.2.3 of the Mixed Use [MU] zoning district. Other uses permitted in the PDR district shall also be allowed. The building heights, location, orientation, and building to building spacing, shall be specified in the Development Plan.
8. Site design shall foster compatibility between the office and/or retail uses and adjacent residential uses within the PDR. When a retail or office component of the PDR shares a common boundary with a residential component of the PDR, side and rear setbacks of at least 30 feet shall be provided between the nonresidential and residential areas. The setbacks may not be used for parking and shall be landscaped with materials equivalent to a Class 3 buffer as described in Section 10 of this ordinance. Existing healthy vegetation may be used to meet some or all of this requirement. This

setback requirement does not apply if the residential uses are within the same building as the retail or office uses.

9. Retail and office square footage shall promote a range of services for residents. Therefore, the retail and office component within a PDR project shall not exceed 50,000 square feet and shall be devoted to more than one business to avoid the use of the property for one large establishment and to promote a range of uses.

4B.1.12 Additional Requirements

1. A Development Plan in conformance with the requirements of Section 15 shall accompany all petitions for PDR zoning. Approval of any PDR rezoning petition shall be contingent upon approval of the Development Plan by the Governing Body.
2. Uses shall be permitted only in the location shown on the approved Development Plan. Development of the property may not begin until a site plan has been approved for that portion of the property. Site plans shall be reviewed for conformance with an approved Development Plan. Should alterations or changes represent a substantial departure from the approved plan, an amendment is required. The same procedures as required for the original approval shall be required for Development Plan amendments.
3. Parking and landscaping shall conform to requirements found in Sections 9 and 10 of this ordinance. In addition to the required landscaping, the site plan shall show supplemental trees equal to 1 and 1/2 times the number of dwelling units. Such trees shall be at least 2.5 inch caliper. Existing vegetation this size may be used to meet this requirement.
4. In order to provide diversity and to avoid long rows of attached dwellings, no more than 6 contiguous townhouse units shall be allowed with the same setback. Variations in setback must be at least 2 ft.
5. Condominiums shall be recorded in accordance with the North Carolina Condominium Act (NCGS 47C).
6. Supplementary requirements of Section 7 may apply depending on the type of development.
7. Accessory buildings for multifamily developments include but are not limited to: management offices, laundry rooms, and recreation facilities for residents of the development. Accessory buildings must be shown on an approved site plan.

4B.1.13 Supplementary Requirements for Manufactured Homes

1. Any manufactured home sites with class type shall be specified on the approved Development Plan.
2. Manufactured home subdivisions shall show the orientation of the home to the street in the Development Plans.
3. Manufactured homes in parks shall maintain a distance of at least 16 feet between manufactured homes. For the purposes of this Section, added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.
4. Supporting uses within a manufactured home park shall maintain a side yard of at least 10 feet.
5. The boundaries of manufactured home sites in parks shall be clearly identified.
6. Development Plans for manufactured home parks and subdivisions shall show lot layouts, and pedestrian walkways that connect the home with any support facilities.

4B.2 Mixed Use District (MU)

4B.2.1 Purpose

The Mixed Use District (MU) is established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by distinguishable design features. In addition to a mixture of compatible uses, developments in this district shall provide amenities and walkways to increase pedestrian activity, decrease reliance on individual vehicles, foster transit usage, enhance the attractiveness of Durham City and County, improve the overall quality of life, and provide for the welfare of the citizens.

A Development Plan and a Phasing Plan are required as part of the rezoning application for the mixed use district; however, limited flexibility is allowed in order to accommodate changes in market conditions over the period of development of the project. In addition, flexibility shall be provided in the application of Section 15.2.1 to permit additions to existing MU-zoned tracts; if the project can meet all requirements within the existing and added areas; the entire tract need not be rezoned in order to permit the expansion of the MU zoned project (See Section 4B.2.7). Standards for development and a thorough review process are established as a part of this district to assure conformance to this district's purpose. The district is intended for implementation within the boundaries of the Urban Growth Area.

4B.2.2 Mixture of Uses

1. Uses may be mixed within a building or within the development.
2. A Development Plan must be submitted as part of the rezoning application for the MU district. The Development Plan must show, and the mixed use development after it is built must contain, at least 3 of the following use categories:
 - a. Residential
 - b. Office
 - c. Commercial
 - d. Industrial
 - e. Institutional, Quasi-Public, Public
 - f. Hotel
3. For mixed use developments containing 3 uses, each use shall occupy a minimum of 20% of the floor area or gross acreage of the project. For projects of 4 or more uses, the 20% minimum is waived, however, no use may occupy more than 60% and no two uses combined shall occupy more than 80% of the floor area or gross acreage.
4. A Phasing Plan (as described in this section) must accompany the Development Plan. Site plans shall be submitted as specified in Section 17 of the Ordinance.

4B.2.3 Permitted Uses

1. Generally, uses allowed in the Shopping Center (SC), Office & Institutional - 2 (O&I-2), Industrial-1 (I-1), Research Applications (RAD), and Residential zones are allowed as permitted uses in the Mixed Use District. A mixed use project requires the incorporation of at least 3 different use categories as identified in 4B.2.3.3 below.
2. Supplementary requirements specified in Section 7 of the ordinance are applicable to the uses; however, major or minor special use permits are not required, with the exception of Towers [See Section 4B.2.3.(4)]. Applicable performance standards of Section 8 also apply.
3. **Principal Uses**(At least 3 categories out of the 6 listed below, must be represented in the mixed use project.)
 - a. **Residential Category**
 1. Dwellings - Single family, duplex, triplex, multi family
 - b. **Office Category**
 1. Artist galleries
 2. Artist studios
 3. Banks and financial institutions
 4. Business services
 5. Diet houses
 6. Funeral homes
 7. Medical clinics

8. Offices
 9. Radio and television broadcasting studios
 10. Veterinary clinics
- c. **Commercial Category**
1. Convenience stores (with or without gasoline sales)
 2. Exhibition buildings
 3. Garden centers
 4. Health clubs
 5. Movie theaters
 6. Night clubs (night clubs may not locate adjacent to a preexisting place of worship)
 7. Personal service establishments
 8. Photographic studios
 9. Recreation facilities: commercial indoor and outdoor
 10. Repair shops (without outdoor operations or storage)
 11. Restaurants (with or without drive-up windows)
 12. Retail stores and shops
 13. Service stations
 14. Shopping centers
 15. Showroom offices
 16. Theaters
 17. Vehicle repair shops (without outdoor operations or storage)
 18. Vehicle sales, rentals, and leases
- d. **Industrial Category**
1. Commercial laundries
 2. Flex space
 3. Janitorial services
 4. Kennels (without outside activity)
 5. Laboratories (without outside operations or storage)
 6. Light industry
 7. Publishing and printing establishments
 8. Research and development (without outside storage or operations)
- e. **Institutional, Quasi-Public Use, or Public Use Category**
1. Clubs, lodges and recreation facilities for use by non-profit organizations
 2. Colleges and universities
 3. Convalescent centers
 4. Day care facilities
 5. Government facilities, not to include correctional facilities
 6. Hospitals
 7. Museums
 8. Places of Worship
 9. Retirement centers and life care facilities
 10. Schools: technical, trade, vocational and business
- f. **Hotel Category**
1. Bed and breakfast inns
 2. Boarding houses
 3. Hotels
 4. Motels
4. **Supporting Uses**
- a. The uses listed below are considered supporting uses to the required categories. While the following uses, with the exception of towers, are allowed by right, they do not meet the category requirements of Section 4B.2.2. Even though the project may contain one or more of the following uses, it must still include at least 3 of the 6 categories (Residential, Office, Commercial, Industrial, Institutional, or Hotel) listed above to qualify as a Mixed Use project.

1. Accessory buildings
2. Accessory dwellings
3. Accessory uses
4. Caretaker dwellings
5. Cemeteries
6. Golf driving ranges
7. Golf courses
8. Helistops
9. Parking as independent use
10. Public parks, playgrounds, and facilities
11. Public transportation facilities
12. Public utility facilities, with or without outside storage
13. Temporary outdoor events
14. Towers for transmitting and receiving electronic signals if approved by the Board of Adjustment

4B.2 Mixed Use District

4B.2.4 Dimensional Requirements

1. Minimum gross tract size for initial zoning: 4 contiguous acres. Additions may be made in increments of any size. A smaller initial site may be allowed, if the applicant can demonstrate to the Governing Body that certain circumstances exist that make an area of less than 4 acres suitable due to factors including but not limited to, location, topography, or compatibility with adjacent uses. Sites smaller than 4 acres are still required to comply with the other requirements of the district, including the requirement to provide at least 3 use types.
2. The dimensional requirements shall be generally specified in the Development Plan and shall be enforceable as a part of any subsequent Site Plan. Site Plans shall show specific dimensions for yards, heights, lot areas, lot frontage, and landscaping and shall be approved by the Development Review Board (DRB). Any buildings or structures over 35 feet in height shall be identified as to location and the maximum height on the Development Plan. No buildings shall exceed 145 feet in height unless the mixed use district is located adjacent to property zoned CBD.
3. Lots may front on public or private streets. A plan for the future maintenance of project amenities and any private streets shall be submitted with the Site Plan.
4. Parking Requirements
 - a. Nonresidential requirements: In order to encourage shared parking and transit support, the minimum parking requirements of Section 9 are held to be the maximum number of parking spaces allowed in the project. In order to exceed the parking requirements, the applicant shall demonstrate to the satisfaction of the Development Review Board [DRB] that each of the following conditions are met: 1] that the additional parking shall not be more than 25% above the minimum parking requirements of Section 9. The Governing Body may allow the number of spaces to exceed the 25% limit if it is determined that additional spaces are required and that the project includes measures to facilitate transit use to and within the site. 2] that the number of parking spaces exceeding the minimum requirements are located in structured parking facilities such as parking decks or garages under a building, in order to minimize the impervious surfaces on the site; 3] that specific evidence is presented by the applicant about how the need for parking beyond the minimum is justified by similar projects in other locations; 4] that evidence is also presented that the site design will accommodate, as much as possible, Travel Demand Management [TDM] programs and transit use to and within the project; and 5] that the applicant demonstrates that shared parking and on-street parking will be provided.
 - b. Residential requirements: Detached single family residential parking shall be provided at a rate of 1 parking space per dwelling; additional spaces may be allowed at the time of approval but in no case shall the total number of spaces exceed an amount equivalent to 2 spaces per dwelling.

Multifamily residential parking shall not exceed an amount equivalent to 2 spaces per dwelling.

4B2.5 Density/Scale of Development for Nonresidential Components (including any mixed residential/nonresidential structures)

1. Building Floor Areas:

The minimum building floor area shall be 20% of the square footage of the particular parcel to be developed. No maximum is established.
2. Pedestrian Spaces:
 - a. **Purpose:** It is intended that MU development be identifiable by attractive pedestrian spaces, including but not limited to: atriums, parks, internal courtyards, plazas, or other improved spaces. The pedestrian spaces shall shape the design and character of the project through a connecting system of pedestrian areas that create a relationship among the buildings. The pedestrian spaces may include artwork, sculpture and water features to improve their appeal. These spaces shall be designed to create interaction among workers, residents, and shoppers. The spaces shall also attempt to provide a pleasant gathering place for transit usage.

- b. **Requirements:** At least 10% of the acreage of the site shall be devoted to pedestrian spaces. The pedestrian spaces shall be arranged as pleasant public spaces with plantings, seating facilities, and lighting fixtures which provide for safety and visual effects. Water features or sculptures are encouraged but not required. The walking areas of these spaces shall be surfaced with concrete, tile, wood, or another material approved by the DRB. The type of surfacing material shall be identified on the Site Plan. Construction of greenways and bus shelters, when appropriate, shall be mandatory wherever the project includes or is adjacent to the trails identified on a previously adopted Greenway Plan or an existing or previously identified transit line extension proposed in adopted documents by DATA, the Triangle Transit Authority, or another public transit provider. The mandatory items mentioned above shall be counted as meeting the 10% public space requirement. Parking area landscaping and buffer areas shall not be counted toward meeting this requirement.
- c. The Governing Body may reduce the 10% requirement to as low as 5% when community facilities are provided. Such community facilities include but are not limited to: parks, public recreation buildings, or the restoration of historic sites.

4B.2.6 Density/Scale of Development for residential Structures

The density for residential areas or structures devoted exclusively to residential use shall be as follows:

- 1. Density:
 - The minimum gross residential density shall be 6 units per acre. No maximum density is established.
- 2. Open Spaces:
 - a. Open space shall be provided for the residential acreage in an amount equivalent to the percentage open space requirements of the PDR zone, depending on residential density (12-18%). To qualify as open space, the space shall be available to all residents of the project. Parking areas shall be excluded from this calculation. The space, at a minimum, shall include landscaping and playground equipment. Construction of greenways and bus shelters shall be mandatory whenever the project includes or is adjacent to trails identified on a previously adopted Greenway Plan or an existing or previously identified transit line extension proposed in adopted documents by DATA, the Triangle Transit Authority, or another public transit provider.
 - b. The Governing Body may reduce the open space requirement to as low as 5% when community facilities are provided. Such community facilities include but are not limited to: municipal parks, public recreation buildings, or the restoration of historic sites.

4B.2.7 Submittal Procedure

To assure satisfactory conformance with the purposes of this district, a thorough review procedure is established. The review requires submittal of a more extensive application than is required for other zones. To have property considered for the Mixed Use District, the application shall be signed by all property owners or agents for the owners with Power of Attorney. In addition, the application shall include an expanded version of a Development Plan and a Phasing Plan (described below). If the MU district is granted as a result of this application, no building or land shall be used and no building shall be erected or structurally altered until a Site Plan is approved in conformance with procedures found for Site Plans. Site Plans which show a significant change from the Development Plan require resubmittal and approval of an amended Development Plan and Phasing Plan.

When a property proposed to be rezoned to MU is being added to a larger and contiguous MU-zoned property, the provisions of Section 15.2.1, requiring that all zoning requirements must be capable of being met within the boundaries of the area being rezoned may be waived if the zoning requirements are met considering the area of the existing MU zoning and the added area together, without requiring that the entire project area be rezoned. The tract being added to the original project may rely on the original property to a limited extent to meet ordinance requirements, provided that the elements shown on the development plan for the original development in excess of code requirements, which provide the basis for the expanded tract meeting all requirements, were not committed by the developer at the time of the original rezoning to be provided in excess of code requirements. Projects seeking to utilize this provision shall demonstrate connectivity of both pedestrian and vehicular movements without accessing major thoroughfares, and shall exhibit common design features that are integrated with the features of

the original project. Projects seeking to utilize this provision shall be required to provide graphics and/or a chart demonstrating how the original and added tracts, when combined, meet all of these requirements.

Staff Consultation: It is required that the applicant meet with the staff of the Planning Department as an initial step in seeking the MU district. The Planning staff, in conjunction with other development related Departments, can assist the prospective applicant with ordinance requirements and procedures.

1. Development Plan

The first component of the rezoning application is the submittal of a Development Plan as described in Section 15.3 of this ordinance. All provisions found in Section 15 of this ordinance regarding rezoning with Development Plans shall apply to the MU district. However, the Development Plan for the MU district shall contain certain additional requirements unique to the MU district. For the convenience of the user, this Section includes the standard requirements applicable to all Development Plans as well as the additional requirements which are applicable to Development Plans in the Mixed Use District. The standard requirements for all Development Plans are provided here only as a convenience and have been reworded for clearer comparisons with mixed use development requirements. The official source for the standard Development Plan requirements applicable to all Development Plans is Section 15.3 of this ordinance. Any amendments to or interpretations of the requirements found in Section 15.3 of the Zoning Ordinance (Development Plans) shall also be considered to be amendments and interpretations applicable to this Section.

- a. Standard Requirements for Development Plans found in Section 15 (reworded for clearer comparisons with the remaining mixed use project requirements).

Where a conflict with Section 15 occurs, the stricter rules apply.

1. Vicinity map showing north arrow, scale, name of project, tax map and property number. The scale of the project map shall be appropriate for the project size.
2. Boundaries of the property using metes and bounds and the angle of departure of adjoining property lines.
3. Acreage in the tract and the amount to be developed.
4. Zoning categories, overlay zones of the subject property and adjacent properties, and generally specified dimensional requirements to be enforceable as a part of any subsequent site plan. (see Section 4B.2.4).
5. Owners of the property and adjacent properties.
6. Land uses of adjacent properties, and major improvements on the site and within 50 feet of the boundary of the site.
7. Generalized floodplain locations as well as existing stream beds and shorelines if any.
8. Existing topography.
9. Existing property lines to be removed.
10. Existing rights of way with street names, utility easements, and any other easements either on site or adjacent to the site.
11. Existing water and sewer lines and stormwater drainages.
12. Proposed land uses indicating the general locations of residential and nonresidential improvements, including type and maximum density of the dwellings, if any, the generalized type of nonresidential uses, building envelope, maximum building height and maximum floor area.
13. Proposed recreation areas and open space reservations and general location.
14. Schematic landscape plan including plant material, save areas, and areas for replanting. The City Arborist shall be consulted during the reviews of the Development Plans and Site Plans. (Site Plan standards require details of tree protection measures.)
15. Proposed circulation system which includes locations of major streets and major pedestrian paths. The circulation plan will include the additional information required for mixed use development as specified below in Paragraph B.
16. Proposed utility locations.

b. **Additional Development Plan Information Required for the MU District**

In addition to the Development Plan requirements found above, the following additional information shall be specified in an MU Development Plan:

1. An identification of the use types or categories by percentage of floor area or land area. Percentage ranges for the various uses may be specified as long as the minimum percentage requirement is met.
2. The physical design features or themes used to unify the development and to provide compatibility to neighboring developments. Possible features used to unify the design include but are not limited to: building style, building materials, signage, or streetscape design.
3. The pedestrian walkway system designed to provide pedestrian access throughout the development.
4. The specific plans for gathering spaces/public spaces to be constructed.
5. The specific identification of any other activities undertaken with the intention of reducing the pedestrian space/open space requirement.
6. The procedures for the attractive maintenance of amenities and areas which will not be developed until later phases of the project. The identification of maintenance requirements for any saved vegetation, if maintenance beyond standard procedures is required.
7. A detailed landscaping plan for the perimeter and entrances to the development demonstrating the unified themes of the mixed use project. The City Arborist shall be consulted during the review process.
8. The proposed traffic circulation system noting external compatibilities, potential locations of drive up windows, and interactions with the pedestrian circulation system.
9. A traffic study meeting the requirements of Section 4B.2.10 when traffic generation thresholds are met.
10. A narrative indicating the expected impact of the development on existing or proposed public facilities, including but not limited to schools, utilities, and public safety.

Additional written conditions may accompany the Development Plan if the applicant wishes. These conditions shall be considered a part of the Development Plan and fully enforceable as ordinance requirements.

2. **Phasing Plan**

The second component of the rezoning application is the Phasing Plan which identifies the stages of development build out. The submittal of a Phasing Plan shall be concurrent with the submittal of a Development Plan. The Phasing Plan shall identify the sequence of development for the land uses shown on the Development Plan. The Phasing Plan information may be prepared as a plan, a table, or a report. It shall include general phasing of internal and external traffic circulation systems, amenities, and utility improvements which will be constructed concurrent with the land use development. Land use development scheduling shall include some general indicator of size, either square footage or acres. The plan shall also indicate the expected impact of the development on existing or proposed public facilities, including but not limited to, schools, water and sewer systems, and public safety. The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in a mixed use development satisfying the Purpose section of this district.

To further preclude the possibility of using the mixed use district zoning for a single purpose project, the following requirement must be met: Should commercial uses or industrial uses be included in the first phase of the project, the developer must build some other use category in that phase either prior to or concurrent with the commercial or industrial uses.

4B.2.8 Submittal Procedure

The application for the MU district with the Development Plan and Phasing Plan shall be processed in a manner identical to other zoning map amendment requests. In making a decision as to whether to grant the application for the MU district, the Governing Body shall give consideration to the following:

1. The conformance of the proposal to a mixed use development purpose as described in the Purpose Section and the guarantees that the proposed phasing of the project will result in a mixed use development.
2. The compatibility of the proposed mixed use project with existing and proposed development nearby.
3. The interaction of each component of the project with subsequent phases as well as the self-sufficiency of each individual phase of the project, to assure the completion of the mixed use project.
4. The convenience of the pedestrian linkages and the accessibility of any public spaces.
5. The attention to the design of features intended to unify the development and the effectiveness of these features to perform this task.

In a Mixed Use District, the Development Plan may identify certain features which may not be modified under any circumstance without Governing Body approval, even if the scale of the modifications would normally be approved by another body such as the Development Review Board. (see Section 4B.2.13)

4B.2.9 Mixed Use District (MU)

The Development Plan and Phasing Plan shall run with the MU zoning of the property and be valid until the zoning map is changed or the Development Plan and Phasing Plan are amended.

4B.2.10 Traffic Impact Analysis

A traffic impact study shall be required as a part of the Development Plan when portions of the development or the entire development will generate vehicle trip levels in excess of those identified in Section 13.3.1.; however, a special use permit is not required with the MU district. The Transportation Department having jurisdiction shall review the Development Plan as well as the projected on-site and off-site traffic impacts, and determine that the mixed use project is designed to adequately provide for transportation needs. The Transportation Department may recommend that the Governing Body require the developer to limit access points, provide additional lanes, install traffic islands, provide transit facilities, install traffic signals, or other improvements to assure traffic safety.

4B.2.11 Performance Guarantees

The Governing Body shall require such measures as it deems necessary to assure the proper phasing of development and to assure the provision of public amenities and public facilities upon completion of each phase or upon full development. Performance guarantees may include but are not limited to Letters of Credit or Surety Bonds.

4B.2.12 Signs

An approved common signage plan as specified elsewhere in this ordinance shall be required for the entire mixed use zoning district prior to the issuance of any sign permits. Sign size limits for nonresidential zones (excluding the CBD District) shall apply to the Mixed Use District. The DDRT may recommend varying any or all elements of a common signage plan pursuant to Section 12.6.1 on a case by case basis.

4B.2.13 Modification of the Development or Phasing Plans

The standards for modifications of the Development Plans or Phasing Plans are similar to standards found elsewhere in this ordinance. A new traffic impact analysis may be required if the applicant proposes changes which adversely impact traffic. However, some flexibility is allowed because the long term nature of a mixed use development may transcend market changes. Where a conflict occurs with other Sections of this ordinance, the provisions listed below shall apply.

1. **DRB Approvals.** Modifications approved by the Development Review Board (DRB). However, in granting the MU district, the Governing Body may limit these approval powers for certain components of the Development or Phasing Plan:

- a. Changes in an identified use to another use in the same category and located in the internal area of the project.
 - b. Modifications in the Phasing Plan which do not impede the goal of achieving the intended mix of uses.
 - c. Modifications to the pedestrian or open spaces which increase the amount of space or which provide new pedestrian or open space in the general vicinity which offsets the lost space.
 - d. Minor changes to the design themes which maintain or improve the same motif included in the original approval.
 - e. Reductions in heights of buildings where the buildings are less than 90 feet in height.
2. **Governing Body Approvals.** Modifications approved by the Governing Body but not requiring a public hearing:
- a. Changes in location for approved uses. (This change reduces DRB powers)
 - b. Significant changes to public spaces or elimination of walkways which access public spaces.
 - c. Reductions in the amount of pedestrian or open space with an increase in building floor area.
 - d. Changes to phasing or design themes not eligible for approval by the DRB.
 - e. Any change in the height of buildings that are 90 feet or more in height. Any increase in height of other buildings where height has been identified on an adopted plan. (Generally, buildings between 35 and 90 feet).
3. All other changes to the Development Plan may be accomplished by re-submittal of a Plan which meets the requirements of Section 4B.2.8 and Governing Body approval with a Public Hearing. Changes to Site Plans shall conform to requirements for Site Plan revisions found elsewhere in this ordinance.

4C.1 Transitional Office and Institutional District (O&I-1)

4C.1.1 Purpose

All other changes to the Development Plan may be accomplished by re-submittal of a Plan which meets the requirements of Section 4B.2.8 and Governing Body approval with a Public Hearing. Changes to Site Plans shall conform to requirements for Site Plan revisions found elsewhere in this ordinance.

4C.1.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artists galleries
5. Artist studios
6. Banks and financial institutions without drive-up windows
7. Business services
8. Cemeteries, mausoleums, columbariums, and memorial gardens
9. Convalescent centers
10. Detached single family dwellings
11. Duplex and triplex dwellings (or 2 unit or 3 unit attached dwellings)
12. Medical clinics of less than 5,000 square feet gross floor area
13. Offices
14. Places of worship
15. Public parks and playgrounds
16. Retirement centers and life care facilities
17. Satellite dish antennae
18. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4C.1.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Bed and breakfast inns
2. Clubs, lodges, and recreation facilities, for use by non-profit organizations
3. Colleges and universities
4. Conference centers and retreat centers
5. Day care facilities
6. Medical clinics with 5,000 square feet or more gross floor area
7. Personal service establishments of less than 1,200 square feet gross floor area
8. Private schools
9. Public utility facilities without outdoor storage (County only)

4C.1.4 Major Special Uses Subject to Approval by the Governing Body

1. Government facilities, not to include correctional facilities and jails
2. Public schools
3. Public utility facilities with or without outdoor storage (City only)

4C.1.6 Setback Requirements

1. *Minimum floor area*: none specified; however, see 4C.1.6 for yard requirements
2. *Minimum lot width*: none specified

4C.1.6 Setback Requirements

1. *Street Front Setbacks*:
Minimum 25 feet from the ultimate right-of-way of any street, unless the O&I-1 use shares a property line with the front yard of a residentially zoned property with a greater front yard requirement; in such cases, the greater standard shall apply.
2. *Side Setbacks*:
Total minimum side yards: 18 feet
Minimum each side: 8 feet

(or, if the O&I-1 property shares a property line with a residentially zoned property, the minimum required yard space of adjacent residentially zoned property, whichever is greater.)

3. Rear Setbacks:

a. *Minimum:* 25 feet

4. *Setback dimensions adjacent to Residential property:*

In those instances where required setbacks are adjacent to residentially zoned property, the setback cannot be used for parking or driveways. Required setbacks that are adjacent to residentially zoned property must be maintained with a vegetative cover. Additional area in excess of the setback may be devoted to parking or driveways but may not be situated adjacent to the residentially zoned property. Instead it should be situated between the required setback and the building. Setbacks may be used to meet buffer requirements.

4C.1.7 Height Requirements

1. Structures are allowed up to 35 feet in height. The height may be increased up to 45 feet if an additional 1 foot is added to each required yard dimension for every additional 1 foot in height over 35 feet.

4C.1.8 Residential Density

1. Residential dwelling development shall be in conformance with the standards of the R-3 District (Section 4A.7).
2. Whenever any provision of this section imposes a higher standard than another section, the requirements of this section apply. If another section imposes a higher standard than this section, the other section shall apply.

4C.1.9 Additional Requirements

1. A site plan shall be required for all new development except single family, duplex and triplex dwellings.
2. Employee service facilities are allowed such as snack bars provided that such facilities are located in the same building, do not exceed 10% of the gross floor area and are not directly open to or visible from the street.
3. All properties shall access a public street or private street meeting ordinance standards.
4. traffic impact study shall be required for developments meeting the criteria of Section 13.
5. Supplementary requirements of Section 7 may apply depending on the type of development.

4C.2 General office and Institutional District (O&I-2) (O&I-2 CN)

4C.2.1 Purpose

The General Office and Institutional District (O&I-2) is established for employment and community service activities. Some support facilities and residential uses are also allowed when compatible with surrounding uses. The zoning district is designed for use on sites near major or minor thoroughfares, since development of moderate to high intensity is allowed.

Higher intensity development with an emphasis on a coordinated mixture of transit-supportive uses is encouraged near major transit facilities within areas designated in the 2020 Plan as Compact Neighborhood Areas. Such areas are often similar in nature to the development in the Downtown area and should have similar development requirements. Section 4C.2.10 establishes guidelines and regulations for this more intensive development in OI-2 districts within designated Compact Neighborhoods. These regulations are only applicable within these designated Compact Neighborhoods.

4C.2.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artists galleries
5. Artist studios
6. Banks and financial institutions with drive-up windows
7. Bed and breakfast inns
8. Business services
9. Cemeteries, mausoleums, columbariums, and memorial gardens
10. Clubs, lodges, and recreation facilities, for use by non-profit organizations
11. Colleges and universities
12. Convalescent centers
13. Daycare facilities
14. Detached single family dwellings. Subject to the standards of Section 4C.2.7
15. Diet houses
16. Duplexes, triplexes and multifamily dwellings. Subject to the standards of Section 4C.2.7 and Section 4C.2.10
17. Funeral homes
18. Government facilities, not to include correctional facilities and jails
19. Hospitals
20. Hotels and motels
21. Laboratories without outside operations or storage
22. Medical clinics
23. Multifamily, subject to the standards of Section 4C.2.7 and Section 4C.2.10
24. Museums operated by non-profit groups
25. Offices
26. Parking as an independent use
27. Places of worship
28. Parks and playgrounds
29. Public utility facilities without outdoor storage
30. Radio and television broadcasting studios
31. Retirement centers and life care facilities, subject to the standards of Section 4C.2.7
32. Satellite dish antennae
33. Schools – technical, trade, vocational and business schools
34. Veterinary clinics4C.2.3
35. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4C.2.3 Minor Specials Uses Subject to Approval by the Board of Adjustment

1. Boarding houses
2. Commercial dorms
3. Conference centers and retreat centers

4. Private schools
5. Wireless communication facilities, non-concealed

4C.2.4 Major Special Uses Subject to Approval by the Governing Body

1. Helistops
2. Public schools

4C.2.5 Dimensional Requirements

1. Minimum lot area: 20,000 square feet
2. Minimum lot width: 60 feet

4C.2.6 Setback Requirements

1. *Minimum front setback:* 35 feet
2. *Minimum side setback:* 20 feet each side
3. *Minimum rear setback:* 25 feet

4C.2.7 Maximum Density for Residential Development and Retirement Centers

1. The maximum density shall be 8 units per acre.
2. Residential developments shall conform to the standards of the RM District; Section 4A.8

4C.2.8 Height Requirements

Maximum height:

Building heights up to 35 feet with 20 foot side yards

Building heights up to 50 feet with 25 foot side yards

Building heights up to 90 feet with 50 foot side yards

Building heights over 90 feet up to a maximum of 145 feet with 75 foot side yards and approval by the Board of Adjustment

4C.2.9 Additional Requirements

1. A site plan shall be required for all new development.
2. A traffic impact study shall be required when development meets the criteria of Section 13.
3. Hospitals, convalescent centers, and retirement centers may provide service facilities such as banks, florists, gift shops, snack bars, and personal service shops if the facilities are completely enclosed within the building and designed to serve patrons of the hospital, convalescent center, or retirement center.
4. Office buildings are permitted to contain the following uses as long as 51% of the gross square footage of the building is devoted to office uses:
 - a. Health clubs and fitness centers
 - b. Restaurants however, drive up windows are not allowed. Restaurant square footage may not exceed 25% of the gross floor area of the building.
 - c. Retail uses, convenience stores, and personal service establishments. Drive up windows are not allowed. The size of each establishment may not exceed 20% of the gross floor area of the building and the majority of the building must remain devoted to office uses.
5. Supplementary requirements of Section 7 may apply depending on the type of development.

4C.2.10 Development within Designated Compact Neighborhood Areas

The general location of Compact Neighborhoods was established by the Durham 2020 Comprehensive Plan based on regional transit. The compact neighborhood areas extend approximately 1/2 mile from the stations for fixed guideway regional transit which are identified by the agencies responsible for the station designation.

1. **General Requirements:** Because of the potential added impacts from the higher residential densities in this district, the following requirements apply to all O&I-2 development within Compact Neighborhood areas:
 - a. **Single Family Transition:** If a portion(s) of a multi-family building taller than 35 feet is located within 100 feet of a single family dwelling in a residential district, a buffer obscuring 75% of the view (within 3-5 years) of that portion of the multi-family structure (as viewed from the ground level of the single-family structure) shall be provided. This buffer shall meet the requirements of Section 10.3.1 of the Ordinance. This is intended to encourage 'stepping-down' building height as residential areas are approached. In addition, Class 3 buffer requirements for a 30 foot wide landscaped buffer, as per Section 10.2.4, apply to multi-family developments directly adjoining developed residentially zoned

properties. The approving authority may modify these requirements if the applicant demonstrates that changes improve the project's compatibility with adjacent areas and overall design.

- b. **Development Plan Required:** A Development Plan is required for all developments being rezoned OI-2 within Compact Neighborhood areas to utilize the high-density residential regulations. Particular attention shall be given to exterior facades and perimeter site design features to ensure they are compatible with surrounding development. The building heights, location and orientation; parking, pedestrian, bicycle and transit use enhancement features; and open space provisions shall be specified in the Development Plan. A traffic impact study shall be required when development meets the criteria of Section 13.
- c. **Additional Requirements**
 1. Maximum Density: 80 dwelling units per acre.
 2. **Maximum Setbacks:** Front, Side and Rear - 20 ft. Setbacks may be eliminated by the approving body if the applicant demonstrates that landscaping, utilities, trash handling/ loading areas, sidewalk and parking requirements are met with high quality design and functionality.
 3. **Maximum Height:** 145 feet.
 4. **Revised Permitted Uses:** When multi-family residential is combined with retail in the same building and when the street level retail uses cover more than 50% of the floor space fronting on the street level, then a minimum of 5% of total floor space in the overall development is required for office use.
 5. **Open Space Requirements:** Each development must provide a street-level pedestrian walkway system - including seating and other pedestrian amenities - that shall connect the development with public transit systems, other uses in the development, other public and private pedestrian ways, and with nearby public and private parks, plazas, and open space. No minimum open space provision is established.
 6. **City Only: Site Plan Requirement:** Site plan review approval shall be required in accordance with Section 17. A traffic impact study shall be required when development meets the criteria of Section 13.
 7. **City Only Parking Requirements:** Given the limitation on application of these districts to within Compact Neighborhoods based on regional transit station locations, limitations on parking to encourage the use of available transit are appropriate. The parking standards cited in Section 9.4 are maximum, rather than minimum, standards in these districts. Reductions by up to 40% of the applicable standard can be granted by the approving authority once transit service is available if adjacent areas are protected from over-flow parking due to the reduced on-site provision of spaces. Enhanced bicycle, pedestrian and transit use facilities shall be primary among the considerations for such a reduction.
 8. **City Only: Tree Coverage:** See 10.11.4 for applicable Tree Coverage requirements.

The following subsection is City Only:

2. **Existing OI-2 Zoned Properties:** Existing OI-2 zoned properties within Compact Neighborhood Areas may make use of these regulations through the site plan approval process.

4D.1 Neighborhood Commercial District

4D.1.1 Purpose

The Neighborhood Commercial District (NC) is established to provide for commercial centers in close proximity to residential areas and to offer limited commercial uses to satisfy the needs of the surrounding neighborhood.

4D.1.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artists galleries
5. Artist studios
6. Banks and financial institutions with drive-up windows
7. Bed and breakfast inns
8. Boarding houses
9. Business services
10. Cemeteries, mausoleums, columbariums, and memorial gardens
11. Clubs, lodges, and recreation facilities, for use by non-profit organizations
12. Convenience stores without gasoline sales
13. Daycare facilities
14. Detached single family dwellings. Subject to the standards of Section 4C.2.7
15. Diet houses
16. Duplexes, triplexes and multifamily dwellings. Subject to the standards of Section 4D.1.8 and Section 4D.1.9
17. Funeral homes
18. Garden centers
19. Government facilities, not to include correctional facilities and jails
20. Health clubs and athletic facilities
21. Medical clinics
22. Multifamily, subject to the standards of Section 4D.1.8 and Section 4D.1.9
23. Offices
24. Personal service establishments
25. Photographic studios and photographic processing for retail
26. Places of worship
27. Parks and playgrounds
28. Public utility facilities without outdoor storage
29. Recreation facilities, commercial indoor
30. Repair shops, without outdoor storage or operations (Separate listing for vehicle repair)
31. Restaurants and catering catering services, without drive-up windows (drive-up windows require Minor Use Permit)
32. Retail stores and shops
33. Satellite dish antennae
34. Shopping centers
35. Temporary outdoor events subject to Section 14
36. Veterinary clinics
37. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4D.1.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Car washes, automatic and self-service (See definition) with the limitations found in 4D.1.10
2. Convenience stores with gasoline sales
3. Hotels and motels
4. Parking as an independent use
5. Private schools
6. Restaurants and catering services with drive-up windows
7. Service stations

4D.1.4 Major Special Uses Subject to Approval by the Governing Body

1. Helistops
2. Public schools

4D.1.5 Dimensional Requirements

1. *Minimum lot area:* none specified; however the maximum allowable project floor area is 20,000 square feet.
2. *Minimum lot width:* none specified
3. An NC site may exceed the 20,000 square footage limitation by up to 50% when other neighborhood oriented non-retail uses are included on the site. For example, medical offices, health clubs, fitness centers, or banks.
4. The NC project shall provide sidewalk or greenway access between the site and the neighborhood.

4D.1.6 Setback Requirements

1. *Front Setback:* 25 feet from ultimate right-of-way or the standard setback of the block face of the majority of the buildings if the setbacks
2. *Side setback:* 15 feet from street side
3. *Rear setback:* none specified

4D.1.7 Height Requirements

Height shall not exceed 35 feet.

4D.1.8 Maximum Density for Residential Density

Projects which are exclusively residential shall meet the following requirements:

1. The maximum density shall be 10 units per acre.
2. Residential development shall conform to the standards of the RM District.

4D.1.9 Mixed Residential and Commercial Projects

1. The entrance to the residential units shall be from the street or a lobby.
2. The dwelling units shall be constructed and located so that tenants are not exposed to undue noise, odors or other detrimental effects of nonresidential activities.
3. Each dwelling unit shall have its own bathroom facilities and kitchen facilities.
4. All signs on the property shall be arranged so as not to cause glare into the residential units.
5. Parking requirements may be reduced by the approving authority if adequate public transportation is available or additional off-site spaces or shared spaces are available.

4D.1.10 Additional Requirements

1. A site plan shall be required for all uses.
2. All commercial business, service, and storage activities shall be conducted within a completely enclosed building except when granted a Use Permit by the Board of Adjustment.
3. All development shall comply with the buffer and planting standards found in Section 10 this ordinance.
4. Supplementary requirements of Section 7 may apply depending on the type of development.
5. Car Washes in NC shall meet the following requirements:
 - a. Car washes associated with a convenience store or service station shall be limited to one bay car washes [car washes having space for only 1 vehicle within the bay at any one time] and may be automatic or self-service car washes.
 - b. Car washes as a primary use shall be limited to a maximum of 4 bays. Each bay shall have space for only 1 vehicle within the bay at any one time. The use may be combination of automatic and self-service car washes, however only 1 of the bays may be devoted to an automatic car wash.
 - c. Automatic car washes which are able to wash a series of cars in tandem shall not be allowed in the NC district.
 - d. The requirements of Section 7 regarding car washes shall apply.

4D.2 Shopping Center District (SC)

4D.2.1 Purpose

The Shopping Center District (SC) is established to provide for orderly development of commercial services in a unified grouping. The district is intended to encourage innovative development that is integrated with adjacent uses through Development Plan zoning approval. It is not the intent of this district to encourage strip commercial areas but rather a concentration of commercial activities with an overall design scheme. The district is intended to provide a wide range of retail and service activities that serve many neighborhoods. In its effort to support orderly development, the district is also established to minimize traffic impact; therefore, its use is intended for large lot developments and locations along thoroughfares and at major intersections that are capable of handling the proposed traffic.

4D.2.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artists galleries
5. Artist studios
6. Banks and financial institutions with drive-up windows
7. Bed and breakfast inns
8. Car washes, automatic and self-service
9. Cemeteries, mausoleums, columbariums, and memorial gardens
10. Colleges and universities
11. Convalescent centers
12. Convenience stores with or without gasoline sales
13. Daycare facilities
14. Detached single family dwellings. Subject to the standards of Section 4D.2.7
15. Diet houses
16. Duplexes, triplexes and multifamily dwellings. Subject to the standards of Section 4D.1.8 and Section 4D.2.7
17. Exhibition buildings
18. Funeral homes
19. Garden centers
20. Golf courses and related activities; driving ranges when associated with the golf course
21. Government facilities, not to include correctional facilities and jails
22. Health clubs and athletic facilities
23. Hospitals
24. Hotels and motels
25. Medical clinics
26. Movie theaters, not to include drive-in theaters
27. Museums operated by non-profit groups
28. Night clubs
29. Offices
30. Parking as an independent use
31. Personal service establishments
32. Photographic studios and photographic processing for retail
33. Places of worship
34. Parks and playgrounds
35. Public utility facilities without outdoor storage
36. Radio and television studios
37. Recreation facilities, commercial indoor
38. Repair shops, without outdoor storage or operations (Separate listing for vehicle repair)
39. Restaurants and catering catering services, with or without drive-up windows (drive-up windows require Minor Use Permit)
40. Retail stores and shops
41. Satellite dish antennae
42. Schools – technical, trade, vocational, or business

43. Service stations
44. Shopping centers
45. Showroom offices, not including vehicle sales
46. Temporary outdoor events subject to Section 14
47. Theaters
48. Vehicle repair shops without outdoor storage or operations
49. Veterinary clinics
50. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4D.2.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Golf driving range as an independent use
2. Multi-family dwellings, subject to the requirements of 4D.2.7
3. Passenger transportation terminals
4. Private schools
5. Publishing and printing establishments (SIC Group 27)
6. Recreation facilities, commercial, outdoor
7. Vehicle sales, leases and rentals
8. Wireless communication facilities, non-concealed

4D.2.4 Major Special Uses Subject to Approval by the Governing Body

1. Helistops
2. Public schools

4D.2.5 Dimensional Requirements

1. Gross tract size - for zoning purposes a minimum of 4 contiguous acres are required for initial approval; however, additions to an approved SC zone may be made in increments less than 4 acres.
2. *Minimum lot width*: none specified
3. Setbacks - all buildings shall be setback at least 50 feet from the ultimate right-of-way of all adjacent streets and all residential zoning boundaries. All buffer standards found elsewhere in this ordinance shall apply.
4. Commercial outparcels shall not comprise more than 50% of the floor area of the tract.

4D.2.6 Height Requirements

Height shall not exceed 50 feet for developments of less than 150,000 square feet of gross floor area. Developments of 150,000 square feet or greater are allowed building heights up to 90 feet. Developments of 250,000 square feet or greater are allowed building heights up to 145 feet.

Any building over 50 feet must have its proposed height shown on the development plan. Prior to approving heights over 50 feet, consideration shall be given to the following:

1. That the scale of the building will contribute to the overall image of the adjacent area.
2. That the proposed development plan adequately protects surrounding properties from any adverse affects resulting from the proposed height of the building.
3. That the proposed development plan provides for safe traffic and pedestrian movements.

4D.2.7 Standards for Residential Development

1. The maximum density shall be 16 units per acre.
2. Residential development shall conform to RM District standards. When a conflict occurs with this section the stricter rules shall apply.

4D.2.8 Additional Requirements

Projects which are exclusively residential shall meet the following requirements:

1. A Development Plan in conformance with the requirements of Section 15 shall accompany all petitions for the SC zone. Approval of any SC zoning shall be contingent upon review and approval of the Development Plan by the Governing Body.
2. Significant components of a Development Plan include: topography, building envelope, proposed circulation system, proposed lot layout, proposed reservations for open space and utilities, a schematic

landscape plan, design principles to govern development, and any conditions that may be proposed by the applicant.

3. Site plans and Subdivisions shall be reviewed for conformance with the approved Development Plan. Should alterations or changes represent a substantial departure from the approved plan, an amendment to the plan is required. The same procedures required for the original approval shall be required for amendments.
4. All development shall access a public street or a private street that meets ordinance requirements.
5. Drive-up windows may be allowed if they are approved as part of a site plan. Restaurants and shops shall only have drive-up windows when the access to the establishment and drive-up window are internal to the shopping center. Additional requirements of Section 8 apply.
6. All development shall comply with buffer and screening standards found in Section 10 of this ordinance.
7. Supplementary requirements of Section 7 may apply depending on the type of development.

4D.3 General Commercial District (GC)

4D.3.1 Purpose

The General Commercial District (GC) is established to provide for a wide variety of commercial activities that are designed to be served by major thoroughfares. It is the intent of this district to provide sufficient size and depth of property to meet business needs yet maintain safe traffic flows.

4D.3.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artists galleries
5. Artist studios
6. Auditoriums
7. Banks and financial institutions with drive-up windows
8. Bed and breakfast inns
9. Business services
10. Car washes, automatic and self-service
11. Caretaker dwellings
12. Cemeteries, mausoleums, columbariums, and memorial gardens
13. Clubs, lodges and recreational facilities, for use by non-profit organizations
14. Colleges and universities
15. Contractors offices without outside storage
16. Convalescent centers
17. Convenience stores with or without gasoline sales
18. Daycare facilities
19. Diet houses
20. Exterminators
21. Farmer markets
22. Funeral homes
23. Furniture refinishing and repair enterprises, without outdoor storage or operations
24. Garden centers
25. Golf courses and related activities; driving ranges when associated with the golf course
26. Government facilities, not to include correctional facilities and jails
27. Health clubs and athletic facilities
28. Hospitals
29. Hotels and motels
30. Janitorial services, including carpet cleaning
31. Laboratories without outdoor storage or operations
32. Medical clinics
33. Movie theaters, not to include drive-in theaters
34. Night clubs
35. Offices
36. Parking as an independent use
37. Passenger transportation terminals
38. Personal service establishments
39. Photographic studios and photographic processing for retail
40. Places of worship
41. Public parks and playgrounds
42. Public utility facilities without outdoor storage
43. Radio and television studios
44. Recreation facilities, commercial indoor
45. Repair shops, without outdoor storage or operations (Separate listing for vehicle repair)
46. Restaurants and catering services, with or without drive-up windows
47. Retail stores and shops
48. Satellite dish antennae
49. Schools – technical, trade, vocational, or business

50. Service stations
51. Shopping centers
52. Showroom offices, not including vehicle sales
53. Temporary outdoor events subject to Section 14
54. Theaters
55. Vehicle repair shops without outdoor storage or operations
56. Vehicle sales, leases, and rentals (see separate listing for heavy equipment)
57. Veterinary clinics
58. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4D.3.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Boarding houses
2. Golf driving range as an independent use
3. Heavy equipment sales, rentals, and service
4. Kennels
5. Manufactured home sales
6. Private schools
7. Publishing and printing establishments (SIC Group 27)
8. Recreation facilities, commercial, outdoor
9. Wireless communication facilities, non-concealed

4D.3.4 Major Special Uses Subject to Approval by the Governing Body

1. Airports
2. Correctional facilities and jails
3. Drive-in theaters
4. Heliport
5. Public schools

4D.3.5 Dimensional Requirements

1. *Minimum lot area*: none specified.
2. *Minimum lot width*: none specified

4D.3.6 Setback Requirements

1. Sides adjacent to public streets (sides of property having frontage on public streets) - 25 feet
2. Sides adjacent to residential zones - 25 feet
3. Rear setback - 10 feet
4. Setback requirements from active railroads may be reduced by the Development Review Board upon finding that such a reduction would not adversely affect surrounding properties.

4D.3.7 Height Requirements

1. The allowed building height shall be 50 feet with the required setbacks
2. The allowed building height shall be 90 feet if the required setbacks are increased by an additional 25 feet
3. The allowed building height may be over 90 feet up to a maximum of 145 feet if the required setbacks are increased by at least an additional 25 feet and if a special use permit is granted by the Board of Adjustment Setback.

4D.3.8 Additional Requirements

1. A site plan shall be required for all uses.
2. All development shall comply with buffer and planting standards found in Section 10 of this ordinance.
3. All development shall access a public street or a private street which meets ordinance requirements.
4. Drive-up windows may be allowed if they are approved as part of the site plan. Drive-up windows shall comply with the standards found in Section 8 of this ordinance.
5. Supplemental requirements of Section 7 may apply depending on the type of use.

4D.4 Central Business District (CBD)

4D.4.1 Purpose

The Central Business District (CBD) is established to provide for economic vitality and orderly growth of the City of Durham. It is the intent of this district to encourage intense development and pedestrian activity through a mixture of uses appropriate to the downtown area. The standards of this district are established to provide for a vital downtown economy that maintains Durham's focus as a commercial, cultural and entertainment hub of the region while increasing livability. This district is intended to work in tandem with the Historic Overlay District found in portions of downtown Durham.

4D.4.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artists galleries
5. Artist studios
6. Auditoriums
7. Banks and financial institutions with drive-up windows
8. Bed and breakfast inns
9. Boarding houses
10. Business incubators
11. Business services
12. Caretaker dwellings
13. Clubs, lodges and recreational facilities, for use by non-profit organizations
14. Colleges and universities
15. Columbariums and memorial gardens
16. Convalescent centers
17. Convenience stores with or without gasoline sales
18. Daycare facilities
19. Diet houses
20. Emergency shelters
21. Exhibition buildings
22. Farmer markets
23. Food processing, limited to commercial bakeries, bottling plants, canneries, and dairy product processing (reference SIC codes 202, 203, 205, 208). At least 20% of the floor area must be devoted to a retail shop for the food product.
24. Furniture refinishing and repair enterprises, without outdoor storage or operations
25. Furniture showrooms where in excess of 75% of the gross square footage is devoted to sales made from sample stocks and deliveries are made to the buyer from a location off site.
26. Government facilities, not to include correctional facilities and jails.
27. Group homes
28. Health clubs and athletic facilities
29. Hospitals
30. Hotels and motels
31. Laboratories without outdoor storage or operations
32. Medical clinics
33. Mixed use residential/commercial subject to Section 4D.4.9
34. Movie theaters, not to include drive-in theaters
35. Multi-family dwellings and other dwellings, subject to Section 4D.4.8.
36. Museums operated by non-profit groups
37. Night clubs
38. Offices
39. Parking as an independent use
40. Passenger transportation terminals
41. Personal service establishments
42. Photographic studios and photographic processing for retail
43. Places of worship

44. Public parks and playgrounds
45. Public utility facilities without outdoor storage
46. Radio and television broadcasting studios
47. Recreation facilities, commercial indoor
48. Repair shops, without outdoor storage or operations (Separate listing for vehicle repair)
49. Research and development without outdoor storage or operations
50. Restaurants and catering services, with or without drive-up windows
51. Retail stores and shops
52. Retirement centers and life care facilities
53. Satellite dish antennae
54. Schools – technical, trade, vocational, or business
55. Service stations
56. Shopping centers
57. Temporary outdoor events subject to Section 14
58. Theaters
59. Vehicle repair shops without outdoor storage or operations
60. Wholesale establishments where sales are from sample stocks only and no storage for distribution
61. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4D.4.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Private schools
2. Public utility facilities with or without outdoor storage
3. Recreation facilities, commercial, outdoor
4. Residency hotels
5. Wireless communication facilities, non-concealed

4D.4.4 Major Special Uses Subject to Approval by the Governing Body

1. Broadcast Antennae
2. Correctional facilities and jails
3. Helistops
4. Public schools
5. Stadiums and arenas

4D.4.5 Dimensional Requirements

3. *Minimum lot area*: none specified.
4. *Minimum lot width*: none specified

4D.4.6 Setback Requirements

1. There are no specified yard requirements

4D.4.7 Height Requirements

1. There are no specified height requirements.

4D.4.8 Density Requirements for Residential Development

1. A residential density of up to 50 units per acre is allowed. Additional density may be approved by the Governing Body through a special use permit.
2. Residential development in the CBD District shall not be required to meet open space, parking or buffer requirements. Combinations of commercial and residential uses are allowed and shall conform to any additional requirements specified in Section 4D.1.9.

4D.4.9 Additional Requirements

1. A site plan shall be required for all new development.
2. Development in this district shall be exempt from buffer standards of this ordinance.
3. Development in this district shall be exempt from parking requirements specified elsewhere in this ordinance.
4. Establishments may have drive-up windows if the windows are identified and approved as part of site plan approval. Additional requirements of Section 8 may apply.
5. Supplemental requirements of Section 7 may apply depending on the type of development.

4D.5 Commercial Trade District (CT)

4D.5.1 Purpose

The Commercial Trade District (CT) is established to provide for a limited selection of commercial and light industrial activities that primarily serve other retail, service or industrial businesses. The district is intended to allow support services to these businesses. It is also the intent of this district to provide for uses which have a retail component but also require outdoor storage. Standards are designed to protect the health, safety and economic well being of the citizens.

4D.5.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artists galleries
5. Artist studios
6. Auditoriums
7. Banks and financial institutions with drive-up windows
8. Bed and breakfast inns
9. Boat Sales
10. Building material sales and storage
11. Business services
12. Car washes, automatic and self-service
13. Caretaker dwellings
14. Cemeteries, mausoleums, columbariums and memorial gardens
15. Clubs, lodges and recreational facilities, for use by non-profit organizations
16. Coal and wood lots
17. Colleges and universities
18. Contractors offices, including contractors in specialized trades, with or without storage yards
19. Convenience stores with or without gasoline sales
20. Crematoria
21. Daycare facilities
22. Exhibition buildings
23. Exterminators
24. Fairgrounds
25. Farmers markets
26. Freight terminals (SIC groups 40, 41, 42)
27. Funeral homes
28. Furniture refinishing and repair with or without outdoor storage and operations
29. Garden centers
30. Government facilities, not to include correctional facilities and jails
31. Health clubs and athletic facilities
32. Heavy equipment sales, rentals, and leasing
33. Janitorial services, including carpet cleaning
34. Kennels
35. Laboratories with or without outdoor storage or operations
36. Manufactured home sales
37. Parking as an independent use
38. Public parks and playgrounds
39. Public utility facilities without outdoor storage
40. Publishing and printing establishments (SIC group 27)
41. Radio and television broadcasting studios
42. Recreation facilities, commercial indoor
43. Recreational vehicle sales
44. Repair shops, without outdoor storage or operations (Separate listing for vehicle repair)
45. Research and development without outdoor storage or operations
46. Restaurants and catering services, with or without drive-up windows
47. Retail fabrication businesses

48. Satellite dish antennae
49. Schools – technical, trade, vocational, or business
50. Service stations
51. Shopping centers
52. Showroom offices (not including vehicle sales)
53. Storage yards, not including bulk fuel storage
54. Temporary outdoor events subject to Section 14
55. Travel trailer sales
56. Vehicle repair shops without outdoor storage or operations
57. Vehicle sales, leases, and rentals
58. Warehousing, including mini-warehouses and personal storage facilities
59. Wholesaling (SIC groups 50 and 52)
60. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4D.5.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Adult establishments
2. Drive-in theaters
3. Food processing limited to commercial bakeries, bottling plants, canneries, and dairy products processing (reference SIC codes 202, 203, 205, 208)
4. Helistops
5. Recreation facilities, commercial, outdoor
6. Recycling facilities
7. Wireless communication facilities, non-concealed

4D.5.4 Major Special Uses Subject to Approval by the Governing Body

1. Correctional facilities and jails
2. Storage yards for the bulk storage of fuels

4D.5.5 Dimensional Requirements

1. *Minimum lot area*: none specified.
2. *Minimum lot width*: none specified

4D.5.6 Setback Requirements

1. A building setback of 25 feet from the ultimate rights-of-way of all adjacent public streets shall be required.
2. A minimum rear setback of 10 feet shall be required except along active railroad rights-of-way.
3. No other setbacks required. Buffer and plantings required.

4D.5.7 Height Requirements

1. The allowed building height shall be 50 feet with the required setbacks.
2. The allowed building height shall be 90 feet if the required setbacks are increased by and additional 25 feet.
3. The allowed building height shall be up to 145 feet if the required setbacks are increased an additional 50 feet and if a special use permit is granted by the Board of Adjustment.

4D.5.8 Additional Requirements

1. A site plan shall be required for all new development.
2. All buffer and planting standards found in Section 10 of this ordinance shall apply.
3. Storage areas and loading areas shall be screened from off-site views in accordance with standards found elsewhere in this ordinance.
4. All uses shall access a public street or private street which meets ordinance requirements.
5. Supplemental requirements of Section 7 may apply depending on the type of development.

4E.1 Research Park District (RSCH)

4E.1.1 Purpose

The Research Park District (RSCH) is established to provide an area for scientific research and development, for training, and for production of prototype products, plans or designs. The purpose of such production is limited to research, development or evaluation of the merits of those products, plans, or designs. Offices and support services are allowed. In no case shall products be produced on the premises primarily for sale or use in production at a location off the premises.

4E.1.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Business services
5. Day care facilities
6. Government facilities, not to include correctional facilities and jails
7. Health clubs and athletic facilities
8. Helistops
9. Laboratories with or without outdoor storage operations
10. Offices, provided that they are subordinate to a research facility located elsewhere in a RSCH or RAD District
11. Passenger transportation terminals
12. Pilot plants, when subordinate to a research facility located on the same site
13. Public parks and playgrounds
14. Public utility facilities with or without outdoor storage
15. Research and development without outdoor storage or operations
16. Restaurants and catering services, with or without drive-up windows
17. Retail establishments which are subordinate to the primary use, designed to serve employees or patrons of the use, and are located on the same site
18. Satellite dish antennae
19. Schools – technical, trade, vocational, or business
20. Shopping centers, provided that the gross floor area does not exceed 30,000 square feet
21. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4E.1.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Wireless communication facilities, non-concealed

4E.1.3A Major Special Uses Subject to Approval by the Governing Body

1. Broadcast antennae

4E.1.4 Dimensional Requirements

1. Gross tract size for initial zoning: An initial threshold of 100 contiguous acres is required in order to create a research park setting; however, additions to the zone may be made in increments of any size.
2. *Minimum lot area*: None specified in order to allow for flexibility and creativity in design.
3. *Lot width*: Each lot shall have a lot width of at least 400 feet.

4E.1.5 Yard Dimensions

1. Public street sides - 150 feet plus an additional 1 foot for each acre of property in the lots up to a maximum of 250 feet. Yard requirements shall be determined for a building based on property size at the time of construction and shall remain in effect even if the property size is subsequently enlarged or reduced in size.
For example:

5 acres – 155 feet
50 acres – 200 feet
100 acres – 250 feet
2. *From adjoining lots*: 150 feet
3. No yard space is required adjacent to railroads.
4. Yard space may not be devoted to parking and shall be vegetated and maintained in a slightly condition.
5. Where an area platted as permanent open space (natural area preserve) is located adjacent to a lot in the RSCH District the amount of yard space may be reduced and substituted with an equivalent amount of permanent open space. However, in no case shall the yard space be reduced to less than 30 feet. That

portion of permanent open space used to meet the yard space requirement calculations shall only be credited to one lot.

4E.1.6 Lot Coverage

In order to provide a campus-like setting, a maximum of 15% of each lot shall be devoted to buildings. Parking may not be located in yards. Open space areas which are held in common and are adjacent to a lot, may be credited towards the yard requirements of the lot, however the portion of common open space used in these calculations may only be credited to one lot.

4E.1.7 Height Requirements

Height limits: The maximum building height shall be 120-feet. Additional height, up to 145 feet, may be allowed with Board of Adjustment approval.

4E.1.8 Additional Requirements

1. All driveways, parking areas, and pedestrian ways must be surfaced with a dust free, all weather surface.
2. All delivery, freight handling and storage shall be shielded from off site view.
3. Site plans shall be required. Site plans shall be approved by the Development Review Board.
4. A functioning governing board and design standards are vital to the success of a research park in order to create an environment which is conducive to high technology research activities. Therefore, as part of the rezoning application for the RSCH zone, the applicant shall submit information which documents the proposed establishment of controls within the RSCH zoned property. The information may include, among other things, the policies for operation and permanent funding of the governing board, assurances of the board's authority to select prospective tenants, to provide upkeep, and to enforce the covenants.
5. All development shall meet the performance standards of Section 8.
6. Supplementary requirements of Section 7 may apply depending on the type of development.
7. The gross square footage for freestanding restaurants which are not an accessory use to an office or industry, may not exceed 1% of the total square footage which has been built within the district for other purposes. In no case shall development of freestanding restaurants occur in advance of the development of office space or other employment uses.

4E.2 Research Applications District (RAD)

4E.2.1 Purpose

The Research Applications District (RAD) is established to provide sites for research facilities and related manufacturing, business and scientific activities. The district is intended to accommodate research facilities, pilot plants, prototype production facilities and other manufacturing operations that require the continual or recurrent application of research knowledge and activity as an integral part of the manufacturing process.

4E.2.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Day care facilities
5. Government facilities, not to include correctional facilities and jails
6. Health clubs and athletic facilities
7. Helistops
8. Laboratories with or without outdoor storage operations
9. Manufacturing, research related
10. Offices, provided that they are subordinate to a research facility located elsewhere in a RSCH or RAD District
11. Passenger transportation terminals
12. Pilot plants
13. Production of prototype projects
14. Public utility facilities with or without outdoor storage
15. Research and development without outdoor storage or operations
16. Restaurants and catering services, with or without drive-up windows
17. Retail establishments which are subordinate to the primary use, designed to serve employees or patrons of the use, and are located on the same site
18. Satellite dish antennae
19. Schools – technical, trade, vocational, or business
20. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4E.2.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Wireless communication facilities, non-concealed

4E.2.4 Major Special Uses Subject to Approval by the Governing Body

1. Broadcast antennae

4E.2.5 Dimensional Requirements

1. *Tract size:* 100 contiguous acres minimum, but additions may be made in increments of any size
2. *Minimum lot area:* None specified
3. *Lot width:* Each lot shall have a lot width of at least 400 feet

4E.2.6 Yard Dimensions

1. Public street sides - 150 feet plus an additional 1 foot for each acre of property in the lots up to a maximum of 250 feet. Yard requirements shall be determined for a building based on property size at the time of construction and shall remain in effect even if the property size is subsequently enlarged or reduced in size.
For example:

5 acres – 155 feet
50 acres – 200 feet
100 acres – 250 feet
2. *From adjoining lots:* 150 feet
3. No yard space is required adjacent to railroads.
4. Yard space may not be devoted to parking and shall be vegetated and maintained in a slightly condition.
5. Where an area platted as permanent open space (natural area preserve) is located adjacent to a lot in the RAD District the amount of yard space may be reduced and substituted with an equivalent amount of permanent open space. However, in no case shall the yard space be reduced to less than 30 feet. That portion of permanent open space used to meet the yard space requirement calculations shall only be credited to one lot.

4E.2.7 Height Requirements

Height limits: The maximum building height shall be 120-feet. Additional height, up to 145 feet, may be allowed with Board of Adjustment approval.

4E.2.8 Additional Requirements

1. All driveways, parking areas, and pedestrian ways must be surfaced with a dust free, all weather surface.
2. All delivery, freight handling and storage shall be shielded from off site view.
3. Site plans shall be required. Site plans shall be approved by the Development Review Board.
4. A functioning governing board and design standards are vital to the success of a research park in order to create an environment which is conducive to high technology research activities. Therefore, as part of the rezoning application for the RSCH zone, the applicant shall submit information which documents the proposed establishment of controls within the RSCH zoned property. The information may include, among other things, the policies for operation and permanent funding of the governing board, assurances of the board's authority to select prospective tenants, to provide upkeep, and to enforce the covenants.
5. All development shall meet the performance standards of Section 8.
6. Supplementary requirements of Section 7 may apply depending on the type of development.
7. The gross square footage for freestanding restaurants which are not an accessory use to an office or industry, may not exceed 1% of the total square footage which has been built within the district for other purposes. In no case shall development of freestanding restaurants occur in advance of the development of office space or other employment uses.

4E.3 Industrial Park District (I-1)

4E.3.1 Purpose

The Industrial Park District (I-1) is established to provide for orderly development of manufacturing, research and support activities in a unified setting. The district is intended to insure development which is compatible with adjacent uses. The district provides for a range of uses to be developed with an overall design scheme as shown on an approved Development Plan.

4E.3.2 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artist galleries
5. Artist studios
6. Banks and financial institutions with or without drive up windows
7. Boat sales
8. Building materials sales
9. Business incubator centers
10. Business centers
11. Car washes, automatic and self-service
12. Caretakers dwellings
13. Clubs, lodges, and recreational facilities for use by nonprofit organizations
14. Commercial laundries
15. Contractors offices, including contractors in specialized trades, without storage yards
16. Crematoria
17. Day care facilities
18. Exterminators
19. Flex space
20. Food processing, limited to dairy products, canneries, and beverage products, provided all activities are conducted in an enclosed building (SIC codes 202, 203, 205, and 208)
21. Furniture showrooms where in excess of 75% of the gross square footage is devoted to sales made from sample stocks and deliveries are made to the buyer from a location off site
22. Golf courses and related activities; driving ranges when associated with the golf course
23. Government facilities, not to include correctional facilities and jails
24. Health clubs and athletic facilities
25. Helistops
26. Hospitals
27. Hotels and motels
28. Janitorial services, including carpet cleaning
29. Laboratories with or without outdoor storage operations
30. Light industry
31. Medical clinics
32. Offices
33. Passenger transportation terminals
34. Places of worship
35. Public parks and playgrounds
36. Public utility facilities with or without outdoor storage
37. Public and printing establishments (SIC group 27)
38. Radio and television broadcasting studios
39. Recreational vehicle sales
40. Repair shops without outside storage or operations (separate listing for vehicle repair)
41. Research and development without outdoor storage or operations
42. Restaurants and catering services, with or without drive-up windows
43. Retail establishments which are subordinate to the primary use, designed to serve employees or patrons of the use, and are located on the same site
44. Satellite dish antennae
45. Schools – technical, trade, vocational, or business
46. Temporary outdoor events, subject to Section 14

47. Travel trailer sales
48. Vehicle repair shops, without outdoor storage or operations
49. Vehicle sales, lease and rentals
50. Veterinary clinics
51. Warehousing, including mini-warehouses and personal storage facilities
52. Wholesaling (SIC Groups 50 and 52)
53. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4E.3.3 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Recreational uses, commercial, indoor
2. Recreational uses, commercial, outdoor

4E.3.4 Major Special Uses Subject to Approval by the Governing Body

1. Airports
2. Broadcast antennae
3. Correctional facilities jails
4. Heliports
5. Stadiums and arenas
6. Wireless communication facilities, non-concealed

4E.3.5 Dimensional Requirements

1. *Gross tract size for initial zoning:* 10 contiguous acres minimum, but additions may be made in increments of any size.
2. *Minimum lot area:* None specified, in order to allow for flexibility and creativity in design.

4E.3.6 Setback Requirements

1. *Transitional spaces:*
An undeveloped transitional space of at least 30 feet shall be established around the perimeter of the project and shown on the Development Plan. If a buffer requirement imposes a greater width requirement than the transitional space, than the buffer requirement shall apply. Transitional spaces may be used in computing buffer requirements.
2. No minimum yard requirements are established in order to allow for flexibility and creativity in design.
3. Development Plans shall identify broad use categories. Site plans in conformance with the Development Plan proposals shall be submitted for approval prior to construction. Site plans shall identify building setbacks.

4E.3.7 Height Requirements

Buildings shall not exceed 145 feet in height. Any building over 90 feet in height must be identified on the Development Plan.

4E.3.8 Additional Requirements

1. A Development Plan in conformance with Section 15 shall accompany all petitions for I-1 zoning.
2. Significant components of a Development plan include: topography, proposed circulation system, proposed lot layout, proposed reservations for open space and utilities, a schematic landscape plan, design principles to govern development, and any other conditions which may be proposed by the applicant.
3. Uses shall only be permitted in locations shown on the approved Development Plan. Development of the property may not begin until a site plan has been approved for that portion of the property proposed for development. Site plans shall be checked for conformity with the approved Development Plan. Should alterations or changes represent a substantial departure from the approved Development Plan, an amendment to the Development Plan shall be required. The same procedures as required for the original Development Plan approval shall be required for amendments.
4. All delivery, storage, and freight handling areas shall be screened from view from any nearby street or residence.
5. All driveways, parking areas and pedestrian ways must be covered with a dust free, all weather surface.
6. Supplementary requirements of Section 7 may apply depending on the type of development.

4E.4 Light Industrial District (1-2)

4E.4.1 Purpose

The Light Industrial District (1-2) is established to provide for a wide range of light manufacturing, warehousing, and wholesaling activities as well as offices and some support services. Standards of this district are designed to minimize impacts on the environment and to assure compatibility with the surrounding area. It is the intent of this district to offer sites for those industries whose operations, exposure, location or traffic have minimal impact on adjacent properties.

4E.4.2 S.I.C. Manual References

S.I.C. References are based on the latest edition of the Standard Industrial Classification Manual, maintained in the Planning Department. If a facility contains two or more activities, the facility can locate only in the district where the highest intensity use is allowed. Determination and classification of a use shall be made by the Planning Department. In making its review, the Planning Department shall also determine that public health, safety, and welfare shall be preserved in accordance with the standards of this district.

4E.4.3 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Amateur Wireless Facility
4. Artist galleries
5. Artist studios
6. Banks and financial institutions with or without drive up windows
7. Boat sales
8. Building materials sales
9. Car washes, automatic and self-service
10. Caretakers dwellings
11. Cemeteries, mausoleums, columbariums and memorial gardens
12. Clubs, lodges, and recreational facilities for use by nonprofit organizations
13. Commercial laundries
14. Contractors offices, including contractors in specialized trades, without storage yards
15. Convenience stores with or without gasoline sales
16. Crematoria
17. Exhibition building
18. Exterminators
19. Fairgrounds
20. Feed and grain store
21. Flex space
22. Food processing, limited to dairy products, canneries, and beverage products, provided all activities are conducted in an enclosed building (SIC codes 202, 203, 205, and 208)
23. Freight terminals (SIC Groups 40, 41, 42)
24. Funeral homes
25. Golf courses and related activities; driving ranges when associated with the golf course
26. Government facilities, not to include correctional facilities and jails
27. Health clubs and athletic facilities
28. Heavy equipment sales, rentals, leases, and service
29. Heavy equipment storage
30. Helistops
31. Hospitals
32. Janitorial services, including carpet cleaning
33. Kennels
34. Laboratories with or without outdoor storage operations
35. Light industry
36. Manufactured home sales
37. Manufacturing (selected industries) - Those manufacturing industries defined by the following SIC Codes are permitted. Please see Appendix for additional information on SIC Codes.

Major Group	Short Title
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21		Tobacco products
22	(except 226)	Textile mill products
23		Apparel and other textile products
24	(except 241,242,2435,2436,2491,2492)	Lumber and wood products
25		Furniture and fixtures
26		Paper and allied products
30	(except 301)	Rubber and plastic products
31	(except 311)	Leather and leather products
34	(except 3443,3449,3462, 3465)	Fabricated metal products
35		Industrial equipment
36		Electronic and electric equipment
37		Transportation equipment
38		Instruments and related products
39		Miscellaneous manufacturing

Industry numbers:	
202, 203, 2043, 2045, 205 206, 207, (excluding 2077), 208, 209, 2016	Food products manufacturing
282, 283, 2844, 285, 2875, 2893,	Limited chemical manufacturing
323, 326, 328	Stone, clay and glass manufacturing
331, (except 3312, 3313) 335, 339	Metal industries

38. Medical clinics
39. Offices
40. Parking as an independent use
41. Passenger transportation terminals
42. Public parks and playgrounds
43. Public utility facilities with or without outdoor storage
44. Publishing and printing establishments (SIC group 27)
45. Radio and television broadcasting studios
46. Recreation facilities, commercial, indoor
47. Recreational vehicle sales
48. Repair shops without outside storage or operations (separate listing for vehicle repair)
49. Research and development without outdoor storage or operations
50. Restaurants and catering services, with or without drive-up windows
51. Retail establishments which are subordinate to the primary use, designed to serve employees or patrons of the use, and are located on the same site
52. Satellite dish antennae
53. Service stations
54. Storage yards, not including bulk fuel storage
55. Temporary outdoor events, subject to Section 14
56. Transfer stations
57. Transfer stations, temporary subject to requirements of Section 14
58. Travel trailer sales
59. Treatment plants, water and sewer
60. Vehicle repair shops, without outdoor storage or operations
61. Vehicle sales, lease and rentals

62. Vehicle storage areas, not to include junkyards and wrecking yards as defined by NCGS 136-143
63. Veterinary clinics
64. Warehousing, including mini-warehouses and personal storage facilities
65. Wholesaling establishments (SIC Groups 50 and 52)
66. Wireless communications facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4E.4.4 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Adult establishments
2. Auditoriums
3. Bed and breakfast inns
4. Colleges and universities
5. Daycare facilities
6. Hotels and motels
7. Movie theaters, not to include drive-in theaters
8. Nightclubs
9. Storage yards for the bulk storage of fuels
10. Theaters
11. Wireless communication facilities, non-concealed

4E.4.5 Major Special Uses Subject to Approval by the Governing Body

1. Airports
2. Broadcast antennae
3. Concrete plants
4. Correctional facilities jails
5. Heliports
6. Junkyards
7. Recycling facilities
8. Slaughter plants for poultry (SIC Code #2015)
9. Stadiums and arenas
10. *City only:* Transfer stations, except those transfer stations meeting the requirements of Section 4E.4.3

4E.4.6 Dimensional Requirements

1. *Minimum lot size:* 25,000 square feet.
2. *Minimum lot area:* 100 feet.

4E.4.7 Setback Requirements

1. *Street sides:* Building setback – 40 feet
Parking areas and internal driveways – 20 feet
2. *Internal sides:* from residentially zoned property – 30 feet
(*Buildings*) From nonresidentially zoned property – 30 feet
3. All buffer and screening requirements found elsewhere in the ordinance must be met. Setback distance may be used to meet buffer requirements.
4. Setback requirements from active railroads shall be one half of those stated above and may be further reduced by the Development Review Board upon findings that such reductions would not adversely affect surrounding properties.

4E.4.8 Height Requirements

1. Heights up to 50 feet are allowed.
2. Heights up to 90 feet are allowed with a 50 foot setback.
3. Heights up to 120 feet are allowed with a 75 foot setback.
4. Heights over 120 feet up to a maximum of 145 feet are allowed with a 75 foot setback and the issuance of a special use permit by the Board of Adjustment.
5. Partially completed projects which were designated I-2 (Industrial 2 district) in the former City of Durham Zoning Ordinance which contain a building or buildings in excess of 120 feet at the time of the adoption of this ordinance 1/1/94, shall be allowed to construct additional buildings up to 145 feet in height subject to Site Plan approval without receiving a special use permit from the Board of Adjustment or Governing Body.

4E.4.9 Additional Requirements

1. Site plans shall be required for all development.
2. All driveways, parking areas and pedestrian ways shall be surfaced with dust free all weather surface.
3. If possible, all delivery and freight handling shall be screened from view.
4. Sites shall be properly drained in accordance with other ordinances. Runoff to adjacent residential areas shall not exceed levels which existed prior to the construction of any new development in this district.
5. Sites shall not be directly accessed from residential streets.
6. All outside storage shall be enclosed and screened from view off site.
7. The individual proposing the use shall submit documentation with the site plan that demonstrates that the use shall conform to the performance standards found in Section 8.
8. Supplementary requirements of Section 7 may apply depending on the type of development.

4E.5 Heavy Industrial District (I-3)

4E.4.1 Purpose

The Heavy Industrial District (I-3) is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the I-2 District. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development.

4E.5.2 S.I.C. Manual References

S.I.C. References are based on the latest edition of the Standard Industrial Classification Manual, maintained in the Planning Department. If a facility contains two or more activities, the facility can locate only in the district where the highest intensity use is allowed. Determination and classification of a use shall be made by the Planning Department. In making its review, the Planning Department shall also determine that public health, safety, and welfare shall be preserved in accordance with the standards of this district.

4E.5.3 Permitted Uses

1. Accessory buildings
2. Accessory uses
3. Adult establishments
4. Amateur Wireless Facility
5. Building materials sales and storage
6. Caretaker dwellings
7. Coal and wood lots
8. Commercial laundries
9. Exterminators
10. Feed and grain store
11. Food processing, limited to dairy products, canneries, and beverage products, provided all activities are conducted in an enclosed building (SIC codes 202, 203, 205, and 208)
12. Foundries, fabrication plants, forging and metal casting
13. Freight terminals (SIC Major Groups 40, 41, 42)
14. Government facilities, not to include correctional facilities and jails
15. Health clubs and athletic facilities
16. Heliports
17. Junkyards
18. Kennels
19. Light industry
20. Manufacturing, heavy (SIC Major Groups 20-39), not to include uses in Section 43.5.5 that require a use permit
21. Offices
22. Parking as an independent use
23. Passenger transportation terminals
24. Public utility facilities with or without outdoor storage
25. Publishing and printing establishments (SIC Major Group 27)
26. Recreation facilities for employees
27. Research and development without outdoor storage or operations
28. Salvage and scrap yards (SIC Major Group 33)
29. Satellite dish antennae
30. Storage yards, including bulk fuel storage of flammables
31. Transfer stations, permanent
32. Transfer stations, temporary subject to requirements of Section 14
33. Treatment plants, water and sewer
34. Vehicle repair shops, with or without outdoor storage or operations
35. Veterinary clinics
36. Warehousing, including mini-warehouses and personal storage facilities
37. Wholesaling establishments (SIC Groups 50 and 52)
38. Wireless communication facilities, concealed, concealed attached, co-located or combining on an existing, non-concealed attached, mitigating an existing

4E.5.4 Minor Special Uses Subject to Approval by the Board of Adjustment

1. Daycare facilities
2. Rendering plants for poultry or other animals
3. Slaughter plants for poultry or other animals
4. Wireless communication facilities, non-concealed

4E.5.5 Major Special Uses Subject to Approval by the Governing Body

1. Airports
2. Broadcast antennae
3. Correctional facilities jails
4. Hazardous and nuclear material disposal and storage areas, when not an accessory use
5. Incinerators
6. Landfills
7. Manufacture and storage of chemicals, when not an accessory use
8. Manufacture and storage of explosives, when not an accessory use
9. Quarries
10. Recycling facilities
11. Resource extraction
12. Transfer stations, except those transfer stations meeting the requirements of Section 4E.5.3

4E.5.6 Dimensional Requirements

1. *Minimum lot size:* 30,000 square feet.
2. *Minimum lot area:* 150 feet.

4E.5.7 Setback Requirements

1. *Street sides:* Building setback – 40 feet
Parking areas and internal driveways – 20 feet
2. *Internal sides:* from residentially zoned property – 50 feet
(*Bulidings*) From nonresidentially zoned property – 40 feet
3. All buffer and screening requirements found elsewhere in the ordinance must be met. Space may be used to meet buffer requirements.
4. Setback requirements from active railroads shall be one half of those stated above and may be further reduced by the Development Review Board upon findings that such reductions would not adversely affect surrounding properties.

4E.5.8 Height Requirements

1. Heights up to 50 feet are allowed with a 25 foot setback.
2. Heights up to 90 feet are allowed with a 50 foot setback.
3. Heights up to 120 feet are allowed with a 75 foot setback.
4. Heights over 120 feet up to a maximum of 145 feet are allowed with a 75 foot setback and the issuance of a special use permit by the Board of Adjustment.
5. Towers, tanks and chimneys shall be exempt from this height limitation.

4E.5.9 Additional Requirements

1. Site plans shall be required for all development.
2. All buffer standards found elsewhere in this ordinance apply.
3. Storage yards shall be screened from view from off-site.
4. All driveways, parking areas and pedestrian ways shall be surfaced with dust free all weather surface.
5. If possible, all delivery and freight handling shall be screened from view off-site.
6. Sites shall be properly drained in accordance with other ordinances. Runoff to adjacent residential areas shall not exceed levels which existed prior to the construction of any new development in this district.
7. Sites shall not be directly accessed from residential streets.
8. All noises, vibrations, emissions of smoke, dust, or gases shall be controlled so as not to be detrimental or cause a nuisance to nearby residential or commercial areas in conformance with standards found in Section 8. Any time prior to or after a building or site is occupied, control measures may be required in accordance with the appropriate governmental agencies which monitor public health and welfare.
9. Supplementary requirements of Section 7 may apply depending on the type of development.