

Section 3.05 CB Community Business District

Intent - *CB Districts* are established to provide a location for high volume and high intensity commercial uses. Activities in this *district* are often large space users which may include limited amounts of *outdoor sales* or *outdoor operations*. Developments within the *CB District* shall be coordinated to facilitate vehicular and pedestrian access from nearby residential *districts*.

A. Permitted Uses.

1. Primary Uses.

- a. Automotive Sales & Service: Automobile Parts Sales (new); *Quick Oil Change Facility*; Car Wash (automatic or self); Gasoline Service Station without repair; Motor Cycle/Scooter Sales. [Amended Ordinance #08-13; #10-11]
- b. Clothing Service: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental. [Amended Ordinance #10-11]
- c. Communication / Utilities: Public Utility Substation. [Amended Ordinance #10-11, 15-10]*
- d. Educational Uses: School – Commercial, Trade or Business. [Amended Ordinance #10-11]
- e. Food Sales and Service: Bakery – Retail; *Bar*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; Meat Market; Restaurant – Drive In; Restaurant – Drive Through; Restaurant – Fast-food; Restaurant – Sit-down; *Tavern*; Yogurt Store – Retail. [Amended Ordinance #10-11]
- f. Miscellaneous: Agriculture Seed Sales; *Artificial Lake*; *Bed & Breakfast*; Bus Station; Clinic – medical, dental or optometrists; Electrical / Electronics Repair; Hospital; *Hotel*; Kennel (with indoor runs); *Motel* (not within a *Gateway Corridor*); Print Shop; Publishing; *Sign Painting*; Radio / Television Stations (without transmission towers); Rehabilitation Center; Sanitarium; *Tourist Home*; Veterinary Hospital. [Amended Ordinance #10-11]
- g. Office / Professional Services: Architect; Artist; Bank Machines (ATM's) – Walk-up; Bank Machines (ATM's) – Drive Through; Bank Machines (ATM's) – Free Standing; Bank / Savings & Loan / Credit Union; Construction Companies; Consultant; Contractors; Dentist; Design Services; Engineer; Home Remodeling Companies; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio;

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Professional Offices; Real Estate Office; Travel Agency. [Corrected typographical error: Supplement 314]*, [Amended Ordinance #10-11, 11-08]

- h. Personal Service: Barber Shop; Beauty Shop; Health Spa or Fitness Center; Locksmith; Tanning Salon. [Amended Ordinance #10-11]
 - i. Public Facilities: *Neighborhood Recycling Collection Point*; *Parking Garage*; Parking Lot – Commercial; *Religious Use*. [Amended Ordinance #10-11, #12-08]
 - j. Recreation: Aerobics Studio; Arcade; Bait Sales; Banquet Hall; Billiard Room; Bowling Alley; Dance Studio; Miniature Golf – indoor; Private Recreation-indoor; Skating Rink (ice or roller) – indoor; Social Hall; Tennis / Racquet Club – indoor; Theater – indoor. [Amended Ordinance #10-11]
 - k. Residential: *Dwelling Unit* – Upper Level; *Nursing Home*; *Rest Home*. [Amended Ordinances #09-08, #09-13, #10-11]
 - l. Retail: Antique Shop; Apparel Shop; Appliance Store; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Convenience Store; Department Store; Drug Store; Fabric Store; Floor Coverings; Flower Shop; Frame Shop; Furniture Store; Garden Supply; Gift Shop; Hardware Store; Hobby, Toy or Game Shop; Home Improvement Store; Jewelry Store; Liquor Store; Lumber Yard; Music Store; Newsdealer; Paint Store; Pet Store; Radio, TV, Music Sales and Service; Retail Showroom; Satellite Dish Sales and Service (indoor display); Shoe Store; Sporting Goods; Stationery and Book Store; Tobacco Store; Variety Store; Video Store; Wall Coverings. [Amended Ordinance #10-11]
2. *Special Exception Uses*. [Re-numbered Ordinance #20-01]*
- a. *Any project or subdivision*, not located in an existing *building or structure*, located on a *lot* designated as Regional Center, as specified in the *Comprehensive Plan*, Section 1 Land Use & Character, Future Land Use Map, which is subject to any *development plan* provisions of this UDO for Architectural and Site Design Review or *development options*. [Added Ordinance #20-01]*
 - b. Automotive Sales & Service: *Automotive Repair – Minor*; Gasoline Service Station with minor repair (not to exceed two (2) accessory indoor service bays). [Amended Ordinance #08-13; #10-11]
 - c. Governmental Use: Fire Station; Governmental Offices; Municipal/State Road Maintenance Facility; Police Station; Post Office – with or without parking of delivery vehicles. [Amended Ordinance #04-13; #10-11]

- d. Communications / Utilities: *Telecommunications Tower*; Electricity Relay Station; Non-municipal Pumping Stations; Water Towers. [Amended Ordinance #05-01, 15-10]
 - e. Miscellaneous: Kennels (with outdoor runs); *Motel* (within a *Gateway Corridor*); Radio / Television Stations (with transmission towers). [Amended Ordinance #10-11]
 - f. Public Facilities: Athletic Field – Public; Community Center; Public Park; Public Recreation Development; Recreation Center; *Recycling Facility*. [Amended Ordinance #10-11, 12-08]
 - g. Recreation: Arcade; Miniature Golf – outdoor; Skating Rink (ice or roller) – outdoor; Tennis / Racquet Club – outdoor; Theater – outdoor. [Amended Ordinance #10-11]
 - h. Residential: *Dwelling, Multifamily* – with Mixed-Use Option Development; *Multifamily Townhouse* – with Mixed-Use Option Development; *Single Family Dwelling* – with Mixed-Use Option Development. [Amended Ordinance #09-08; 10-11, 20-01]*
 - i. Retail: Satellite Dish Sales and Service (outdoor display). [Amended Ordinance #10-11]
 - j. Educational Uses: Child Care Centers; Private School. [Added Ordinance #05-11; 10-11]
3. Accessory Uses – See Section 3.07, A. – Accessory Uses, Buildings and Structures.
4. Temporary Uses – See Section 3.07, B. – Temporary Uses, Buildings and Structures

B. Development Standards. [Amended Supplement #7 corrected formatting]

1. Minimum *Lot Width* and *Frontage* - each *single use site, subdivision, or integrated center* shall have a minimum *frontage* on a *public street* of 100 feet.

Each *lot* or *out lot* shall have sufficient *frontage* and *access* as set forth in Section 7.06, B., 1. Lot Arrangement of this UDO. [Amended Ordinance #13-09]

2. *Minimum Yards and Building Setbacks*

- a. Front - a minimum *front yard* and minimum *building setback* measured from the greater of the *proposed right-of-way* or *existing right-of-way* shall be provided as follows:

<i>Freeway - NC-540 / US 1:</i> [Amended Ordinance #14-07]*	100'
<i>Freeway - NC 55 Bypass:</i>	50'
<i>Thoroughfare:</i>	50'
<i>Collector Street:</i>	50'
<i>Local Street / Cul-de-Sac Street:</i>	50'

Provided, however, any 50' minimum *front yard* and minimum *building setback* listed above for a *thoroughfare, collector street, local street* or *cul-de-sac street* may be reduced to 30' by utilizing the following design features: [Amended Ordinance #09-18, #13-09]

- (1) All architectural regulations as stated in Section 3.08 are provided without alternate compliance for the *façade* adjacent to the *front yard*; [Added Ordinance #09-18]
- (2) all *parking areas* are located without a waiver of *parking area* location as stated in 7.04, E., 3. Maximum Number of *Off-Street Parking Spaces*; and [Added Ordinance #09-18]
- (3) no *parking areas* or *interior access drives* are located between the *front lot line* and front line of the *primary building*. [Amended Ordinance #09-18]

- b. Minimum *Side Yard* and *Setback* - shall be provided from the *lot line* as follows:

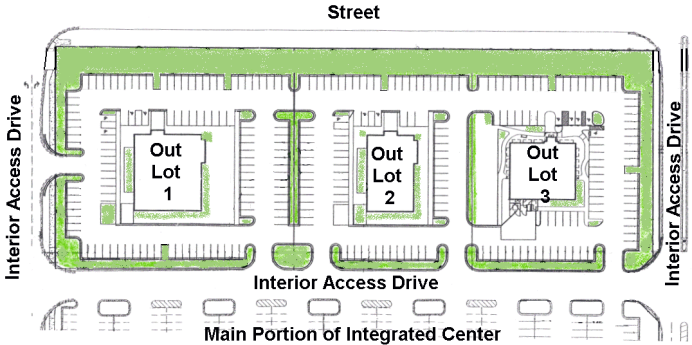
- (1) Minimum *Side Yard* - ten (10) feet
- (2) Minimum *Side Bufferyard* – twenty-five (25) feet

- c. Minimum *Rear Yard* and *Setback* - shall be provided from the *lot line* as follows:

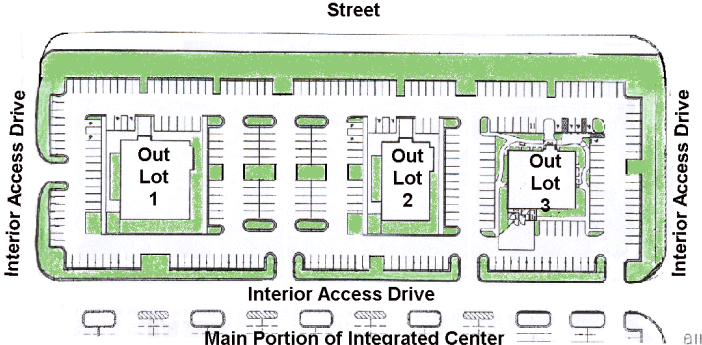
- (1) Minimum *Rear Yard* - ten (10) feet
 - (2) Minimum *Rear Bufferyard* – twenty-five (25) feet
- d. *Minimum Yards for Out Lots* - *Out lots* or *multi-tenant buildings* within an *integrated center* shall provide a *minimum yard* of five (5) feet along all *lot lines* in common with other *out lots* and a *minimum yard* of ten (10) feet along all *lot lines* in common with the main portion of the *integrated center*. If any portion of an *out lot* abuts the perimeter of the *integrated center*, that portion of the *out lot* shall be required to comply with the applicable *minimum front, side* or *rear yard* requirements set forth above. The main portion of the *integrated center* shall not be required to provide a *minimum yard* along the *lot line* in common with an *out lot*. If an *out lot* is for an *individual tenant space* within a *multi-tenant building*, there shall be a *minimum side yard* of zero (0) feet. [Amended Ordinance #13-09]*

Provided, however, the *minimum yards* for *out lots* along all *lot lines* in common with other *out lots* may be used for *parking areas, loading areas, interior drives* or *interior access drives* provided that:

- (1) the area of each such *minimum yard* that would have been devoted to landscaping and the amount of landscape material that would have been required to be installed in each such *minimum yard*, if not complying with the special provisions of this sub-Section, are provided elsewhere on each of the affected *out lots* as either additional *foundation landscaping area* or additional *interior parking area landscaping*; and,
- (2) documentary assurances are provided on the *final plat* or by other legally binding instrument which binds the adjoining *lots* to be developed in compliance with the special provisions of this sub-Section allowing such *minimum yards* to be used for *parking areas, loading areas, interior drives* or *interior access drives* subject to the provision of such additional *foundation landscaping area* or additional *interior parking area landscaping*.



Example of Out Lot Development with Required Landscaping Between Out Lots



Example of Out Lot Development Using Option to Relocate Landscaping From Between Out Lots to Parking Areas and Foundation Areas

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3. Use of *Minimum Yards* and *Bufferyards*

Use of *Minimum Yards* and *Bufferyards* - all *minimum yards* and *bufferyards* shall be landscaped in compliance with the requirements for *perimeter yard* landscaping as set forth in Section 7.01 – Landscape Regulations of this UDO and shall remain free from *structures* except where expressly permitted below:

- a. Minimum *Front Yards* - may include: *driveways*; or, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
- b. Minimum *Front Bufferyards* - may include: *driveways*; or, *signs* as regulated by Section 7.03 – Sign Regulations of this UDO, and shall otherwise be maintained as *open space* free from *buildings* or *structures*;
- c. Minimum *Side and Rear Yards* - minimum *side* and *rear yards* may include: *interior access driveways*; *walkways*; or, pedestrian ways, connecting to adjoining *lots* or developments provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*;
- d. Minimum *Side and Rear Bufferyards* - shall be maintained as *open space* free from *buildings* or *structures*.

4. *Building Height*: [Amended Ordinance #07-03; 20-01]*

- a. Maximum *Building Height* - fifty-five (55) feet; provided, however, that:
 - i. no portion of any *building* located between thirty (30) feet and fifty (50) feet from a *front lot line* shall be in excess of forty-five (45) feet; and,
 - ii. the *setback* for that portion of any *building* or *structure* which is in excess of forty-five (45) feet shall be increased by one (1) foot for each one (1) foot of the height of the *building* or *structure* above forty-five (45) feet until the maximum height of the *building* or *structure* is allowed.
- b. Minimum *Building Height* – twenty-five (25) feet, provided that any *building* or *structure* located on a *lot* designated as Regional Center, as specified in the *Comprehensive Plan*, Section 1 Land Use & Character, Future Land Use Map, shall have a minimum of two (2) stories. [Added Ordinance# 20-01]*

5. *Parking and Loading* - See Section 7.04 – Off-Street Parking Regulations and Section 7.05 – Off-Street Loading Regulations.

6. *Signs* - See Section 7.03 – Sign Regulations.
7. Outdoor Operations - All uses and operations (except *off-street parking*, *off-street loading* and delivery, walk-up customer service windows, drive-through customer service windows, outdoor recreation uses, and outdoor public facilities) shall be conducted completely within enclosed *buildings*, except where expressly permitted below: [Amended Ordinance #12-08]
 - a. Outdoor seating for restaurants:
 - (1) shall not be located between a *building line* and a *bufferyard*;
 - (2) shall not be located in any required *yard* or any *street right-of-way*;
 - (3) shall be located adjacent to the business' tenant bay or storefront façade;
 - (4) shall be included in the calculation of required *foundation landscaping area* and any applicable *building foundation landscaping area* and associated *plant unit value* shall be extended or relocated around the perimeter of the outdoor seating area;
 - (5) shall not exceed twenty-five (25%) percent of the *gross floor area* of the restaurant; [Amended Ordinance #19-03]
 - (6) shall not block the entrance to the business or *building*; and,
 - (7) shall be located so as to not interfere or conflict with sidewalks, pedestrian ways, required *parking areas*, required *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, perimeter landscape *yards* or foundation landscaping.
 - b. Vending machines:
 - (1) shall abut the exterior wall of the *building*; [Amended Ordinance # 14-07]
 - (2) shall not be located in a required *yard* or required *bufferyard*; and [Amended Ordinance # 14-07]
 - (3) no individual machine shall exceed twenty-four (24) cubic square feet. [Added Ordinance # 14-07]
 - c. Outdoor Display or Sales of Merchandise: [Amended Ordinance # 08-12]
 - (1) shall be *accessory* to the *primary use*;

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- (2) shall not exceed the lesser of: five (5%) percent of the gross floor area; or 10,000 square feet, for each non related and separately operated use; provided, however this may be increased to the lesser of: ten (10%) percent of the gross floor area; or 20,000 square feet, for each non related and separately operated use; if those areas are designated as *outdoor display*, or sales/rentals on an approved site specific *development plan*. [Amended Ordinance # 15-10]
 - (3) shall not be located in a *required yard* or *required bufferyard*;
 - (4) shall not extend out more than twenty (20) feet from the front facade;
 - (5) shall not extend out more than fifty (50) feet from any side or rear façade;
 - (6) shall not exceed eight (8) feet in height along the front facade; and
 - (7) shall be located so as to not interfere or conflict with sidewalks, pedestrian ways by maintaining five (5) feet of sidewalk clear for pedestrian flow; shall be located so as not interfere or conflict with any minimum required main *parking areas*, *loading areas*, *driveways*, *interior access drives*, *interior access driveways*, *perimeter landscape yards* or *foundation landscaping*.
- d. *Outdoor Storage* – Storage of materials not for sale but associated with the *primary use*. [Added Ordinance #08-12]
- (1) shall be *accessory* to the *primary use*;
 - (2) shall only be located along the rear façade of the *building* or those area(s) designated as *outdoor storage* on an approved site specific *development plan*;
 - (3) shall not exceed the lesser of: ten (10) percent of the *gross floor area*; for each non-related and separately operated *use*;
 - (4) shall not be located in a *required yard* or *required bufferyard*;
 - (5) shall be enclosed within a chain link, lattice, *ornamental fence*, solid walled, or similar type fenced area, including entry/exit gates made of materials compatible with the fence, if a solid wall is constructed, the primary masonry *building material* of the *primary building* shall be used; [Amended Ordinance #19-03]

- (6) The height above *grade* of said fence shall be at least six (6) feet and shall not exceed the lesser of twenty (20) feet or the height of the roofline; and
 - (7) Materials or products stored within the fenced storage area shall not exceed the height of the fence.
 - e. Gasoline Pumps - provided that no outdoor operations other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation are conducted on the site.
 - f. Walk-up or drive through customer service windows or Automated Teller Machines (ATM's), provided that such facilities shall be located so as to not interfere or conflict with sidewalks, pedestrian ways, *parking areas, loading areas, driveways, interior access drives, interior access driveways*, perimeter landscape *yards* or foundation plantings.
 - g. Outdoor *playgrounds* provided that such outdoor *playground*:
[Added Ordinance #19-03]
 - (1) is an *accessory use* to a *permitted use*; and
 - (2) shall be included in the calculation of required *foundation landscaping area* and any applicable *building foundation landscaping area* and associated *plant unit value* shall be extended or relocated around the perimeter of the outdoor *playground area*.
- 8. Landscape Requirements - See Section 7.01 – Landscape Regulations.

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C. Mixed Use Option [Added Ordinance #09-08]

Any proposed *project* located in the CB *district* shall be eligible to utilize the Mixed-Use Option set forth in Section 3.09 – Mixed-Use Option of this UDO. [Amended Ordinance #20-01]*

[Removed Ordinance #20-01]*

D. Architectural and Site Design Review. [Amended Ordinance #09-08]

All development located within the CB *district* shall be subject to the architectural and site design requirements set forth in Section 3.08 – Architectural and Site Design Requirement of this UDO.