

4.2.2 Residential and Non-Residential Zoning Districts

The specific purposes of the general use zoning districts are set forth below, along with any district-specific provisions that may apply. The allowed uses and use specific-standards for each of the districts are set forth in Chapter 5. All uses shall comply with the general dimensional standards set forth in Chapter 6, or as may be specified elsewhere in the Ordinance, including, but not limited to, Section 4.5.2, Mixed Use Districts and Section 8.4, Alternative Development Option: Cluster Residential Subdivisions.

(A) R-80: Residential District

The R-80 district is established to ensure the protection of open space and to promote very low-density residential development that is compatible with watersheds and other environmentally sensitive areas, subject to appropriate standards. The district also can serve as an appropriate buffer between natural resources and water supply reservoirs and more developed areas. The minimum lot area is eighty thousand (80,000) square feet, and the maximum density allowed is fifty-four hundredths (0.54) units per acre.

(B) R-40: Residential District

The R-40 district is established to accommodate large-lot residential uses and development compatible with the natural landscape. The minimum lot area is forty thousand (40,000) square feet, and the maximum density allowed is one and eight hundredths (1.08) units per acre. The R-40 district can accommodate development on wells and/or septic tanks; but lots within new subdivisions in this district are required to connect to public water and sewer.

(C) R-20: Residential District

The R-20 district is established as a district in which the principal use of land is for low-density residential purposes, and is appropriate in areas where the Comprehensive Plan designation supports very low or low density residential use. All development in the R-20 district shall be required to utilize public utilities. The minimum lot area is twenty thousand (20,000) square feet, and the maximum density allowed is two and seventeen hundredths (2.17) units per acre.

(D) R-12: Residential District

The R-12 district is established as a district in which the principal use of land is for single-unit dwellings, and is appropriate in areas where the Comprehensive Plan supports very low, low or medium density residential use. The regulations of this district are intended to discourage any use that would substantially interfere with the development of single-unit dwellings and that would be detrimental to the quiet residential nature of the district. The minimum lot area is twelve thousand (12,000) square feet, and the maximum density allowed is three and sixty-three hundredths (3.63) units per acre.

(E) R-8: Residential District

The R-8 district is established as a district in which the principal use of land is for single-unit dwellings, and is appropriate in areas where the Comprehensive Plan supports low, medium or high density residential use. The regulations for this district are intended to discourage any use that would substantially interfere with the development, use, and enjoyment of single-unit dwellings or that would be detrimental to the quiet residential character of the district. The regulations of this district also are designed to encourage the wise use of land and natural resources, with the aim of reducing sprawl and the costly provision of infrastructure to serve dispersed development. The minimum lot area is eight thousand (8,000) square feet, and the maximum density allowed is five and forty-four hundredths (5.44) units per acre.

(F) TR: Transitional Residential District

The TR district is established as a district in which the principal use of land is for a variety of residential uses, and is appropriate in areas where the Comprehensive Plan supports medium or high density residential use, with the exception of multi-family structures. This district is appropriate for infill developments smaller than ten (10) acres in established neighborhoods, for denser residential neighborhoods, and for

areas identified as supporting medium-density residential uses in Cary's Comprehensive Plan. The regulations of this district are intended to allow innovation in the arrangement of buildings within such developments. The minimum lot size for detached dwellings is five thousand (5,000) square feet, and the maximum density allowed is six (6) units per acre.

(G) RMF: Residential Multi-Family District

The RMF district is established as a district in which the principal use of land is for multi-family dwellings and also less-intensive residential uses such as patio homes, and is appropriate in areas where the Comprehensive Plan supports high density residential use. This district can be applied to locations that are suitable for multi-family development, and thus provide areas within the community for persons desiring to live in multi-family structures at densities sufficient to support public transit. This district should be located so as to not interfere with or damage environmentally sensitive lands and to ensure that adequate open space and recreational facilities are located nearby, or within the district itself, to serve the needs of the persons who are or will be living in the district. The maximum density allowed is twelve (12) units per acre.

(H) RR: Resource/Recreation District

The purpose of the RR district is to protect and preserve parks, scenic areas, and open spaces, and to protect watersheds and water supplies and to allow public recreational uses. In considering the appropriateness of classifying any property into this district, the Town shall consider the physical pattern of development in the area, topography, and proximity to important natural resources deemed worthy of protection.

(I) OI: Office and Institutional District

The OI district provides for the development of offices and community institutions that have similar development characteristics and require locations close to the more intensive commercial districts. This district requires strict development controls since, in most instances, these districts will be located adjacent to residential districts.

(J) GC: General Commercial District

The GC district is generally intended to allow for uses that provide goods and services to residents of the community. Because these commercial uses are subject to the public view, they should provide an appropriate appearance, ample parking, controlled traffic movement, suitable landscaping, and protect abutting residential areas from potentially negative impacts associated with commercial activity.

(K) CT: Walnut Street Corridor Transitional District

(1) Purpose and Intent

The Walnut Street Corridor Transitional District standards are intended to accomplish the following:

- (a)** Provide for the development of offices, personal service and other compatible uses in the area defined between existing residential neighborhoods and the Walnut Street Corridor;
- (b)** To minimize impacts on adjacent residential uses;
- (c)** To provide a landscape buffer to the residential area;
- (d)** To encourage the conversion of existing structures where practical;
- (e)** To encourage the consolidation of property to facilitate redevelopment and minimize the number of access points to the thoroughfare;
- (f)** To require the provision of cross access where possible;
- (g)** To encourage new development to be of a residential style and proportion; and
- (h)** To ensure compatibility of design in the district, adequate parking, pedestrian and bicycle

accessibility, and consistent streetscape treatment.

(2) Subdistricts Created and Defined

Due to the variation in existing character and desired types of future development in various portions of the Walnut Street Corridor, differing land uses, building standards, parking requirements, and other related development standards are imposed within different portions of the Walnut Street Transitional District. In order to present the full range of zoning and development requirements for each different area, this zoning district is divided into such subdistricts as follows:

(a) Redevelopment Subdistrict

Parcels located in the redevelopment subdistrict are the larger, deeper parcels located at the western end of the Walnut Street corridor. These parcels lend themselves to redevelopment and larger sized buildings or conversion to certain non-residential uses. These parcels, if redeveloped, are intended to serve as transitions in size between the intense commercial uses at Cary Towne Center Mall and the adjoining low-density residential neighborhoods. Development is intended to respect the residential appearance of the corridor in this location.

(b) Conversion Subdistrict

Parcels located in the Conversion subdistrict are shallower in depth and less affected by development pressure than those parcels adjacent to the mall. The Conversion subdistrict is also more suitable for smaller size buildings and conversion of existing homes to certain low-impact non-residential uses. Development and redevelopment should maintain the residential appearance of the central portion of the CT district.

(c) Infill Subdistrict

Parcels located in the Infill subdistrict are at least five (5) acres in size and are currently either undeveloped, contain impermanent structures such as mobile homes, or contain only a single home. The type and intensity of use recommended for this classification is the same as for Corridor subdistrict except that it is expected that new buildings will be constructed.

(3) Development Standards for Certain New Construction and Redevelopment

The standards listed in the Table below shall only be utilized when there is a change in the use of a property from the use in existence on July 1, 2003. Detail on the allowable uses, and development standards are listed in the table below as well as in Chapters 5 and 6 of this Ordinance.

For a printer-friendly, PDF version: [Table 4.2-1](#)

TABLE 4.2-1: BUILDING AND SITE DESIGN STANDARDS FOR CERTAIN NEW CONSTRUCTION AND/OR REDEVELOPMENT IN THE WALNUT STREET CORRIDOR TRANSITIONAL DISTRICT (Not applicable to public parks and athletic fields or structures subject to regulation under the North Carolina Residential Code for one- and two-family dwellings).	
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Building Materials	Natural siding, brick, stone and wood.
Roofing Materials	Shingles, slate, standing seam metal.
Roof Design	Buildings shall have pitched roofs which are residential in character. Mansard roofs prohibited.

Building Locations	Non-residential buildings shall provide front elevations and an entrance facing Walnut Street. Corner lots shall be double-fronted.
Building Size	Building sizes are limited based upon the standards in Chapter 6, but the maximum building square footage for a new non-residential building within the Conversion sub-district may be increased from two thousand five hundred (2,500) square feet up to five thousand (5,000) square feet through the Special Use process (see Section 3.8) provided that two (2) or more contiguous existing lots designated as "Conversion" are being combined as part of the proposal. See 6.1.4 to reference maximum building size for Infill or Redevelopment sub-districts.
Building Facades	If wider than twenty-five (25) feet, the facade surface shall be divided into two (2) or more portions, each distinguished by a variation in building articulation and or facade treatment. This requirement shall not apply to detached dwellings and townhomes.
Window Treatment	A minimum of forty percent (40%) of the first floor and twenty percent (20%) of the upper floors on the front facade shall have window/door fenestration. Tinted or mirrored glass is prohibited on the front facade. Side elevations which can be seen from the public view shall have a minimum of twenty percent (20%) window/door fenestration. These requirements shall not apply to residential uses.
Streetscape Plantings	Existing healthy trees shall be preserved, but if none exist, then one (1) upper-story tree for each thirty (30) feet of street frontage shall be installed. In addition, one (1) understory tree for each twenty (20) feet on average of street frontage shall also be installed.
Buffer Wall	(1) In the conversion area, a masonry wall is required with a minimum height of six (6) feet, with vegetation consisting of evergreen planting spaced no more than fifteen (15) feet apart and ten (10) feet in height at the time of installation.
	(2) In the redevelopment or infill area, a masonry wall, a minimum height of eight (8) feet, with vegetation consisting of evergreen planting spaced no more than ten (10) feet apart and ten (10) feet in height at the time of installation is required. A masonry wall is not required for detached dwellings or townhome use in the infill area.
	(3) Walls shall not be placed within utility easements or required drainage areas.
	(4) The Buffer Wall shall be located within five (5) feet of the common property line unless required to be located outside this area to avoid the removal of mature vegetation.
	(5) Openings in the wall are permitted to allow access for maintenance. In situations where such openings are provided, vegetation shall be installed to maintain a visual buffer between uses.
	(6) Walls shall be constructed of brick, cast stone, stone or other high quality, long-lasting masonry material.
Off-Street Parking	No more than thirty percent (30%) of the parking shall be located between the building and Walnut Street.
Pedestrian Access	Pedestrian access between buildings and to Walnut Street shall be provided.
Vehicular Access	Cross-access connections with shared access provisions shall be required unless waived by the Planning Director . Conversion properties bordering Sturdivant Drive are not required to provide cross-access. Parcels with access to two (2) or more public streets shall not be allowed full access to Walnut Street.
Lighting	Exterior lighting shall not exceed twenty (20) feet in height, and shall include cut-off or shielded fixtures. Light poles shall be neutral earth-tone colors. Accent lighting is only permitted on building fronts, and shall be directed away from adjacent residential dwellings and lots.

(L) ORD: Office/Research and Development District

The ORD district is established to provide locations for a wide range of employment generating office,

institutional, research and development, and light manufacturing uses, and for certain other uses that could create significant adverse impacts if located in the vicinity of residential areas. The standards of this district are designed to ensure that such uses are developed in a manner compatible with the use and enjoyment of nearby properties, and to minimize potential nuisances or damage to the environment. In addition, by allowing a wide range of permitted uses, this district is intended to accommodate the development of "flex space" arrangements, wherein the developer can establish different combinations of uses on a site over time, as the market dictates, as long as all uses and development conform to the standards established by the Town to protect adjacent land uses and the natural environment.

(M) I: Industrial District

The I district is established as a district in which the principal use of land is for industries which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts, for warehousing and wholesaling activities with limited contact with the general public, and for certain outdoor amusement facilities which generate large volumes of automobile traffic. The regulations are designed to encourage the use of land for industry, which should be properly segregated, and to prohibit any other use that would substantially interfere with the development of industrial establishments in the district.

(N) TC: Town Center District

(1) Purpose and Intent

The purpose of the TC district is to carry out the land use recommendations contained in the Comprehensive Plan, and to achieve the urban design principles spelled out in the Town Center Design Guidelines.

(2) [Reserved]

(3) Findings

The Town Center district seeks to protect, preserve, and enhance the unique aesthetic and architectural character of the downtown; conserve the value of buildings; and encourage appropriate use of the land in the downtown. This district is based, in part, on the findings that:

(a) Overall Image

Cary's central area contributes substantially to the Town's overall image;

(b) Economic Vitality

The economic vitality of downtown is important to the overall welfare of the Town;

(c) Appropriate Uses

Provisions that ensure the appropriate use of property for the downtown area will safeguard its prosperity and offer social and cultural benefits to the citizens of Cary;

(d) Urban Design

Standards that encourage new buildings, retain the values of surrounding properties, and protect the Town's small-town charm and character will promote good urban design;

(e) Diversity of Development

A diverse mix of business, office, institutional, recreational, open space, and residential uses is desirable and appropriate in the core area of the community;

(f) Pedestrian-Friendly Development

Encouragement of pedestrian-friendly development within walking distance of the future regional

transit station at sufficient densities to support the station and downtown businesses is a wise use of land;

(g) Sense of Place

Creation of a sense of place that fosters a unique, attractive, and memorable destination for visitors and residents is important; and

(h) Housing Diversity

Encouragement of a diverse range of housing types to accommodate a range of needs is good public policy and helps achieve the policy direction contained in the Town's Comprehensive Plan.

(4) Applicability

The current boundaries of this district are shown on the Official Zoning Map.

(5) Subdistricts Created and Defined

Due to the variation in existing character and desired types of future development in various portions of the downtown area, differing land uses, building standards, parking requirements, open space requirements, and other related development standards are applicable within different portions of the Town Center. In order to present the full range zoning and development requirements for each different area, this zoning district is divided into such subdistricts as delineated in the Official Zoning Map as follows:

TABLE 4.2-2: TOWN CENTER SUBDISTRICTS	
Subdistrict	Description
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Subdistrict	Description
HMXD	High Intensity Mixed Use
MXD	Mixed Use
HDR Mid-Rise	High Density Residential Mid-Rise
MXDR	Mixed Density Residential
HDR Garden	High Density Residential Garden
MDR	Medium Density Residential
LDR	Low Density Residential
PKS/OS	Parks and Open Space
OFC/INS	Office/Institutional
OFC/IND	Office/Industrial
COM	Commercial
CLI	Commercial Low Intensity
CB&R	Cottage Business and Residential
INS	Institutional

(6) Treatment of Existing Residential Uses

(a) Notwithstanding the provisions of Chapter 10, Nonconformities, residential uses that exist in the Subdistricts of the Town Center district on January 24, 2017 are deemed to be conforming to the terms of this Section. Such uses may continue to be used as such, even if left unoccupied for more than one hundred eighty (180) days.

(b) Expansion of existing detached principal dwellings located within HMXD, MXD, HDR midrise, HDR garden, COM, CLI, INS, OFS/INS, OFS/IND subdistricts shall be permitted by right.

(7) Allowed Principal, Accessory, and Stormwater Uses

(a) Principal uses allowed in each subdistrict are detailed in the use table set forth in Section 5.1.3 Accessory or ancillary structures normally associated with such primary uses and that do not constitute more than 33 percent of the total floor area on a site are allowed in conjunction with the principal use.

(b) The use of residentially zoned property to support nonresidential stormwater devices to include but not limited to detention and retention ponds are allowed in the Town Center (TC) District providing that the following conditions are met:

1. The properties must be contiguous as defined in Section 12.4 of this Ordinance.
2. The same group, entity, or individual must own both properties (residential and nonresidential).

(8) Rezoning Procedure

Because the TC district is a single zoning district with various subdistricts, land use changes within this district do not entail a typical rezoning to a different district procedure. See Section 3.4.4 for the rezoning procedure within the TC district.

(9) General Development Objectives

This district is designed to provide a maximum amount of flexibility to landowners to facilitate new development and redevelopment of existing sites within the Town Center to create the following:

(a) Unique and Dynamic Atmosphere

Create a unique, vibrant, dynamic, pedestrian-friendly location;

(b) Higher Densities in Proximity to Regional Rail Station

Encourage higher residential densities within a short walking distance of the planned regional rail transit station in the center of the district; and

(c) Mix of Uses

Allow multi-story, mixed use buildings, so that the core area of downtown will include a high-intensity collection of retail shops, restaurants, entertainment, housing, offices, and similar uses to establish a place where residents may live, work, and recreate.

(10) Standards for New Development

(a) Exemption from Certain Town Standards

Considering the unique nature of downtown, certain requirements of the following provisions shall not be applicable within the Town Center district in order to provide the flexibility for downtown development:

1. The required number of off-street parking spaces (see Section 7.8) may be reduced up to fifty (50) percent on a case-by-case basis provided there is adequate on-street parking available in a proximate area. All other parking standards in Section 7.8 shall apply.

2. The perimeter buffer requirements in Section 7.2.3 and streetscaping requirements in Section 7.2.4 may be reduced or waived. Additional provisions from Section 7.2 may also be modified on a case-by-case basis provided such modification is consistent with the [Town Center Design Guidelines](#); except that a hardship must be demonstrated before the requirements of Section 7.2.5 related to the retention of champion trees may be modified.

3. The exterior lighting requirements in Section 7.9.3 except in cases where a property is bounded by an existing single-unit dwelling or development.

4. The requirements relating to private open space in Section 8.3.1.

(b) General Performance Standards

Except as otherwise exempted, all new projects or proposed expansion, alteration, or major repair must satisfy the standards set forth in all other applicable town plans, guidelines, codes, and regulations. New development shall be appropriate to the site, taking into account the safety, convenience, and amenity of the surrounding neighborhood, and shall be evaluated in relation to existing adjacent or surrounding buildings that fit the overall intent of this section. Downtown projects must, among other requirements, meet the following general performance standards.

1. All access roads, entrance or exit drives will be appropriate for pedestrian and automotive safety and convenience, traffic flow, and control and access in the case of fire or other emergency;

2. All off-street parking, loading, refuse collection and other service areas will be appropriate with respect to pedestrian and automotive safety and convenience, traffic flow, and economic, noise, glare, odor and other impacts upon adjoining properties and other properties in the neighborhood;

3. All landscaping, screening and fencing will be appropriate, with respect to the effectiveness of their type; dimensions and character will be appropriate with respect to minimizing the economic, noise, glare, odor and other impacts adjoining properties and other properties in the neighborhood; and

4. The type, size and intensity of the use and the hours of operation and number of people utilizing the use will be appropriate with respect to minimizing the impact upon adjoining properties and other properties in the neighborhood.

(c) Statement of Design Compatibility

[Reserved]

(d) Required Design Issues

All new development requiring development plan approval within the Town Center district shall, at a minimum, adequately address the following design characteristics as detailed separately in the Town Center Design Guidelines:

1. Design (General)
2. Arrangement and Siting
3. Building Height
4. Colors
5. Facades, Windows, Blank Walls and Design
6. Entrances
7. Outdoor Storage, Loading, Service, and Mechanical Areas
8. Security, Gates, Cameras

9. Exterior Lighting
10. Visual Impacts, Views
11. Parking
12. Landscaping

(e) Other Design Issues

In addition to all of the required elements to be addressed from paragraph (d) above, development projects that include special features and activities like outdoor use areas shall also meet the standards outlined in the [Downtown Design Guidelines](#) for such features or activities:

1. Outdoor Cafés
2. Awnings
3. Sidewalk Displays

(f) [Reserved]

(g) Use-Specific Standards

The use-specific standards set forth in Chapter 5 shall apply to all uses within each subdistrict.

(11) Review Procedures

Review of development plans shall be done in accordance with Section 3.9. of this Ordinance.

(Ord. No. 04-007, 7-15-04; Ord. No. 06-009, 4-27-06; Ord. No. 2007-04, 3-22-07; Ord. No. 2007-21, 12-13-07; Ord. No. 2008-LDO-01, 9-25-08; Ord. No. 2009-LDO-01, 2-12-09; Ord. No. 2009-LDO-03, 5-14-09; Ord. No. 2010-LDO-01, 1-14-10; Ord. No. 2010-LDO-03, 2-25-10; Ord. No. 2012-LDO-04, 5-24-12; Ord. No. 2013-LDO-02, 6-13-13; Ord. No. 2014-LDO-03, 8-14-14; Ord. No. 2015-LDO-001, 4-21-15; Ord. No. 2015-LDO-005, 11-19-15; Ord. No. 2015-LDO-006, 12-10-15; Ord. No. 2016-LDO-01, 7-25-16; Ord. No. 2017-LDO-01, 1-24-17; Ord. No. 2021-LDO-01, 6-24-21; Ord. No. 2022-LDO-02, 4-28-22)