

### ***Sec. 5-27. CHMU Commercial Highway Mixed Use Zoning District Classification.***

The Commercial Highway Mixed Use Zoning District Classification is intended to encourage a mix of high density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodations services and similar uses. Development design becomes a critical consideration when establishing regional activity centers that create attractive and functional roadway corridors which also encourage mixed-use and walkable design. In addition to the general dimensional and use provisions, the regulations contained herein, along with those in article XVIII which apply to mixed use zoning district classifications generally, address the design of buildings and development sites.

#### **5-27-1 Permitted uses.**

The following uses are permitted by right in the CHMU Commercial Highway Mixed Use Zoning District Classification, provided they meet all requirements of this section and all other requirements established in this ordinance:

- Accessory dwelling units subject to supplementary standards contained in section 16-4, below
- Accessory uses & structures
- Adult care centers registered with the NC Department of Health and Human Services (DHSS)
- Adult care homes
- Agriculture
- Animal hospitals & clinics so long as they contain no outdoor kennels
- Automobile car washes
- Automobile sales & service
- Banks & other financial institutions
- Business services
- Camps
- Child care centers, subject to supplementary standards contained in section 16-4, below
- Child care homes
- Civic clubs & fraternal organizations, subject to supplementary standards contained in section 16-4
- Congregate care facilities, subject to supplementary standards contained in section 16-4, below
- Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way
- Convenience stores with or without gasoline sales
- Cultural arts buildings
- Dance, health & fitness facilities
- Day care facilities

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Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area

Equipment rental & sales

Funeral homes

Greenhouses & commercial nurseries

Health clubs & athletic facilities

Home occupations

Hotels & motels

Laundries, coin-operated

Lawn & garden centers

Manufacturing, light

Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below

Music & art studios

Neighborhood community centers

Newspaper offices & printing establishments

Nursing homes, subject to supplementary standards contained in section 16-4, below

Offices, business, professional and public

Parking lots & parking garages

Parks

Personal services

Progressive care facilities, subject to supplementary standards contained in section 16-4, below

Public & semi-public buildings

Recreational facilities, indoors

Recreational facilities, outdoors, commercial

Religious institutions

Repair services, miscellaneous

Research & development with no outdoor storage and operations

Residential care facilities

Residential dwellings, single family

Residential dwellings, multi-family

Residential dwellings, two-family

Restaurants

Restaurants, drive-in

Retail stores (not including manufactured housing, boat & heavy equipment sales)

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Schools, post-secondary, business, technical and vocational

Schools, primary & secondary

Service stations

Signs, subject to the provisions of article XIII, below

Small scale manufacturing, subject to the supplementary standards contained in section 16-4, below

Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

Theaters, indoors

### 5-27-2 Special uses.

The following uses shall be permitted in the CHMU Commercial Highway Mixed Use Zoning District Classification only upon issuance of a special use permit pursuant to article X and shall be subject to supplementary standards contained in section 16-4, below:

Bus stations

Public utility facilities

### 5-27-3 Development standards.

The following standards shall apply to development within the CHMU Commercial Highway Mixed Use Zoning District Classification.

**5-27-3.1 Parking and loading.** The requirements of section 6-5, below, shall apply.

#### 5-27-3.2 Dimensional requirements.

|                                  |  |
|----------------------------------|--|
| Minimum lot area in square feet: | None   |
| Minimum lot width:               | None   |
| Open space ratio:                | ≥0.30  |
| Common space ratio:              | ≥0.10  |
| Yard requirements:               | Varies with building type. See design standards.   |
| Building separation:             | If buildings are separated, they must be separated by at least 15 feet. This provision shall not be construed to qualify any setback provisions contained elsewhere in this ordinance. |
| Building height:                 | Varies with building type. See design standards.   |

**5-27-3.3 Residential density.** The number of residential dwellings permitted on any development tract varies with regard to the open space ratio provided as noted on the following table.

| Open Space Ratio | Maximum Dwelling Units/Acre |
|------------------|-----------------------------|
| 0.40             | 8                           |
| 0.50             | 10                          |
| 0.60             | 12                          |

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## 5-27-4 Design standards.

NOTE: "Building design element" sub-sections noted below are not required for one- and two-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

These standards are intended to apply to all development and redevelopment within the CHMU Commercial Highway Mixed Use Zoning District Classification. Applicants for authorization to undertake development or redevelopment within such zoning district shall demonstrate compliance with these standards or shall undergo alternative design review as provided for in article XVIII, below.

**5-27-4.1 Standards of general applicability.** The following standards shall apply to all development in the CHMU Commercial Highway Mixed Use Zoning District Classification regardless of use or building type.

**5-27-4.1.1 General site development.** Site development shall not result in the removal of lateral support for adjoining properties. Furthermore, development shall not create hazardous or dangerous conditions or result in the creation of a nuisance as specified in section 6-13, below.

**5-27-4.1.2 Physical integration of uses.** Residential and commercial uses may be located within the same or adjoining structures provided appropriate health and safety regulations are followed.

**5-27-4.1.3 Building orientation.** Primary façades, which may or may not contain an entrance to the building, shall face primary vehicular access or significant public space. A main entrance shall face a connecting walkway with a direct, safe, pedestrian connection to the street.

**5-27-4.1.4 Common space.** Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects. Common spaces are intended to be places for social interaction and, thus, may include impervious surfaces.

Unless interior common space is approved by the reviewing authority, common space shall be out-of-doors. Common space design shall comply with the following:

- a) **Size.** At least ten percent of the acreage of a site shall be devoted to common space. Common space shall count toward meeting open space requirements for a project.
- b) **Trees.** One tree shall be planted for each 1,000 square feet of common space. Trees shall have a minimum caliper of three to three and one-half inches measured six inches above ground at the time of planting.
- c) **Utilities.** All utilities service lines and connections shall be underground.
- d) **Seating.** Seating shall be provided to accommodate workers, residents and/or shoppers. Seating may be accomplished in whole or in part using planters or other similar structures.
- e) **Amenities.** Common space for a development shall contain adequate amenities to animate and enliven the environment and to make it conducive for social interaction. Following is a list of such amenities: ornamental fountains, stairways, waterfalls, public art, arbors, trellises, planted beds, drinking fountains, clock pedestals, awnings, canopies, informational kiosks, and similar structures. This list is not intended to be exhaustive.

**5-27-4.1.5 Architectural details.** The appearance of all street side façades is important and shall be addressed in development design. Architectural elements like openings, sill details, posts, and other architectural features shall be used to establish human scale at the street level. On corner lots, the

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applicant shall provide distinctive architectural elements at the corner of buildings facing the intersection. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically aligned.

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All buildings shall provide detailed design along all façades which are visible from a street or common space. Detailed design shall be provided by using at least three of the following architectural features:

Dormers.

Gables.

Recessed entries.

Covered porch, entries.

Cupolas or towers.

Pillars or posts.

Eaves (minimum 6-inch projection).

Off-sets in building face or roof.

Window trim (minimum nominal four inches wide).

Bay windows.

Balconies.

Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation).

Decorative cornices and roof lines (for flat roofs).

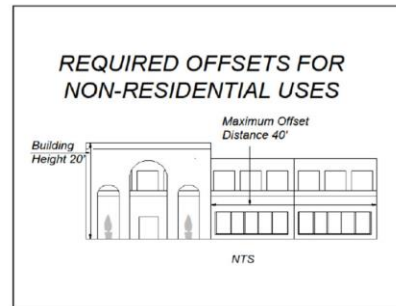
**5-27-4.1.6 Building façades.** Front, rear and side façades of buildings shall contain at least two building materials which shall contrast in color and texture. At least 15 percent of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block.

**5-27-4.1.7 Windows.** Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

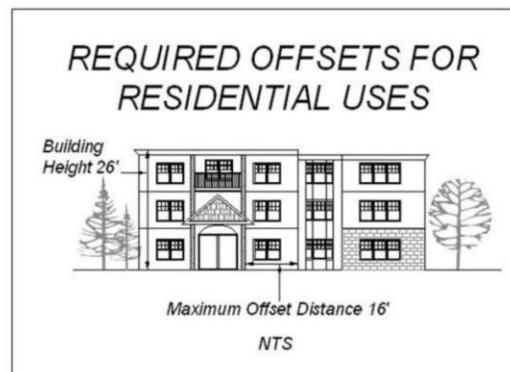
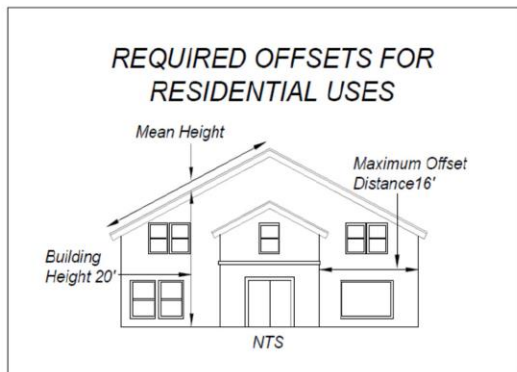
**5-27-4.1.8 Building scale.** The scale of a building is a function of the size of the individual pieces of a building and their relationship to each other. The scale of a building is important in order to contribute to the overall diversity of building types, to give visual interest, and to maintain compatibility between buildings. These design standards regulate scale by means of offsets, that is, protrusions or breaks in the plane of façades.

- a) **Scale, buildings containing nonresidential uses.** The following requirements apply to any building containing nonresidential uses, regardless whether the building also contains residential uses:

- 1) The distance between required offsets is related to the height of the building wall on a two-to-one basis. A building façade which is less than or equal to the height of the building shall not require an offset.



- 2) The height of any particular façade shall be measured from the average ground level to the mean height level between the eaves and ridge of a gable, hip or gambrel roof, or for flat roofs, to the top of the parapet.
  - 3) The depth or projection of the offset shall be  $\frac{1}{10}$ th the length of the longest adjacent wall panel; provided, however, the minimum offset depth shall be one foot. By means of illustration, a building with a 20-foot wall panel shall have a two-foot offset adjacent to such wall panel.
  - 4) Each façade of a building visible from a street or common space shall comply with the offset requirements contained herein.
- b) **Scale, buildings containing only residential uses.** The following requirements apply to any building containing only residential uses:
- 1) The distance between required offsets shall be related to the height of the building on a one-to-one basis; provided, however, no wall shall exceed 30 feet in length without an offset. A building façade which is less than or equal to the height of the building shall not require an offset. Provided, however, the provisions of this paragraph shall not be construed to require an offset for that portion of a façade containing a two-car garage.



- 2) The height of any particular façade shall be measured from the average ground level to the mean height level between the eaves and ridge of a gable, hip or gambrel roof, or, for flat roofs, to the top of the parapet.

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- 3) Offsets shall have a minimum depth or projection of two feet regardless of the length of adjacent wall façades.
  - 4) Each façade of a building visible from a street or common space shall comply with the offset requirements contained herein.

**5-27-4.1.9 Streets and sidewalks.** Streets and sidewalks shall comply with the circulation and access requirements contained in section 5-27-5 and section 18-6-4.6, below.

**5-27-4.1.10 Building materials.** Building materials shall be used consistently on the exterior of the building and shall comply with the lists of prohibited materials contained herein.

Prohibited building materials. Unless authorized through alternative design compliance, the following building materials shall be prohibited within the CHMU Commercial Highway Mixed Use Zoning District Classification: plain concrete block (with or without paint); corrugated or ribbed metal siding; reflective glass; more than 50 percent glass on any façade; roll roofing; roll siding; plain unfinished concrete (painting does not constitute a finish); unpainted metal; exposed plain pipe columns; metal wall siding; vinyl siding and any other materials not customarily used in conventional construction.

**5-27-4.2 General standards for residential developments.** The following standards shall apply to developments containing only residential uses with the exception that multi-family buildings must comply with the general standards contained in section 5-27-5.3, below.

**5-27-4.3 General standards for nonresidential and multi-family buildings.** The following standards shall apply to all buildings containing nonresidential uses and multi-family dwellings:

**5-27-4.4 Specific standards for single-family and two-family detached dwellings.**

**5-27-4.6 Specific standards for multi-family dwellings.** Multi-family dwelling consists of three or more dwelling units vertically and/or horizontally arranged. The ground floor may be available for commercial uses.

**5-27-4.7 Specific standards for commercial and institutional buildings.** Commercial buildings are structures which can accommodate a variety of uses mixed either horizontally (shopping center) or vertically (dwelling unit over a store). Office buildings, hotels and inns can be placed in commercial buildings. Buildings containing both commercial and residential uses shall be classified as commercial buildings for the purposes of this section. Institutional buildings are specialized public or semi-public buildings intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, hospitals, post offices, and nonprofit or charitable clubs and organizations. Note there are exceptions from the maximum height restrictions for steeples, cupolas and similar structures. These are contained in section 8-2, below.

## **5-27-5 Transportation.**

The section is intended to put in place regulations which will provide for a multi-modal transportation environment conducive to a pedestrian-friendly mixed-use community.

**5-27-5.1 Pedestrian accommodations.** Pedestrian accommodations, which may be sidewalks, multi-purpose paths, or other approved alternatives, shall be provided as a part of a development on each side of all public roadways and of all private roadways which the development directly abuts unless site constraints or proposed uses make it impractical or unnecessary. Pedestrian access and circulation shall be consistent with any and all adopted corridor circulation plans.

**5-27-5.2 Vehicular access.** It is the intent of these regulations to create interconnectivity between development parcels in order to provide alternative transportation routes to existing thoroughfares. Accordingly, when development parcels have potential to provide access between major arterial roadways and adjoining parcels, developers are encouraged to utilize public streets, rather than private streets or driveways. The regulations contained in this section shall apply to all new development and redevelopment within the district.

**5-27-5.2.1 Driveways.** Where permitted, driveways shall comply with the requirements of this section and, if applicable, the regulations of the North Carolina Department of Transportation.

- a) The number of driveways permitted for new development shall relate to the amount of linear frontage for the proposed development as depicted below:

| LINEAR FRONTAGE         | NUMBER OF PERMITTED |
|-------------------------|---------------------|
| Less than 350 feet      | 1                   |
| Greater than 350 feet   | 2                   |
| Greater than 1,000 feet | 3 <sup>1</sup>      |

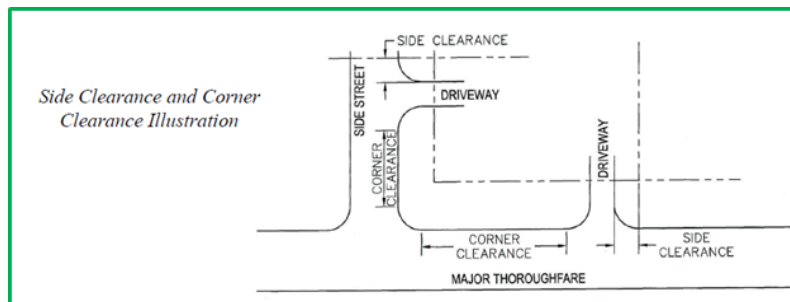
<sup>1</sup> With approval of the city after demonstration of need in the required TIA.

- b) All driveway approaches for both mid-block and corner lots along major thoroughfares shall have both minimum corner and side clearances as below:

| CLEARANCE TYPE                | ALONG MAJOR THOROUGHFARE | ALONG SIDE STREET |
|-------------------------------|--------------------------|-------------------|
| Corner clearance <sup>2</sup> | 250 feet                 | 100 feet          |
| Side clearance <sup>3</sup>   | 30 feet                  | 10 feet           |

<sup>2</sup> Corner clearance shall be measured from the point of tangency of the radius curvature of the intersection streets.

<sup>3</sup> Side clearance shall represent the distance from the driveway to the side property line.



- c) No driveways shall be allowed along a major thoroughfare within 250 feet of any intersection, as measured from the intersection of the projected right-of-way lines, except for properties which cannot meet this restriction due to limited frontage within the desired corner clearance.
- d) One-way driveways are not considered full-movement driveways therefore, two, one-way driveways may be considered as a single driveway provided that:
- 1) The minimum spacing between the two driveway segments is 60 feet.
  - 2) The driveway segments are clearly signed and marked as one-way driveways, using pavement arrows and directional signs.
  - 3) The maximum combined pavement width of both driveway segments at the right-of-way line is 40 feet and the minimum width of a single segment is 14 feet.

**5-27-5.2.2 Outparcels.** Access to development outparcels shall be oriented to the interior of the development site, not to the roadway.

**5-27-5.2.3 Cross-access easements.** Cross-access easements between parking areas on adjacent developments are an effective way to improve corridor circulation and to reduce vehicle trips. For each adjoining property with



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accessible parking areas, applicants for development authorization shall provide either (1) a cross-access easement or (2) confirmation that the applicant has attempted to negotiate a cross-access easement with that property owner and has not been able to reach agreement thereon.

**5-27-5.2.4 Connectivity.** In an effort to improve and promote overall street connectivity, public streets and private drives constructed within the CHMU zoning district shall provide connections to existing adjacent public streets and adjacent parcels. Primary access from major arterials should be provided by public streets.

When no off-site stub-outs are present, the following connections shall be provided to adjacent properties at the appropriate rate indicated below.

- a) All new development with fewer than 100 dwelling units are required to provide at least one stub-out to extend and connect with future streets or drives. In the event that adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s).
- b) Residential developments containing 100 or more dwelling units shall include street connections or stub-outs at a ratio of one stub-out/connection per 100 dwelling units. In the event adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s). Required collector street connections are included in this calculation.
- c) Non-residential developments shall provide one stub-out to each adjoining parcel where, considering topography, land use compatibility and future development or redevelopment potential, it is deemed feasible and appropriate.

#### **5-27-6 CHMUCZD Commercial Highway Mixed Use Conditional Zoning District Classification.**

The purpose, requirements and standards of this classification are identical to the CHMU Commercial Highway Mixed Use Zoning District Classification except that a rezoning to CHMU Conditional Zoning District as provided for in article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the CHMU Commercial Highway Mixed Use Conditional Zoning District Classification upon rezoning to CHMUCZD, regardless of the square footage or number of residential units for the use:

Telecommunications towers, subject to supplementary standards contained in section 16-4, below.

Permitted uses for the CHMU Commercial Highway Mixed Use Zoning District Classification as specified in section 5-27-1, above.

Special uses for the CHMU Commercial Highway Mixed Use Zoning District Classification as specified in section 5-27-1, above.

(Ord. No. 21-44, 9-22-21; Ord. No. 22-11, 2-10-22; Ord. No. 22-22, 5-5-22; Ord. No. O-23-58, 10-5-23; Ord. No. O-23-61, 10-5-23)