

BURLINGTON, N. C.
ZONING ORDINANCE

SECTION 32.10: SUPPLEMENTARY USE REGULATIONS

This section provides regulations and conditions for certain uses that are unusual in their nature or complexity or are potentially incompatible with their surroundings unless special protective restrictions are applied. Each use listed in this section shall comply with the regulations of the district in which it is located, with the requirements specified herein, and, for uses requiring Special Use Permits, with such additional requirements as are described in Section 32.13.

Opaque Screen Defined: In this and other sections of this chapter, reference is made to an “opaque screen.” An opaque screen shall be defined as a durable wall, fence or evergreen planting at least six feet in height, except where a greater height is required by this chapter, but not greater than eight feet in height that forms a solid visual barrier. Evergreen plantings shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet can be expected by normal growth no later than two years after the time of planting. Such plantings shall be permanently maintained in a condition that meets the requirements of this definition.

- A. Accessory Buildings: An accessory building shall be defined as a building structurally separate from another building, the use of which is incidental to that of such other building, including garages, stables, servant’s quarters, tool sheds, fallout shelters, etc.
1. Location: Accessory buildings shall not be located within any required front or side yard nor within ten feet of the centerline of an alley or within five feet of any property line, provided that any accessory building that is less than ten feet from a principal building on the same lot shall not extend into any required yard for said principal building.
 - a. On Corner Lots: An accessory building in the required rear yard of a corner lot shall not project beyond or nearer to the street than the front setback line, as extended of the lot adjacent thereto and whose front yard abuts thereon.
 2. Height: No accessory building shall be over 15 feet in height when within ten feet of an interior lot line.
 3. Portable storage units such as containers that are placed on a site for the use of occupants of a dwelling or building are permitted as an accessory use subject to the following standards:
 - a. Portable storage units may be up to 20 feet long, 8 feet wide, and 8 feet in height. **(Amendment adopted May 20, 2014)**

- b. Portable storage units may be placed on a site for no more than 90 days. **(Amendment adopted May 20, 2014)**
 - c. A site shall have no more than 2 portable storage units at any one time.
 - d. Portable storage units may be placed in a driveway, a designated parking area, or behind a dwelling. If, because of lot size or obstructions the portable storage unit cannot be located in a driveway or designated parking area, then the portable storage unit must be placed contiguous to the driveway or parking area. A portable storage unit shall not be placed directly in front of a dwelling unless it is contiguous to the driveway.
 - e. Portable storage units are prohibited on City streets or within street right-of-ways. Portable storage units shall not be placed in any manner that poses a danger to public health and/or safety.
 - f. In addition to the civil penalties prescribed, the City may use any other available enforcement measure, including all remedies available to the City pursuant to the provision of North Carolina General Statutes 14-4 and 160A-175.
 - g. These standards shall not apply to portable units for temporary construction trailers, dumpsters, or recycling facilities, as long as construction is ongoing.
 - h. No building permit shall be required for portable storage units.
- B. Apothecary Shops in Office-Institutional Districts: In Office-Institutional Districts, an apothecary shop may be operated as a retail use within a building the primary use of which is for a hospital, clinic or physician's offices provided that said apothecary shall sell only drugs, prescription medicines, medicinal supplies and appliances and pharmaceutical products and provided further that not more than 50 percent of the ground floor area of such building be used for such shops.
- C. Automobile Repair Shops, Body and Fender Repairing: The outside storage of wrecked or inoperable vehicles is permitted only for vehicles actually in the process of repair, and such vehicles must be concealed from view from a public street by an opaque screen.
- D. Child Care Facility: See Section 32.13:W. **(Amendment adopted March 16, 2004)**
- E. Cleaners and Dryers in B-1 Districts: In B-1 Districts, no petroleum derivatives in excess of 500 gallons shall be stored above ground and no more than 2,000 square feet shall be devoted to the dry cleaning process.

F. Drive-In Theaters: An eight-foot high opaque screen shall be required except at driveways. The viewing screen will be directed away from major thoroughfares or collector streets. Lighting shall be shielded so as to cast no direct light on adjoining property. Sound shall be delivered to each car by individual speakers only. Automobile standing space for patrons awaiting admission shall be provided on the site in an amount equal to not less than 20 percent of the vehicular capacity of the theater.

G. Fences and Walls:

1. In Residential, Office-Institutional and Commercial Districts: The maximum height of any fence or wall between any street line and the building line, except necessary retaining walls, shall be four feet from the ground elevation at the base of such fence or from the centerline street elevation of the street along with which the fence is erected, except where otherwise specifically required by this ordinance. **(Amendment adopted July 15, 1986)**

a. In Residential Districts and Office-Institutional Districts: With the exception of bona fide agricultural uses, no electric fences and no barbed wire of any kind shall be permitted, and no barbed edges at the top of chain link fences shall be permitted unless such barbed edges are located at a height of six feet or more above the ground.

b. In Business Districts: With the exception of bona fide agricultural uses, no electric fences shall be permitted and no barbed edges on chain link fences or barbed wire of any kind shall be permitted unless such barbed edges or wire are located at a height of six feet or more above the ground.

2. In Industrial Districts: In Industrial Districts, open-type fences and walls between the street line and building line shall not be more than ten feet in height, and fences with barbed edges or barbed wire shall be installed such that no barbed edge or barbed wire shall be lower than six feet above the ground. Fences and walls other than open-type that are located between the street line and the building line shall not be over four feet in height except when specifically required in this ordinance. **(Amendment adopted October 2, 1984)**

3. Swimming Pools as an Accessory Use to Residential Uses shall be completely isolated from adjacent properties and from streets by a fence or other structure having a minimum height of four feet and constructed of such materials and by such methods as to prevent the passage of small children and shall conform to the requirements of the location of accessory buildings in the district in which it is located. Such fences or other structures shall be constructed and maintained in proper condition, and said fences shall be so constructed so that all

gates or doors opening through such fence or wall shall have self-closing and self-latching devices for keeping the gate or door closed at all times when not in actual use except that the door of any dwelling that furnished part of the enclosure need not be so equipped. It is provided further, however, that if the entire premises of the residence is enclosed, then this aforesaid fencing provision may be waived by the Building Inspector upon inspection and approval of the residence enclosed. Swimming pools existing at the time of adoption of this ordinance shall be made to conform to these requirements by June 1, 1983. For the purposes of the foregoing provision, the term swimming pool shall mean any artificially constructed, portable or non-portable pool that may be installed above and/or below ground level and the same being capable of use for swimming or recreational bathing and having a depth of two feet or more at any point. The foregoing definition of pool shall not be interpreted to include natural watercourses, ponds, streams or other naturally occurring bodies of water. It is the intent and purpose of this ordinance to provide protection to children and others against injury or mishap resulting from reconstruction and maintenance of swimming pools. **(Amendment adopted April 5, 1983)**

H. Golf Courses, Par-Three Courses, Driving Ranges, Miniature Golf:

1. Courses: Golf courses shall meet the following requirements:
 - a. No building shall be nearer to any property line than 100 feet.
 - b. No green shall be nearer to any property line than 150 feet.
 - c. Lighting shall be so shielded as to cast no direct light upon adjacent property.
2. Par-Three and Miniature Golf: Par-three and miniature golf courses shall meet the following requirements:
 - a. No green shall be nearer to any property line than 100 feet.
 - b. Lighting shall be so shielded as to cast no direct light upon adjacent property.
3. Golf Driving Ranges: Golf driving ranges shall meet the following requirements: **(Amendment adopted May 19, 1992)**
 - a. The depth of a driving range along the driving axis shall be not less than 250 yards measured from the location of the tees and the width not less than 125 yards.
 - b. Lighting shall be so shielded as to cast no direct light upon adjacent property.

- c. The range shall have a least one parking for each tee.
- d. A professional shall be available for private and group instructions.

I. Home Occupations: Customary home occupations such as beauty parlors (not to exceed two operators and two chairs), dressmaking, laundering, music teaching, preserving, tutoring, etc., shall be permitted in Residential Districts where such occupations are carried on in the home subject to the following limitations:

- 1. Such occupations shall be engaged in only by a resident on the premises, and not more than one employee may be a nonresident and shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- 2. No more than 25 percent of the first floor area of a dwelling shall be used for home occupations.
- 3. No display of goods or advertising shall be visible from the street.
- 4. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- 5. No accessory buildings shall be used for home occupations.
- 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

J. Home Professional Offices: The offices of resident members of recognized professions such as architects, artists, city planners, dentists, speech therapists, etc., shall be permitted where such professions are carried on in the home subject to the following limitations:

- a. No more than two persons not residing on the premises shall be employed.

- b. No more than 25 percent of the floor area of a dwelling shall be used for a home office.
 - c. No display of goods or advertising shall be visible from the street.
 - d. No accessory buildings shall be used for a home professional office.
- K. Laundries in B-1 Districts: Laundries shall be permitted in B-1 Neighborhood Business Districts subject to the following requirements:
- 1. Area Limitation: No more than 2,000 square feet shall be devoted to the laundering and finishing process.
 - 2. Employee Limitations: No more than two persons in addition to one manager or owner shall be employed.
 - 3. Capacity Limitation: The total operating capacity of all commercial washing machines shall not exceed 25 pounds.
 - 4. Fuel Requirement: No coal-burning or smoke-producing equipment shall be used.
- L. Laundries, Self-Service in B-1 Districts: Self-service laundries shall be permitted in B-1, Neighborhood Business Districts, subject to the following regulations:
- 1. Employee Limitation: No more than two persons in addition to one manager or owner shall be employed.
 - 2. Capacity Limitation: Laundry machines shall not exceed 50 pounds capacity each. **(Amendment adopted March 19, 1996)**
- M. Industrial Districts, Screening Required, Prohibited Uses: The use of land or structure for manufacturing the following products shall not be permitted within the affected territory as described in 32.2:A: acetylene gas, acid, ammonia, bleaching powder, chlorine, fertilizer, fireworks or explosives, soap manufacturing from animal fats, vinegar. No land or structure within the affected territory shall be used for any purpose that, though properly and safely operated with ordinary care according to good and reasonable practice, causes noxious or offensive odors, gas fumes, smoke, dust, vibration or noise that substantially interferes with other uses of property.
- 1. Screening in I-1 and I-2 Districts: In I-1, Planned Industrial, and I-2, Light Industrial Districts, all permitted uses shall be conducted wholly within a completely enclosed building or opaque screen except for the on-site parking and loading incidental thereto.
 - 2. Storage in B-2 Districts: In B-2 Districts, all activities, including

storage, shall be conducted within a completely enclosed building except for on-site parking and as permitted by Special Use Permit in Section 32.13:U. **(Amendment adopted June 2, 1992)**

- N. Travel Trailer Parks: Travel trailer parks shall be permitted in B-2 and Industrial Districts subject to the following supplementary regulations:
1. Minimum Site Area: Such park shall have a minimum area of two acres of well-drained land.
 2. Minimum Campsite Area: The minimum area occupied by any travel trailer or other camping structures shall be 1,500 square feet with a minimum width of 30 feet where parking is provided for periods of 30 days. **(Amendment adopted August 19, 1986)**
 3. Minimum Spacing: A clearance of at least 20 feet shall be maintained between each travel trailer, camping structure and building within the park. **(Amendment adopted August 19, 1986)**
 4. Opaque Screen: A continuous opaque screen shall be provided along all park boundaries, except at entrances.
 5. Interior Drives: All campsites shall abut a driveway that shall be paved and maintained in a serviceable condition to a continuous width of 25 feet. All interior drives shall have unobstructed access to a public street. **(Amendment adopted August 19, 1986)**
 6. Fire Protection Standards: The park shall meet the standards for adequate fire protection as established by the latest edition of the National Fire Protection Association Bulletin No. 501-A, a copy of which is on file in the Building Inspector's office.
 7. Limitation of Stay: No travel trailer or other camping structure shall stay within any travel trailer park for a period of more than 30 days within a six month period. **(Amendment adopted August 19, 1986)**
 8. Sanitary Facilities: Travel trailer parks shall provide a service building containing toilet facilities provided as set forth below: **(Amendment adopted August 19, 1986)**
 - A. For each eight spaces or fraction thereof, there shall be provided the following:
 - (1) Male toilets to include one commode, one urinal, one lavatory and one shower.
 - (2) Female toilets to include two commodes, one lavatory and one shower.

(3) Both toilets shall provide an adequate supply of hot and cold running water.

B. All garbage and refuse in every travel trailer park shall be stored in a suitable water-tight and fly-tight standard garbage receptacle and shall be kept covered with tight-fitting covers. At least one such receptacle shall be provided and conveniently located for every travel trailer space, except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles. It shall be the duty of the travel trailer park operator to see that all garbage and refuse is disposed of regularly and in a manner approved by the Alamance County Health Director. It shall also be the duty of the travel trailer park operator to see that no materials that attract insects or rodents or that afford harborage for insects or rodents are stored or allowed to remain on the premises. All areas of the premises shall be kept clean and free from weeds and undergrowth.

O. Veterinary Establishments: Free-standing veterinary establishments shall be at least 200 feet from any property zoned Residential or Office-Institutional and at least 100 feet from any property zoned B-1. Where all buildings and exercise yards are enclosed and soundproofed, the foregoing space separating such from other districts shall not be required. **(Amendment adopted September 20, 2005)**

1. Operational standards for attached veterinary establishments (i.e., found in a Unified Business Development, retail center, strip mall, shopping center, etc.):
 - a. All activities other than off-street parking and loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.
 - b. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.
 - c. All buildings and exercise yards shall be enclosed and soundproofed.

P. Wholesale Establishments and Warehouses: In B-2 Districts, wholesale establishments and warehouse establishments shall be permitted only when all operations are conducted within buildings. No open storage shall be permitted. Required off-street parking may be on open lots. In B-3 Districts, wholesale establishments and warehouses shall be permitted only when incidental to retail sales on the premises and may not constitute the principal use. **(Amendment adopted June 27, 1972)**

Q. Condominium (Unit Ownership) Developments: Condominiums, defined as a form of ownership whereby individual units are individually owned and

developed pursuant to the North Carolina Condominium Act (NCGS Chapter 47C) with common areas and facilities shared by all owners, are subject to the following regulations: **(Amendment adopted December 15, 1998)**

1. Condominiums shall conform to the use and development requirements of this ordinance for the district within which the condominium is located.
 2. Condominiums shall conform to the applicable requirements of the City of Burlington Subdivision Regulations and the requirements of the North Carolina Condominium Act, NCGS Chapter 47C, as amended.
 3. Condominium ownership may be created by the owner or co-owners of a structure(s) by an express declaration of their intention to submit such property to the provisions of the North Carolina Condominium Act (Chapter 47C of the North Carolina General Statutes), which declaration shall be prepared in strict compliance with the Act, approved by the City Council and recorded in the office of the Alamance County Register of Deeds.
- R. Public Utilities: Public utility facilities, including transformer stations, high-voltage transmission lines and transmission line structures and transmitting or relay stations, may be permitted in any district, subject to the following regulations: (Minor structures such as hydrants, telephone or light poles, pole-mounted antennae or transformers or similar equipment and underground transmission lines shall not be subject to these regulations.)
1. Whenever possible, such facilities should be located on interior properties rather than on properties aligned with other lots of continuous street frontage.
 2. Except for required fences, the setback shall be a minimum of 25 feet from any street or property line or the required setback of the district, whichever is greater, except where the facility crosses a street.
 3. Lots for substations, transformer stations and relay stations shall conform to minimum area and yard requirements of the district in which they are located.
 4. The design of buildings, structures and facilities shall conform as closely as possible to the character of the area or neighborhood so that buildings, facilities or structures will not unduly affect the safe and comfortable enjoyment of nearby properties or the value of such properties.
 5. Non-climbable fences or comparable safety devices shall be installed and maintained in order to make transformer or substation facilities as inaccessible as practicable to the general public.

6. Portions of properties not used for facilities, parking or related services shall be maintained with natural ground cover. When the properties are used for transformer stations or substations, a durable masonry wall, fence, hedge, or other natural planting of comparable opacity shall be provided along the exterior property lines of any lot within Residential or Office Districts and along any exterior property line that adjoins any lot in Residential and/or Office Districts. Such walls, fences and hedges may be installed in conjunction with or separated from non-climbable fences or comparable safety devices specified in Paragraph 5 above. Such walls, fences and hedges shall be at least five feet in height but not greater than seven feet in height, measured from the ground along the lot lines of adjoining properties.

Hedges or comparable natural planting shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet could be expected by normal growth within no later than two years from the time of planting.

7. No communications or relay towers or transformer stations, when located in a Residential or Office-Institutional District, shall be permitted on a site less than one acre in area. The minimum distance from the base of any tower to the nearest property line shall be equal to the height of the tower.

In special cases where conditions require changes in the development standards set forth above, a Special Use Permit shall be required and may be granted by the City Council.

Service and storage yards shall not be permitted in any Residential or OI District. **(Amendment adopted May 16, 1972)**

- S. Automobile Parking Lots, Commercial, May Be for Monetary Gain: When such parking lots are allowed in OI, Office-Institutional zones, the City Council shall issue the required permit for a period of one year only, subject to renewal at the discretion of the City Council. **(Amendment adopted April 4, 1972)**
- T. Dwellings, Single-Family, Detached: Dwellings established in I-1A Districts shall be on lots of record at the time of adoption of this provision or on lots of at least one acre having a minimum street frontage of 200 feet.
- U. Mobile homes in R-M districts shall have all wheels and other transporting devices removed from the chassis of the unit, and the unit shall be installed on a permanent masonry foundation that shall completely enclose a crawl space beneath the unit. A door at either the rear or the end of the unit shall provide means of access to the crawl space. Where the Chief Building Inspector finds the location of access to the crawl space at either the rear or the end of the unit to be impracticable because of conditions of topography,

the access may be located at the front of the unit. The minimum dimensions of the door to the crawl space shall be the same as required for a standard dwelling under the North Carolina Residential Building Code. **(Amendment adopted March 19, 1974)**

1. Mobile homes in R-M Districts shall meet:
 - a. All requirements of U.S.A.S. A119.1.
 - b. All specifications and requirements of the North Carolina Uniform Standard Code for mobile homes as set forth in North Carolina Session Laws 1969, Chapter 961, Section 7, and as said act is subsequently amended, and
 - c. All requirements of this ordinance.

In case of conflict of standards, the most restrictive standard shall apply.

- V. Tire retreading and recapping in B-2 Districts shall be permitted only where the B-2 District coincides with a Fire District as established by separate ordinance of the City of Burlington. **(Amendment adopted September 7, 1976)**
- W. In all Residential Districts, Office and Institutional Districts and Neighborhood Business Districts, such uses shall be permitted only by governmental entities and private, non-profit corporations, associations or other legally constituted eleemosynary entities. **(Amendment adopted February 1, 1977)**
- X. Said open air sales shall provide off-street parking as presently required for the zoning district in which located, and further said open air sales shall provide sanitary facilities as required by state and local codes applicable to such operations. **(Amendment adopted August 15, 1978)**
- Y. In Residential Districts, only bona fide forestry and farming operations are intended to be permitted. It is not intended to permit establishment of commercial nurseries and greenhouses and retail sales as principal or auxiliary or accessory uses in Residential Districts.

An exception to the above shall be plants, fruits, and vegetables grown **in North Carolina and provide for sale by the property owners and/or lease holders.** It is intended that such sales shall be informal in nature and compatible with residential living standards within neighborhoods. In no event shall the organized sale of plants, fruits, and vegetables exceed **one hundred twenty (120) days within a calendar year. For the purpose of this exception, in its determination of compatibility with neighborhood standards, the City shall evaluate the following criteria: hours of operation; traffic flow in the vicinity and overall safety to neighboring property owners, residents and pedestrians.**

Signs for residential sales of plants, fruits and vegetables shall comply with section 32.12 of this ordinance. (Amendment adopted May 17, 2016)

- Z. Yard sales in all Residential Districts as defined in this ordinance shall be limited to three such sales in each calendar year, and each such sale shall be limited to daylight hours, and each sale shall not exceed two consecutive days. And it is expressly provided that conducting more than the number of yard sales in hereinabove provided shall be deemed expressly prohibited. It is further provided that those persons violating this provision shall be guilty of a misdemeanor and shall also be subject to any penalty imposed by general law. **(Amendment adopted October 7, 1980)**
- AA. “Family Care Home” is to be interpreted as a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment and not more than six resident handicapped persons. Handicapped person means a person with a temporary or permanent physical, emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in North Carolina General Statute 122-58.2(1)b. **(Amendment adopted January 16, 1990)**
- BB. Gun repair shops may include properly constructed facilities for determining if guns are working properly, provided such facilities are constructed in accordance with all applicable laws and regulations and with such proper acoustical apparatus and/or materials so as to prevent any noise or disturbance to the owners and/or occupants of the adjoining properties. It is expressly hereby stated that only the owner or employees of the owner of any such gun repair shop shall be permitted to fire repaired guns as hereinabove provided and such facilities shall not be used as a shooting range or for target practice or for the testing of marksmanship skills. **(Amendment adopted September 20, 1983)**
- CC. Dish antenna shall be treated as an accessory structure and shall conform to all requirements of this ordinance pertaining to accessory structures. **(Amendment adopted November 15, 1983)**
- DD. Itinerant merchants shall obtain and pay for any necessary privilege license. In addition, itinerant merchants who conduct open-air sales shall file with the City Tax Collector an application and indemnification form for such sales. Written permission of the property owner shall be required for all open air sales held on the premises of any permanent merchant or upon vacant property. Additionally, the landowner shall certify ownership in connection with any such permits issued hereunder. **(Amendment adopted August 16, 1988)**

EE. Adult bookstores/adult video stores permitted pursuant to this ordinance shall adhere to the following siting criteria: **(Amendment adopted January 4, 1994)**

1. Dimensional Property Separation:

- a. No adult bookstore/adult video store as defined by this ordinance shall be located within 1,000 feet of any other adult bookstore/adult video store, adult cabaret or adult motel. Measurements shall be made from property line to property line.
- b. No adult bookstore/adult video store shall be located within 1,500 feet of any church, elementary or secondary school, public park, child day care, multifamily-zoned or residentially-zoned property. Measurements shall be made from property line to property line.
- c. No adult bookstore/adult video store shall be located within 500 feet of any property zoned Office-Institutional (O-I). Measurements shall be made from property line to property line.

2. Signage: Except for on-premise business signs permitted by this ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.

3. Restriction of Uses on the Same Property or in the Same Building, Structure, or Portion Thereof: There shall not be more than one adult bookstore/adult video store in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult bookstore/adult video store.

FF. Adult cabarets permitted pursuant to this ordinance shall adhere to the following siting criteria: **(Amendment adopted January 4, 1994)**

1. Dimensional Property Separation:

- a. No adult cabaret as defined by this ordinance shall be located within 1,000 feet of any other adult cabaret, adult bookstore/adult video store or adult motel. Measurements shall be made from property line to property line.
- b. No adult cabaret shall be located within 1,500 feet of any church, elementary or secondary school, public park, child day care, multifamily-zoned or residentially-zoned property. Measurements shall be made from property line to property line.

- c. No adult cabaret shall be located within 500 feet of any property zoned Office-Institutional (O-I). Measurements shall be made from property line to property line.
 - 2. Signage: Except for on-premise business signs permitted by this ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.
 - 3. Restriction of Uses on the Same Property or in the Same Building, Structure, or Portion Thereof: There shall not be more than one adult cabaret in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult cabaret.
- GG. Adult motels permitted pursuant to this ordinance shall adhere to the following siting criteria: **(Amendment adopted January 4, 1994)**
- 1. Dimensional Property Separation:
 - a. No adult motel as defined by this ordinance shall be located within 1,000 feet of any other adult motel, adult bookstore/adult video store or adult cabaret. Measurements shall be made from property line to property line.
 - b. No adult motel shall be located within 1,500 feet of any church, elementary or secondary school, public park, child day care, multifamily-zoned or residentially-zoned property. Measurements shall be made from property line to property line.
 - c. No adult motel shall be located within 500 feet of any property zoned Office-Institutional (O-I). Measurements shall be made from property line to property line.
 - 2. Signage: Except for on-premise business signs permitted by his ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.
 - 3. Restriction of Uses on the Same Property or in the Same Building, Structure, or Portion Thereof: There shall not be more than one adult motel in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult motel.

HH. Telecommunications Towers **(Amendment adopted September 3, 1996)**

Telecommunications towers as defined in Section 32.22 of this ordinance are permitted subject to the following regulations:

- 1. Classifications of Towers: For the purposes of this section,

telecommunications towers shall be classified as a) freestanding communications towers, b) concealed or camouflaged communications towers, c) roof-top communications towers.

2. Zoning Classifications Where Permitted:

- a. For all residential zoning classifications (including multifamily zones), permitted as follows:
 - (1) Freestanding Towers: Freestanding towers are prohibited within all residential zoning classifications except upon local, state or federally-owned properties currently in public use. Such towers shall be subject to the Supplemental Standards provisions of Section 32.10:RR. **(Amendment adopted June 3, 2003)**
 - (2) Concealed or Camouflaged Towers: Concealed or camouflaged towers are permitted within all residential zoning classifications. Such towers and associated equipment shall be completely concealed within an architectural feature of a building or structure and/or camouflaged so that the tower is architecturally indiscernible as a separate entity. Plans for these towers shall be submitted to the City Technical Review Committee and Chief Building Inspector for review and approval prior to construction.
 - (3) Roof-Top Communications Towers: Roof-top towers placed on the tops of buildings or other structures are prohibited within residential zones except in the case of towers placed on public utility structures including water tanks or existing public buildings. Such towers or utility structures shall be permitted as a matter of right and be subject to the provisions outlined in Section 32.10:HH.2.(b)(3) below.
- b. For all Conditional Business and Conditional Industrial Districts in which the City Council has approved a Conditional rezoning allowing telecommunications towers as a permitted use: **(Amendment adopted March 16, 2004)**
 - (1) Freestanding Towers: Freestanding telecommunications towers are permitted in all Conditional Business and Conditional Industrial zones. Such towers shall conform to the Supplemental Use provisions of Section 32.10:RR. **(Amendment adopted March 16, 2004)**
 - (2) Concealed or Camouflaged Towers: Concealed or camouflaged towers are permitted within all commercial, industrial, and office-institutional zoning classifications. Such towers and equipment shall be completely concealed

within an architectural feature of a building or structure and/or camouflaged so that the tower is architecturally indiscernible as a separate entity. Plans for these towers shall be submitted to the City Technical Review Committee and Chief Building Inspector for review and approval prior to construction.

- (3) Roof-Top Communications Towers: Towers placed on the tops of existing buildings or other structures are permitted as a matter of right within all commercial, industrial, and office-institutional zones subject to the following provisions:
- (a) Such towers shall be no more than 25 percent of the building/structure height above the building/structure height or 35 feet above the building/structure, whichever is less.
 - (b) All provisions relative to the North Carolina State Building Code shall be met and approved by the Chief Inspector.
 - (c) Provisions for tower output and electronic magnetic force (EMF) emissions found in Section 32.13.R of this ordinance shall apply.

3. Link to Comprehensive Telecommunications Plan:

Telecommunications vendors shall refer to the Telecommunications Plan Document adopted by City Council for guidance in the placement and location of towers. To the extent feasible, vendors should demonstrate that proposed new towers are consistent with provisions of the plan.

II. Guest Houses

Guest houses as defined in Section 32.22 of this ordinance are subject to the following development criteria: **(Amendment adopted November 19, 1996)**

1. Finished floor area for guest houses may in no instance exceed 35 percent of the finished floor area of the principal structure.
2. Guest houses are considered accessory structures with a minimum ten-foot side yard and rear yard setback. Guest houses shall be constructed no closer than ten feet from the principal structure.
3. No fee for rent or utilities may be accepted for the use of guest houses.
4. All utilities for accessory guest houses shall be metered through the principal residence.

JJ. Corporate/Company Flags Roof Mounted

A corporate or company flag may be roof mounted provided: **(Amendment adopted April 1, 1997)**

1. Mounting devise shall be properly secured to structure meeting all building code requirements.
2. Maximum size of corporate or company flag shall be no greater than five feet by eight feet.
3. The message on the corporate or company flag shall be directly related to the corporation or company occupying the building and bear only the corporate or company name, logo and dates in connection with the firm.
4. The corporate or company flag shall not bear any advertisement.
5. Only one corporate or company flag per building shall be permitted.

KK. Retail sales may be permitted in I-1 and I-1A zoning districts provided such activities are subordinate to the wholesale or manufacturing establishments that are permitted in that district. Such sales shall be directly related to the primary wholesale or manufacturing uses of the property. The retail sales area shall not exceed 10 percent of the gross floor area of the primary structure. No accessory structure shall in any way be used for retail sales purposes. **(Amendment adopted July 10, 2001)**

LL. B-1, Neighborhood Business District Provision **(Amendment adopted May 21, 2002)**

Uses within the B-1, Neighborhood Business District, are subject to the following development criteria:

1. No more than 5,000 square feet of gross floor area per permitted use or business shall be allowed.
2. No more than five employees may work at the same time in all retail uses.
3. Open outside storage shall not be permitted.
4. Hours of operation shall be restricted to between 6:00 a.m. and midnight.
5. Drive-thru sales and services are not permitted.

6. All exterior lighting shall be located, angled, shielded, and/or limited in intensity so as to cast no direct light upon adjacent properties. Except for street lighting, no exterior lighting shall be located higher than 15 feet above ground or pavement.
7. Where possible, parking lots shall be located at the rear or at the side of buildings and shall be screened from the sidewalk by low walls, fences, or hedges.
8. Where possible, access to off-street parking areas shall be from the rear and/or side of the lot.
9. Where possible, adjacent parking lots shall have vehicular connections via an alley or driveway.
10. Where adjacent on any side to a residential use, an off-street parking area shall provide opaque screening and/or landscaping to buffer the residential use.
11. A maximum of two dwelling units may be provided on the upper levels of a building containing a first floor commercial or office use.

MM. Manufacturing Plants and Public Service Facilities Such as Radio and Television Studios, Telephone Exchanges and Similar Uses Providing Public Services That Were Made Non-Conforming by the Adoption of the Present Zoning Ordinance: Manufacturing plants contributing to the economic well-being of the City through the employment of significant numbers of people and other facilities of the nature listed above that render public services to the citizens of the City may be permitted to continue to operate and expand in any zoning district, provided such plant was established and operating on June 15, 1971, and was, at that time, made non-conforming by the adoption of this ordinance and provided further that the City Council shall find that the operation and/or expansion will not adversely affect the environmental quality of the surrounding neighborhood. **(Amendment adopted June 3, 2003)**

1. Conditions for Expansion or Continued Operation: Such requirements as are deemed appropriate by the Planning and Zoning Commission and/or the City Council for the purpose of preventing adverse environmental impact upon surrounding property.
2. Mandatory Stipulation of Requirements: The Planning and Zoning Commission shall recommend and/or the City Council shall require minimum setbacks for all property lines and shall specify orientation of building openings, parking lots, loading and unloading areas, ingress and egress drives and walks, lot coverage, landscaping, screening, lighting and advertising sign control. The minimum requirements for expansion of any plant under these provisions shall be the requirements

established in this ordinance for such use in the most restrictive district in which such use is permitted as a matter of right.

NN. Quarries or Other Extractive Industries: The quarrying, mining, stripping or other removal of elements, minerals, rock, gravel, sand, soil, clay, topsoil or other substances for non-farm purposes may be permitted in a CI District, subject to the following regulations: **(Amendment adopted June 3, 2003)**

1. The minimum lot area shall be five acres.
2. Where the final slope of areas being excavated will exceed 30 percent, such areas shall be enclosed with a fence at least five feet high not less than ten feet from the excavation's edge wherever in the City Council's judgment such fence shall be necessary for safety. Excavated areas, stockpiles, waste storage piles and associated processing, storage and loading areas shall be screened from view from major thoroughfares and collector streets and from Residential Districts. Screening shall consist of an opaque screen as defined Section 32.10.
3. No blasting operations shall be conducted during the hours from 6:00 p.m. to 7:00 a.m. or at any time in such a way as to cause nuisance or hazard to other property owners by way of noise, vibration, dust or flying debris.
4. No operations shall impede the normal flow of any stream or watercourse, silt up or pollute any stream, undermine any public road or bridge or promote flooding on adjacent property.
5. Upon discontinuance of operations, all buildings and equipment shall be removed, and excavated areas shall be rehabilitated in accordance with a rehabilitation plan to be filed with the application for Conditional rezoning. The objective of the rehabilitation plan shall be to return the site as nearly as possible to its original condition or to such condition that it will be suitable for a specified alternate use. The rehabilitation plan shall indicate proposals for regarding, refertilization, replanting and the storage and protection of topsoil removed during the course of operations.
6. The estimated cost of carrying out the rehabilitation plan shall be filed with the application. Said estimate shall be certified as approximately correct by a civil engineer licensed to practice in the State of North Carolina.
7. A rehabilitation bond, payable to the City and in a form approved by the City Attorney, shall be required in an amount equal to the estimated cost of carrying out the rehabilitation plan. Said bond shall be maintained as a legally binding obligation until such time as the City Council determines that all rehabilitation work has been satisfactorily

completed. If the City Council finds that extractive uses have been discontinued for a period of 12 consecutive calendar months and that no major attempts have been made to implement the rehabilitation plan, it shall order forfeiture of the bond and the proceeds shall be used to carry out, to the extent possible, the rehabilitation plan.

8. As a prerequisite to the approval of a Special Use Permit, the City Council shall find that the use will not endanger the public safety and that vehicular access will not require the use of streets predominantly developed with residential properties.

OO. Mobile Home Parks: A mobile home park, defined as any premises used or intended to be used or occupied by mobile homes, but not including sales lots, may be permitted in CR Conditional Residential Districts, subject to the following regulations: **(Amendment adopted June 3, 2003)**

1. Minimum Area of Park: Every mobile home park shall be located on a well-drained site of not less than six acres. A public street may divide the site, provided that each conterminous portion of the site shall contain not less than two acres, and the average horizontal dimensions shall be not less than 120 feet. Every mobile home park shall be so graded as to prevent the accumulation or ponding of water on the premises. No mobile home park shall be located in a 100-year flood plain or other area subject to flooding. The drainage of any mobile home park shall not endanger any public or private water supply. **(Amendment adopted August 19, 1986)**
2. Internal Circulation: Vehicular circulation within the park shall be by way of a private driveway or by way of a public street meeting all City standards. For the purpose of this section, a private driveway shall be defined as a paved vehicular roadway maintained in a serviceable condition to a continuous width of 25 feet, exclusive of required parking spaces. All mobile home lots that are to be sold for owner-occupancy shall have frontage on and access to a public street. Private driveways shall have unobstructed access to a public street. If public streets are provided for internal circulation, up to 60 feet of the width of such streets may be counted toward the area of the park in meeting the requirements of Paragraph 2 above, but streets that are dedicated prior to the date of requesting the Conditional rezoning shall not be counted as part of the park area. Two off-driveway parking spaces shall be provided and maintained for each mobile home space. Required parking spaces may be included within the square feet required for each mobile home space. Parking spaces shall not be located over any part of a septic tank system or the area designated as repair space for the sewage system. **(Amendment adopted June 3, 2003)**

3. Greenbelt: A greenbelt planting strip, not less than 20 feet in width, shall be located along all perimeter boundaries of the mobile home park not bordering a public street. The greenbelt shall include an opaque screen as defined in Section 32.22. No mobile home or other structure and no driveway shall be located in the greenbelt.
4. Mobile Home Lots: The site plan shall indicate "lot lines" that mark off the space to be associated with each mobile home, regardless of whether the spaces are to be sold, rented or leased. The area within these lot lines shall be regarded as a mobile home lot for the purpose of this ordinance. Yards and setbacks shall be measured from these lot lines. No more than one mobile home may be parked on any mobile home lot.
5. Minimum Lot Size: The minimum area of a mobile home lot shall be not less than 6,000 square feet when connected to municipal/community water and sewer facilities. The minimum lot size for mobile home spaces using septic tank systems shall not be less than 12,000 square feet for a two-bedroom mobile home and 15,000 square feet for a three-bedroom mobile home with a lot width of not less than 80 feet wide. **(Amendment adopted August 19, 1986)**
6. Minimum Lot Width: All new mobile home parks or additions to existing mobile home parks shall have mobile home spaces not less than 50 feet wide that shall be open and unobstructed. For width regulations for mobile home parks using septic tank systems, see Paragraph 6 of this section. In all cases, the corners of each mobile home space shall be plainly marked by corner markers. **(Amendment adopted August 19, 1986)**
7. Minimum Setback (Front Yard): No mobile home shall be located less than 20 feet from a private driveway or public street.
8. Minimum Side Yard: There shall be a side yard along each side of every mobile home lot. Each side yard shall be at least ten feet wide. The distance between mobile homes, including any enclosed extension thereof, shall not be less than 20 feet. No mobile home shall be located closer than 15 feet to any exterior property line of the mobile home park or to any other structure on the premises. Where exterior property lines of the mobile home park are coincident with public street rights-of-way, all mobile homes and structures within the park along such rights-of-way shall observe the front yard setback required by Section 32.3 of this ordinance. **(Amendment adopted August 19, 1986)**
9. Minimum Rear Yard: Ten feet except that, where a mobile home lot abuts a greenbelt to the rear, no rear yard shall be required. **(Amendment adopted January 7, 1992)**
10. Accessory Buildings: Notwithstanding any other provisions of this ordinance, no accessory building shall be located within a required front or side yard or a greenbelt. Accessory buildings may be located in a required

rear yard but not less than five feet from any lot line. An accessory building in the required rear yard of a corner lot shall not project beyond or nearer to the street than the front setback line, as extended, of the lot adjacent thereto and whose front yard abuts thereon.

11. Usable Open Space: A minimum of eight percent of the net land area of the mobile home park shall be provided in usable open space, as defined in Section 32.22. "Net land area" shall be defined as the gross area of the park minus the land area in public streets and greenbelts. The usable open space shall be centrally located with respect to the mobile homes it will serve. It may be provided in one or more locations, but no conterminous portion of the usable open space shall have an area of less than 5,000 square feet or an average dimension of less than 60 feet. The location and size of such areas shall be clearly shown on the site plan.
12. Laundry Building: Automatic clothes washing and drying machines may be provided in a separate building when at least 50 mobile homes are occupied in the park. The size and location of the building and the lot on which it is to be placed shall be indicated on the site plan. The minimum lot size for such a building shall be 2.5 percent of the net land area of the mobile home park. The maximum floor area of the laundry building shall be 0.5 percent of the net land area of the mobile home park. The building shall not be nearer than 20 feet from any line of the lot that it occupies. No such building shall abut any public street that gives access to any property other than the mobile home park.
13. Fire Protection: The park shall meet the standards for adequate fire protection established by the National Fire Protection Association Bulletin No. 501A, a copy of which is on file in the Building Inspector's office.
14. Site Planning: It is the intent of this ordinance that mobile home parks shall be permitted as a Special Use only upon evidence that a desirable environment for family living will result. To this end, consideration will be given to amenities of the site plan such as the degree of privacy afforded to each unit, protection from adjacent commercial and industrial activities, recreational facilities, landscaping and avoidance of traffic congestion. Placing mobile homes side by side with their long axes parallel should be avoided unless the distances between them are substantially increased above the minimums specified herein. **(Amendment adopted August 19, 1986)**

The plans and specifications, accompanied by a legal description of the property shown and referenced to major streets and tax map number, shall be drawn to scale and must clearly show the extent and area to be used for the mobile home park purposes. The plans shall clearly show, but not be limited to, the following:

- a. The number, size and locations of all mobile home spaces.

- b. The source of water supply and distribution system.
- c. The size and location of septic tank systems or the sewage treatment and disposal system for mobile home parks using the disposal facilities of a municipality or sanitary district.
- d. The location and specifications of water taps, water lines, sewage disposal connections and other facilities on each mobile home space.
- e. The location of all buildings, proposed or existing, in the area to be used as a mobile home park and the number and kind of sanitary facilities, if any, to be housed therein.
- f. The location of all roads, driveways and walkways serving the mobile home park and each mobile home space.
- g. The original and finished grade of the property.
- h. The location of underground water, gas, electric and telephone wires.
- i. The location by insert map showing true north.
- j. A plan for providing fire protection and safety, where applicable.
- k. Engineering plans for the water and sewer lines shall be prepared and presented to the following agencies for review and approval:
 - (1) Environmental Management – Winston-Salem (if required)
 - (2) Water Supply Branch – Winston-Salem (if required)
 - (3) Health Department
 - (4) Inspections Department
 - (5) Sanitary District (as applicable)
- l. Approval must be obtained from the appropriate state and local agencies for construction of the systems if required.
- m. The City Engineer shall certify to the Health Department in writing that the system has been installed according to the approved plans.
- n. A copy of the certification by the City Engineer will be provided to the appropriate agencies.
- o. All other required permits shall be obtained prior to approval of plans for the mobile home park.
- p. No permit for the mobile home park shall be issued unless and until all requirements of the Alamance County Health Department have been met.

- q. Methods of garbage disposal shall be specified in the plans.
 - r. Plans approved by the City shall be submitted to the Alamance County Health Director for any required approval of that agency.
- PP. Junk Yards, including junked automobile storage, may be permitted in CI Districts, subject to the following regulations: **(Amendment adopted June 3, 2003)**
- 1. Screening: An opaque screen eight feet in height shall be required around all boundaries. Any planted opaque screen shall be at least four feet high when set out.
 - 2. Setback Observance: No required front or side yard shall be used for storage purposes.
 - 3. Distance from Residential Property: No such activity shall be permitted within 200 feet of any residentially-zoned property.
- QQ. Unified Business Developments: A development containing two or more business establishments that will be constructed on one or multiple properties that are contiguous and when combined equal three or more acres. The development must be planned, organized, and managed to function as a unified whole and feature the following: 1) common driveways; 2) common parking; 3) common signage; and 4) a common landscaping plan. Such integrated developments may include out-parcels for lease or for sale that may be intersected by public streets. A Unified Business Development may be permitted in the districts indicated in Section 32.9, Table of Permitted Uses, subject to the following requirements: **(Amendment adopted June 3, 2003)**
- 1. Permitted Uses: Uses permitted in a Unified Business Development shall be the same as the uses permitted in the B-2 District as indicated in the Table of Permitted Uses, Section 32.9, except for the following uses that are not permitted in a Unified Business Development: automobile body and fender repairing; automobile sales, new and used; automobile laundries; automobile repair shops; bottling works; boarding houses, rooming houses; cemeteries; drive-in restaurants except in accordance with Paragraph 4, below; drive-in theaters; dwellings of any type; electrical shops; funeral homes; golf courses, par-three; golf driving ranges; laundries unless meeting the requirements of Section 32.10:K.; motor vehicles, agricultural implements, heavy machinery sales, repair, rental or storage; plumbing shops; sheet metal, roofing shops; transportation terminals, freight; travel trailer parks; wholesale

establishments; warehouses, sales or service; woodworking shops. In addition, a Unified Business Development located within a B-1 District is limited to the uses permitted by the Table of Permitted Uses, Section 32.9, for the B-1 Neighborhood Business District. **(Amendment adopted May 21, 2002)**

2. Special Requirements: All permitted uses shall be subject to the applicable special requirements referred to in the Table of Permitted Uses, Section 32.9, and spelled out in Section 32.10.
 - a. Parking, Landscaping, Street Access, Dimensional Requirements, and Signs: A development qualifying as a Unified Business Development (refer to definition) shall be treated as a single lot, even if the development exists on multiple lots, for purposes of providing off-street parking, required planting yards, required street access, required dimensional requirements (including setbacks) and signs, even if out-parcels are included within the development. **(Amendment adopted November 6, 2001)**
 - b. Plat and Notice Requirements: For developments organized as a Unified Business Development, a plat and/or notice shall be recorded displaying a prominent note identifying it as such and explaining that the property must be developed with common driveways and off-street parking and be subject to a common signage plan and a common landscaping plan. **(Amendment adopted November 6, 2001)**
3. Location: Such developments shall abut a major thoroughfare or minor arterial or collector street (existing or proposed) as shown on the Burlington-Graham Thoroughfare Plan and have direct access thereto.
4. Other Restrictions on Permitted Uses: All business establishments shall be retail or service establishments dealing directly with the public. All goods produced on the premises shall be sold at retail on the premises. All primary uses shall be conducted within completely enclosed buildings except the sale of plants and flowers and except for sidewalk cafes subject to the City Council's approval of the location of such outdoor uses. Any other uses that are not conducted within a completely enclosed building must be accessory to or incidental to a primary use that is located within completely enclosed buildings. Such outdoor uses must be approved as to type, location, screening and extent by the City Council. No drive-in establishments offering goods or services directly to customers waiting in parked cars shall be permitted except when the location of any building used for such purposes and the access drives thereto have been approved by the City Council. **(Amendment adopted August 21, 1990)**
5. Minimum Lot Area and Width: No minimum.

6. Maximum Building Height: Same as for other buildings in the district in which the Unified Business Development is located. See Sections 32.3 through 32.8.
 7. Minimum Setback from Streets: No building shall be located less than 30 feet from the nearest street right-of-way line or the minimum front setback for the district in which it is situated, whichever requires the greatest setback. The above provision does not apply to B-1 Neighborhood Business District setbacks. For a Unified Business Development in the B-1 Neighborhood Business District, see 32.6:A. **(Amendment adopted May 21, 2002)**
 8. Minimum Setback from Interior Lot Lines: No building shall be located less than 20 feet from an interior lot line when the adjoining lot is in a Residential District or less than 10 feet from an interior lot line when the adjoining lot is in a non-residential district.
 9. Minimum Setbacks for Buildings Taller Than Two Stories: The minimum setback distances given in Paragraphs 8 and 9 immediately above shall be increased for buildings over two stories in height, by ten feet for each story over two when a residential district adjoins, or five feet for each story over two when a nonresidential district adjoins.
 10. Screening: An opaque screen shall be provided wherever, in the City Council's judgment, such screening is necessary to shield adjacent residential districts from parking lot illumination, headlights, fumes, heat blowing papers and dust and to reduce the visual encroachment of commercial architecture, signs and activity on residential privacy and residential neighborhood character.
 11. Signs Permitted: Signs permitted in a Unified Business Development shall be in accord with the regulations for Unified Business Developments set out in Section 32.12:FF. of this ordinance. **(Amendment adopted November 6, 2001)**
 12. Expiration of Unified Business Development Special Use Permit: When a development ceases to meet the definition of this ordinance, the Special Use Permit associated with the development will be deemed to have expired. Before any future permits can be issued for the property, all conventional ordinances and regulations must be met. **(Amendment adopted November 6, 2001)**
- RR. Telecommunications Towers: Telecommunications towers may be permitted in Conditional Business (CB) and Conditional Industrial (CI) Districts and within other districts as provided in Section 32.10:HH of this ordinance and subject to the following regulations: **(Amendment adopted June 3, 2003)**

1. Setback and Height Requirements: No telecommunications tower may be permitted on a site unless the minimum distance from the base of the tower to the nearest property line shall be equal to or greater than the height of the tower. City Council shall have the option to waive this provision upon receiving documentation from the petitioner that the tower is engineered such that in the event of collapse, the tower will fall upon itself within the property boundaries upon which it is located. This option may require the establishment of a setback equivalent to a fall zone easement certified by a Professional Engineer registered in North Carolina. The minimum setback for a tower and all appurtenant structures shall be 25 feet from the nearest property line. Where towers are located adjacent to residentially-zoned property, the minimum setback from such property lines shall be twice the height of the tower. However, in the case of monopole towers, the minimum distance from adjoining residential property shall be the height of the tower or 75 feet, whichever is greater.
2. Appurtenant Structures for Tower Operations: An appurtenant structure constructed for the express purpose of housing equipment related to tower operations may accompany each tower. Such structures shall be unmanned and be limited to 400 feet gross floor space. Setback for these structures shall be at least five feet from any property line.
3. Power Output and EMF Emissions: The output power for towers shall not exceed federally-approved levels for exposure to electronic magnet force (EMF). The petitioner shall certify that the tower operations will not interfere with normal radio and television reception in the vicinity.

Towers shall be provided with warning lights pursuant to Federal Aviation Administration and Federal Communications Commission guidelines.

4. Minimum Distance Between Towers: Towers established pursuant to this ordinance and greater than 75 feet in height shall be located no closer than 1,000 feet from another tower greater than 75 feet in height.
5. Co-Location and Conformance with Telecommunications Plan: The co-location of telecommunications operations on towers shall be encouraged. Towers not exceeding 150 feet in height shall be adequately designed and of sufficient height to accommodate at least one additional user. Towers greater than 150 feet in height shall be designed to accommodate multiple additional users.

Where new tower sites are proposed, vendors shall provide documentary evidence that their telecommunications needs cannot be met by existing towers through co-location. Vendors shall also demonstrate that proposed new towers are consistent with the City of Burlington Comprehensive Telecommunications Plan.

SS. Continuing Care Retirement Community (CCRC): **(Amendment approving section adopted April 6, 1999)**

1. Purpose: The purpose of Continuing Care Retirement Communities is to encourage the development of appropriate and adequate housing communities for the elderly. Recognizing that the elderly have special housing, medical and other needs and that elderly housing and related accessory uses have a less intense impact on the community than traditional housing types, Continuing Care Retirement Communities shall be allowed by Conditional rezoning in accordance with the following provisions that depart from the strict application of conventional use, density and dimensional requirements of the Residential, Multifamily and Office-Institutional zoning districts. Use of the CCRC procedure is not mandatory for the development of any parcel of ground. Rather, the process will provide a voluntary alternative development procedure that will: **(Amendment adopted June 3, 2003)**
 - a. Permit creative approaches to development of a retirement center reflecting changes in the technological methods of treatment and/or development.
 - b. Accomplish a more desirable environment than would otherwise be possible and providing a variety of housing types, design and arrangement.
 - c. Provide for an efficient use of land that can result in smaller networks of utilities and streets and thereby lowering costs.
 - d. Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities and the provision of open-space areas.
 - e. Provide an environment of stable character that is compatible with surrounding residential areas and other adjacent land uses, the general development plan, existing and proposed topography and utilities.
2. Development Plan: A development plan must be submitted at the time of Conditional rezoning application and must demonstrate that the proposed CCRC, while departing from the strict application of the conventional district requirements, is in keeping with the intent of this ordinance. **(Amendment adopted June 3, 2003)**
3. Site Development: Development within the CCRC shall conform to the development plan and associated requirements approved by the City Council. Modification of the development plan may be made by the City Council subsequent to its initial approval upon application by the owner of the property.

4. Building Permit and Certificate of Occupancy: No building permit or Certificate of Occupancy shall be issued until the City Council has approved the rezoning. No structure or use other than as indicated on the development plan shall be permitted.

5. Development Density: Development density shall be determined at the time of rezoning approval and will be computed based only on the number of independent living units, both single-family and multifamily. Density may not exceed five units per acre, except as permitted below:
 - a. A density bonus may be approved by the City Council in accordance with the following ratio of total land area to usable open space. In each case, the City Council must make a finding that the development will result in a significantly better environment than that would otherwise occur in accordance with the established permitted density.

 - b. Tentative application of the density bonus shall be included in the outline development plan for review and approval.

 - c. The usable open space density bonus may apply to open space that is either contained within the confines of the CCRC, to open space for which a dedication and acceptance is made to the local government, or to a combination of both.

 - d. Density Bonus Scale:

<u>Percent of Area To Be Usable Open Space</u>	<u>Percent Density Bonus</u>
20 - 29.01	5
30 - 39.01	10
40 - 49.01	15
50 or more	20

6. Dimensional Requirements:

- a. Minimum tract area is five acres.

- b. Single-family dwellings on a separate lot within the CCRC:

Minimum lot area	3500 square feet
Minimum side setback	8 feet (unless zero lot line, then one side may be zero square feet)
Minimum front setback	15 feet
Minimum rear setback	15 feet
No minimum lot width specified	

- c. The minimum distance between buildings on the same lot shall be in accordance with Section 32.4.A(9) except that single-family dwellings may be a minimum of 10 feet apart.
- d. Maximum height for single-family dwellings: 35 feet. Maximum height of all other buildings shall be 35 feet except that the height may be increased provided the building setback from all property lines perimeter to the CCRC equals or exceeds the height of the building.
- e. A perimeter-landscaped yard equal to the setback of the adjacent zoning district is required. Additional screening may be required as determined by the City Council. Required building setbacks may overlap the perimeter yard.

7. Development Standards:

- a. Site planning in the proposed development shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse impacts within the development. Consideration will be given to the location of uses, screening, setbacks and street design and arrangement in the evaluation of the relationship of the development to its surrounding area.
- b. Access and circulation shall adequately provide for firefighting equipment, service deliveries and refuse collection.
- c. Underground installation of telephone, power and cable TV lines is encouraged but not required.
- d. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters and piping to handle storm water and prevent erosion.
- e. Pedestrian paths shall form a logical, safe and convenient system for pedestrian and handicap access to all on-site buildings and facilities as well as major off-site destinations.
- f. Parking shall be provided as follows:
 - (1) One space per single-family dwelling.
 - (2) One space per four dependent living units or nursing care beds.
 - (3) One space per 300 square feet of administrative, employee or

staff area.

- (4) Parking for accessory uses shall be determined at the time of rezoning approval.

g. Lot coverage shall not exceed 70 percent of the total land area. h.

Open space:

- (1) A minimum of 20 percent of the gross land area shall be usable open space as defined in Section 32.22. A maximum of one-half the open space may be covered by water.
- (2) Usable open space must be suitably improved for its intended use, but usable open space containing natural features clearly worthy of preservation may be left unimproved. The buildings, structures and improvements that are permitted in the usable open space must be appropriate to the uses that are authorized for the usable open space and must conserve and enhance the amenities of the area having regard to its topography and unimproved condition.
- (3) All uses authorized for usable open space must be appropriate to the scale and character of the CCRC development, considering its size, density, expected population, and relationship to health care facilities and independent living dwelling units.

TT. Townhouses: Townhouses, defined as one or more residential structures comprised of one or more single-family residences intended for owner-occupancy, shall be subject to the following regulations: **(Amendment adopted December 19, 2006)**

1. Dimensional Requirements: Townhouse developments shall be exempt from conventional minimum lot area and other dimensional requirements. However, maximum overall density shall not exceed the density established for the district in which the development is proposed. Lot area, yard, height and other requirements shall be as follows:

ZONING DISTRICT

	R-15 R-12 R-9 R-6	MF-A	MF-B	O-I	B-2	B-3
Minimum total lot area comprising townhouse development (acres)	2	1	1	1	1	1
Minimum individual townhouse lot area (square feet)	1,600	1,600	1,600	1,600	1,600	1,600
Minimum front, side or rear yard abutting a street, a private road or the external boundary of townhouse development (feet) (Amendment adopted March 16, 2004)	25	25	25	25	25	25
Maximum height (feet) (Amendment adopted March 21, 2006)	50	50	50	50	50	50
Maximum lot coverage of townhouse development (Amendment adopted March 16, 2004)	55%	55%	55%	55%	55%	55%
Minimum usable open space (% of total townhouse development) (*Amendment adopted July 19, 1988)	*25%	10%	6%	25%	6%	6%
Maximum number of contiguous townhouses	10	10	10	10	10	10
Minimum distance between townhouse (Amendment adopted March 21, 2006)	See Note A	See Note A	See Note A	See Note A	See Note A	See Note A
Minimum lot width (feet)	18	18	18	18	18	18

Note A: The distance between detached townhouses, whether they are buildings with multiple units or individual structures, shall be determined by the requirements of the North Carolina Residential Building Code.

2. Access: Townhouse developments shall abut a public street. Individual townhouse lots need not abut a public street provided that every dwelling unit shall be provided access to their property via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with other property owners in the townhouse development. Adequate access shall be provided for firefighting equipment, service deliveries and refuse collections. **(Amendment adopted December 19, 2006)**