

ARTICLE 4 USE REGULATIONS

4.1 GENERAL OVERVIEW

4.1.1 General

Uses permitted by right or as a special use pursuant to Sec. 2.3.5 *Special Use Permit*, in each zoning district shall be determined from the Use Table (Table 4.2.2). The use regulations within overlay districts shall be determined by the uses allowed in the underlying base districts, as may be modified by Article 6: *Overlay District Regulations*. Additional use regulations for the Planned Development Districts are specified in Sec. 2.3.4 *Planned Development Districts*.

4.1.2 Outside Storage and Sales

- A) The purpose and intent of this section is to allow outside storage, display, and sales/rentals in the RA, MORR, O&I, B1, B2, PC, TF, LI, MEC-CZ, TND-CZ, PUD-CZ, and SD-CZ districts provided that such outside storage, display, and sales/rentals are within designated areas that are adequately screened and meet the standards listed within this section. However, this section does not apply to "Vehicle sales and rental, light".
- B) Unless specifically permitted for a particular use and on a site-specific development plan, no outdoor storage, display, or sales/rentals are permitted in any district.
- C) In the Central Business District, outdoor display and sales/rentals located on public sidewalks must comply with the following requirements:
- 1) Outdoor display and sales/rentals shall be located, situated, and conducted in a manner that maintains, and does not encroach into, a 36-inch clear accessible pedestrian travel path between the brick utility strip adjacent to the sidewalk and the area designated for outdoor display and sales/rentals; and
 - 2) Outdoor seating and items used in connection with sidewalk cafés, including but not limited to chairs and tables, shall not encroach into the 36-inch clear accessible pedestrian travel path.
- D) For those uses that are permitted to have outdoor storage, display, or sales/rentals, the area to be used for outdoor storage, display, or sales/rentals:
- 1) Must only be those areas designated as outdoor storage, display, or sales/rentals on a site-specific development approval.
 - 2) Must meet building setbacks (see Sec. 5.1 *Table of Intensity and Dimensional Standards*).
 - 3) *Industrial and Commercial Uses*
 - a) For industrial uses, must be located within the side yard and/or rear yard; no outdoor storage, display, or sales/rentals are permitted in the front yard.
 - b) For commercial uses, must be located within the side and/or rear yard and/or in the front yard if located entirely under the permanent primary building canopy.

For commercial uses displaying outdoor sales of plants, produce, and cut flowers, the following applies:

- (i) Must not extend more than 10 feet out from the building or fenced outside sales/display area.
 - (ii) Must not exceed 25% or 100 feet of the length of the building, whichever is less.
 - (iii) Must not exceed six (6) feet in height.
 - (iv) Must not interfere with 8.4.4 *Pedestrian Flows*. Outdoor displays shall maintain five (5) feet of sidewalk clear for pedestrian flow. Sidewalks also maintaining a display area must continue to meet NC State Building Code and ADA compliance requirements.
- 4) Is limited to areas that are surfaced with asphalt, concrete, gravel or other materials that are equal in quality (if approved by the Planning Director).
- 5) In the case of storage of materials posing an environmental hazard, such as soil, fertilizer, lumber or other loose, unprotected material, shall be fully contained to prevent leaching or run-off.
- 6) Must be enclosed with a fence if they are secondary to the primary use or structure. In addition, the area and all goods stored, displayed, or for sale/rental must be screened from off-site view, except under the permanent primary building canopy, where goods simply cannot extend past the canopy. Screening shall be achieved through the use of opaque fencing or evergreen plants. Chain-link fencing with vinyl slats is not considered opaque fencing and is not allowed for screening purposes. Plants must be six (6) feet tall or the height of goods stored, displayed, or for sale/rental (whichever is less) at the time of planting and must reach the height of the goods stored, displayed, or for sale/rental within three (3) years of planting. Tractor trailers and similar enclosures must be located within the fenced storage, display, and sale/rental area. See also Sec. 8.2.8.A *Screening*.
- 7) Must meet all parking requirements of Sec. 8.3.2 *Off-Street Parking Requirements*. In no case shall any parking space designated on a site-specific development plan be used for outdoor storage, display, or sales/rentals.
- 8) Must not interfere with 8.4.4 *Pedestrian Flows*. Outdoor displays shall maintain five (5) feet of sidewalk clear for pedestrian flow. Sidewalks also maintaining a display area must continue to meet NC State Building Code and ADA compliance requirements.