

§ 7-7.4 CH COMMERCIAL HIGHWAY DISTRICT.

(1) *Purpose.* CH Commercial District is to provide commercial opportunities to the traveling public and areas in the town where large scale commercial projects may take place with minimum impact on contiguous residential development. This district is designed to support local as well as regional shopping centers and business complexes. As such, the district will accommodate a wide range of business and commercial uses, clustered where feasible for “cumulative attraction” and located for optimum accessibility.

The town desires to limit and control the access from commercial properties onto Highway 70 in order to discourage the proliferation of traffic signals along the thoroughfare and maintain unimpeded flow of vehicular traffic along the highway. In doing so, a planned access will only be allowed only by a special use permit.

(2) *Permitted uses.*

a. Primary retail establishments such as those selling one-stop items, usually high bulk, including, but not limited to, home furnishings, business machines, heating and air conditioning, appliance sales and service, and similar establishments; also including establishments sales and service, repair motor vehicles, boats, farm equipment, tombstones, bicycles and service, small motor repair. Any single retail establishment that exceeds 50,000 square feet in gross sales floor area is separately defined as “big box” retail; motels;

b. Convenience retail establishments such as, but not limited to, pharmacy, hardware, restaurants with or without serving alcohol beverages, appliance service and repair, grocery, general mercantile stores;

c. Personal service establishments such as, but not limited to, barber and beauty shops, tanning and aesthetician or esthetician to include tattoo and body piercing parlor, health care establishments, physical fitness, etc., not to include adult uses as defined herein. Financial and banking, photo studios, libraries, child care centers, laundromats, laundry pick-up, tailor, dressmaking, shoe shop, photo studio, print shop, restaurants with drive-through and similar personal services. Dry storage (mini-storage warehousing), where all storage is inside of the building and the maximum size of individual stalls not to exceed 300 square feet. The storage stalls shall not be used for sleeping accommodations. Special attention is given to litter and unsightliness, ice and other vending machines;

d. Building and home furnishing supplies. Intended for “within” building enclosure lumber storage. Outside storage shall be out of view of the primary highway;

e. Funeral homes;

f. Recreation establishments, including theaters, indoor shooting range, miniature golf, water slides and arcades, helicopter rides and other aircraft rides and tours, indoors and outdoor multi-recreation and entertainment such as rodeos, fairs, circus, carnival, bowling alleys, car/boat shows, ball stadiums, race tracks, swimming pools;

g. Schools providing training in any of the arts, science, trades and professions;

h. Customary accessory uses, structures and buildings;

i. Worship and religious institutions;

j. Gas stations, motor vehicle service, repair, car wash, boat and similar activity; provided, there shall be no openings toward adjoining residential districts and no junked

salvaged vehicles or used/salvaged parts or equipment shall be kept on the outside unless approved by a special use permit;

k. Public and private transportation service and facilities;

l. Wireless telecommunications facilities shall comply with Article IX development standards (§ [9-7.2](#)).

m. Residential dwelling units where located on any floor above the first floor. These units can be single-family, apartments, condominium, etc.;

n. Accessory uses customarily incidental to permitted uses. Accessory uses associated with activities such as poolside, restaurants, night clubs and radio broadcast studios, drive-up or drive-in service and the like. The Zoning Official shall determine the appropriate action necessary to mitigate any noise, air pollution, litter or unsightliness. Any complaint mitigation of the offending use may include limiting hours of operation, erecting buffers or any other enforcement provided for in the Zoning Ordinance;

o. Public utility building, use and substations. Utilities substations shall be surrounded by screening and/or landscaping as provided for in this ordinance. Storage or maintenance facilities is not a permitted use. Refer to special use permits. WEF is not a permitted use; and

p. Veterinarian Offices/Animal Hospitals.

(3) Use that requires classification as a Conditional Zoning District as approved by Town Council:

a. Any permitted use or modification of a facility or use that requires the construction of an ingress or egress drive from U.S. Highway 70 into the property. Highway 70 is designated as a limited access highway:

1. The owner or agent for the owner shall include in the application the name and address of all persons owning an interest in the permitted use;

2. The nature and proposed or contemplated use;

3. A plat of the land upon which the use is located showing all access to the highway within 500 feet of the proposed use;

4. The distance to the nearest intersection on each side of the use location;

5. Location of service roads;

6. A statement of the need for the proposed direct access and why a nearby access cannot be used or is inadequate; and

7. The Council may grant the access after finding that:

a. Granting will not confer upon the applicant an advantage not accorded to others whose property is similarly situated;

b. Present access is inadequate;

c. Traffic flow and patterns will not be substantially adversely impaired;

d. Public safety will not be significantly impaired;

e. There are no reasonable alternatives which would provide adequate access;

f. The applicant may be required to share the access with present or future adjacent land uses;

g. Any other consideration or requirement the Council deems necessary; and

h. Public utility facilities with associated office, storage or maintenance facilities, (not to include wind energy facilities).

b. Adult establishments and uses. Refer to the requirements of § 9-4 of this ordinance;

- c. Bar or night club; and
- d. Surplus materials, heavy machinery, manufactured homes service and repair, light manufacturing or fabrication establishes that is conducted within doors or any similar business may be favorably considered after consideration of appearance, noise, etc. associated with roadway and neighboring property.

(4) *Development standards.*

- a. None of the uses allow after close of business outside display or storage of merchandise or equipment with the exception of vending machines, and equipment in accordance with Article XV, motor vehicle repair and/or sales lots and then only that material necessary for the service or marketability of the product. Junk or salvage vehicles or parts are not permitted to be stored or kept outside of a building. Maximum time for storage of vehicles outside of a building is 30 days;
- b. Construction offices where machinery, trucks, equipment, etc. are stored out of doors. Special attention shall be given to mitigate problems with noise, congestion, litter and unsightliness and all such equipment, machinery and vehicles shall be screened from view by fencing to a minimum height of five feet and landscaping and screening as provided elsewhere in this ordinance;
- c. There is no minimum lot size, width, or side and rear setbacks. Minimum front yard setback is 40 feet along U.S. Highway 70 and/or 20 feet setback from secondary roads, such as 9 Foot Road, Roberts Road, East Chatham Street or service roads. Corner lots shall be treated as two front yards. Distance between buildings and structures shall comply with the North Carolina Building Code. The “drip” off of canopies may encroach to within 15 feet of the front property line. Refer to Article XV for the placement of accessory uses such as vending machines and bank teller machines within the minimum setback;
- d. Maximum building height is 70 feet;
- e. Signs are permitted in accordance with Articles XIV and VII;
- f. Site development and landscaping in accordance with Article XII;
- g. Off-street parking in accordance with Article XIII; and
- h. Other sections of the Zoning Ordinance may apply as appropriate.

(Ord. Z2013-01, passed 9-12-2013; Ord. Z2013-02, passed 11-14-2013; Ord. Z2014-01, passed 2-17-2014; Ord. Z2014-01a, passed 12-11-2014; Ord. 2020-03, passed 8-13-2020; Ord. 2021-02, passed 6-14-2021)