

SECTION 11

SCHEDULE OF DISTRICT REGULATIONS

Within the Districts as established by this Ordinance, the requirements as set forth in this Section shall be complied with in addition to any other general or specific requirements of this Ordinance.

11.1 TABLE OF USES

1. The list of uses allowed in each zoning district is indicated in Table 1. For any use listed in Table 1, the Administrator shall be able to determine if the use is (i) permitted, (ii) permitted subject to the adherence of certain identified specifications, (iii) permitted subject to the issuance of a conditional use permit, or (iv) not permitted.

2. A use shall be permitted in a certain zoning district if it is accordingly designated in Table 1 with a "X". For instance, single-family dwellings are permitted uses in the R-1 district. A use permitted subject to certain pre-established specifications that would not be applicable to other uses is designated by a "XS". For instance, duplexes are subject to the supplemental regulations found in Section 11.3.31 of this Ordinance. A "C" indicates a use that requires conditional zoning or the issuance of a conditional use permit. For instance, a rooming & boarding house in the RM-1 district would be a conditional use and would require either (i) approval through conditional zoning or (ii) the issuance of a conditional use permit by the Board of Commissioners. If additional findings of fact, or other supplemental requirements, pertain to a certain conditional use, this would be indicated by a "CS". Such is the case of an elementary school in the R-1 district. If a use does not have a "X", "XS", "C", or "CS" designation in a particular zoning district, that use shall not be allowed in that zoning district.

3. Yard, bulk, and height requirements are found in Section 11.3. In general, these requirements shall pertain to all uses. However, if different requirements for a particular use are found in the supplemental regulations (most supplemental regulations are found in Section 11.3), the stricter requirement shall prevail.

4. If a use is not specifically listed in any of the districts listed in this Ordinance, then the Administrator shall have the authority to interpret in which district the use should be permitted.

11.2 LOT DEVELOPMENT REQUIREMENTS (setbacks, etc.)

See Charts

REQUIREMENT⁽⁴⁾⁽⁵⁾

	R-1	R-2	R-3	R-4	RM-1	RM-2	OIS	C-1	C-2	C-3	C-4	I-1	I-2
Front	30	30	30	20	30	50	20	20	20	40	0	50	70
Rear	30	30	30	30	30	30	20	20**	20**	20**	0	30	50
Side (interior lot)	15	10	10	10	10	25	8	10**	10**	10**	0	20	50
Side (corner lot / street side)	25	20	20	20	20	25	18	20	20	20	0	20	50
Lot Area (min sf in thousands)	100	40	20	*12	*9	50	*5	10	24	28	1	22	60
Lot Width (minimum lf)	75	75	60	60	60	75	50	75	150	100	20	100	150
Lot Depth (minimum lf)	75	75	60	60	60	75	50	75	150	100	20	100	150
Lot Coverage (max %)	30	40	60	75	70	70	85	80	80	75	100	75	80
Height (principal building)	45	45	45	45	45	60	45	45	45	80	3 stories^	80	80
Height (accessory building)	25	25	25	25	25	25	25	25	45	80	3 stories^	80	80

- NOTES: 1) (*) Represents the application of the base requirement for the first dwelling unit or separate non-residential establishment. For each additional unit or non-residential establishment add 50% of base requirement.
- 2) (**) Represents setback if adjoining a Commercial or Industrial zone. If adjoining a Residential or Office zone add 10' to the setback.
- 3) (^) The height shall not exceed three (3) stories at any street view.
- 4) Refer to Section 11.3.77 for regulations on the TND zoning district.
- 5) Refer to Section 21 Downtown Code for downtown zoning requirements.

11.3 SUPPLEMENTARY USE REGULATIONS

The following supplemental regulations shall pertain to the various uses listed in the Table of Uses. If not otherwise listed, these regulations shall be applicable in all districts in which the individual uses are allowed. For any use, which requires the issuance of a conditional use permit, the supplemental use regulations listed herein may be in addition to any other fair and reasonable conditions placed on such use by the Planning Board or Board of Commissioners. Such conditions may impose greater restrictions on a particular use than those that are listed herein.

1. **Adult Establishment**

Adult establishments, by their very nature are recognized as having certain serious objectionable operational characteristics upon adjacent neighborhoods (especially residential neighborhoods); churches, schools, or when concentrated in a particular area within the community. Special regulation of these establishments is therefore necessary to ensure that any adverse effects will not contribute to the blighting or down grading of the surrounding neighborhood or uses within said neighborhood.

A. Use Description

Adult uses / establishments include adult establishments as defined in the definitional section of this supplemental use regulation.

B. Definitions

1. Adult Bookstore: a bookstore:

- a. Which receives a majority of its gross income during any calendar month from the sale or rental of publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section; or
- b. Having a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of its publications (including books, magazines, other periodicals, videotapes, compact discs, other photographic, electronic, magnetic, digital, or other imaging medium) which are distinguished or characterized by their emphasis on matter

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depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.

2. Adult Establishment: an adult bookstore, adult motel, adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or adult massage business each as defined in this definitional section.
3. Adult live entertainment: any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.
4. Adult live entertainment business: any establishment or business wherein adult live entertainment is shown for observation by patrons.
5. Adult Motel: A hotel, motel, or similar commercial establishment that:
 - a. Offers accommodation to the public for any form of consideration, and provides patrons with a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) with closed circuit television (as distinguished from commercial cable services or satellite) transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area; or
 - b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
6. Adult Motion Picture Theatre: an enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein. Adult motion picture theatre does not include any adult mini motion picture theatre as defined in this Section.
7. Adult Mini Motion Picture Theatre: an enclosed building with viewing booths designed to hold patrons which is used for presenting motion picture, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, for observation by patrons therein.
8. Massage: the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping by hand or mechanical device.

9. Adult Massage Business: any establishment or business wherein massage is practiced, which includes any specified sexual activities.

10. Specified anatomical areas: any of the following:

- a. Less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, or (iii) female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

11. Specified Sexual Activities: any of the following:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts

C. Districts Where Adult Uses May be Authorized

As a mitigating measure, adult establishments (as defined in Section 8.2) shall only be allowed in the I-2 district as conditional uses, with the following separation distances being required:

Where these standards establish locational restrictions for an adult use/establishment such restriction will be measured by a straight line in all directions and will not be measured as a walking or street distance. Since adult uses are likely to have adverse secondary effects on surrounding properties whether located inside and outside the Town of Waxhaw, all measurements will be taken from the proposed location of an adult use to surrounding land uses and zoning districts irrespective of the corporate boundaries of the Town of Waxhaw. Distances shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structure wall of the adult establishment to the nearest lot line of the religious use, school, residential district or other adult establishment. In the case where an adult use/establishment is proposed to be located in a multi-tenant building all measurements will be in a straight line from the public entrance to the adult use/establishment to the nearest lot line of the religious use, school, residential district or other adult use.

1. No two adult establishments may be located within fifteen-hundred (1,500) linear feet of each other, irrespective of jurisdictional boundaries.
2. No adult establishment may be located within one thousand

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(1,000) linear feet of any Residential (R) Zoning District within Town limits, and within five hundred (500) linear feet of any residential zoning district outside of the Town limits.

3. No adult establishment may be located within one-thousand (1,000) linear feet of any church, synagogue, or temple and associated uses including cemeteries; congregate care facility; a public or private day care center; non-profit clubs; or any public or private school. The required separation from the above listed uses applied whether the place of worship, school, child day care center, playground, or park is the principal use or an accessory use of the property.

D. Prohibition of Sleeping Quarters
Except for an adult motel, no adult use / establishment is permitted to have sleeping quarters.

E. Restriction of Uses on the Same Property or in the Same Building
There shall not be more than one adult use / establishment in the same building, structure, or portion thereof. No other principal or accessory adult use may occupy the same building, structure, property, or portion thereof with any other adult use / establishment

F. Signs
Signage shall be regulated in accordance with Section 13, except that sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall not be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.

2. Amusement Parks, Fairgrounds, Fun Park

A. All outdoor recreation facilities and vending stands shall be located at least five-hundred (500) linear feet from a Residential (R) Zoning District. Otherwise, all buildings or structures, whether permanent or temporary, may not be located within one-hundred (100) feet of any lot line.

3. Animal Grooming Establishment

- A. Animals must be kept indoors at all times.
- B. Animals boarding facilities shall not be permitted.

4. Animal Shelter; Animal Kennels; Animal Hospital

- A. Any structure which houses animals for an Animal Hospital or Animal Shelter which is not fully enclosed and all animal runs shall be located at least one hundred (100) feet from any lot line and three-hundred (300) linear feet from any pre-existing principal residential structure located on another lot.
- B. All pens and kennels used for housing animals (excluding horses, ponies, and cows) must be surrounded by a black, dark green, or dark brown vinyl coated chain link fence not less than six (6) feet in height, and enclosed on top, or be located in an enclosed structure.
- C. An animal kennel may be only an accessory use on a lot containing a principal single-family residential use in the R-1 district subject to the regulations contained herein, and subject to a conditional use permit issued by the Board of Commissioners. An animal kennel may not be a principal use on a lot. Any structure which houses animals, which is not fully enclosed, and all animal runs shall be located at least one hundred (100) feet from any lot line and five hundred (500) linear feet from any pre-existing principal residential structure located on another lot.

5. Appliance Sales and Repair Shop

- A. All outdoor storage of appliances shall be effectively screened from view from any adjacent lot or street right-of-way. Such screening shall be in the form of a berm, wall or fence, or an appropriate amount of natural plantings to effectively screen the storage from view.

6. Automobile Body Shop, Automobile Repair Shop, Automotive Parts and Repair Store

- A. The structure containing such use shall be located at least 200 feet from any lot located in a Residential zone and buffered in accordance with Table 9.8.1.b found in Section 9.8. This distance shall be measured in a straight line from the outermost portion of the structure containing the above referenced use to the nearest residential lot line.
- B. All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall. Such storage is restricted to the rear yard.
- C. Storage yards shall be set back a minimum of 50 feet from any residential district.

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- D. Repair work involving noise-producing equipment shall be performed indoors.
 - E. Oil, grease and other petroleum products shall be properly disposed of and in no case drained onto the ground or parking area. Containers for the collection of these substances shall not be visible from any public street and shall be screened from public view.
 - F. Stockpiling or collection of automobiles for dismantling and use as spare parts is expressly prohibited.
 - G. No vehicle may be stored for more than 40 calendar days.
 - H. Hours of operation for Automobile Body Shops and Automobile Repair Shops shall be limited to 7:00 am to 7:00 pm only when adjoining a residential zone.
 - I. Hours of operation for Automotive Parts and Repair stores shall be limited to the following only when adjoining a residential zone:
 - 1. The retail component of the store may keep operation hours from 7 am to 10 pm.
 - 2. The repair component of such stores may keep operation hours from 7 am to 7 pm.
- 7. Automobile Detailing Shops**
- A. Hours of operation of outdoor activities shall be limited to 7:00 A.M. to 10:00 P.M. only when adjoining a residential zone
- 8. Automobile Parts & Supply Stores**
- A. Hours of operation shall be limited to 7:00 A.M. to 10:00 P.M. of adjoining a residential (R) zone.
 - B. No outside storage of oil shall be allowed if adjoining a residential zone.
- 9. Automobile Service Stations**
- A. Gasoline pump islands shall be located no closer than fifteen (15) feet from any lot line.
- 10. Automobile Towing and Wrecking Service**
- A. Any outdoor vehicle storage area shall be located a minimum of one hundred (100) linear feet from any street right-of-way; and two-hundred (200) linear feet

from any residential (R) zoning district lots which contain a principal residential use.

- B. Vehicle storage facilities shall not be located at an elevation whereby the storage is visible from a public street after the required screening is in place.
- C. No more than fifty (50) vehicles may be stored on premises.
- D. All lighting shall be directed away from surrounding properties.
- E. Vehicles may only be store in designated outdoor storage areas.

11. Automobile Washes, Class 1 (Self-Service Car Wash)

- A. Vacuuming, frying and polishing facilities may not be located in any required yard or buffer area adjacent to a residential (R) zoning district.
- B. At least two (2) staging spaces and one (1) drying space per wash bay shall be provided.
- C. Hours of operation shall be limited to 8:00 A.M. to 9:00 P.M. only when adjoining a residential (R) zone.
- D. All vehicular accessible area on the lot shall be at least one hundred (100) feet from any interior lot line separating the lot from a residential (R) zone.
- E. Security light must be shielded from adjacent residential zoned properties to prevent undo bright lights from shining onto/into dwellings.
- F. Loud music to be controlled by property owner.

12. Automobile Wash, Class 2 (Automatic Car Wash)

- A. Hours of operation shall be limited to 8:00 A.M. to 9:00 P.M. only when adjoining a residential (R) zone.
- B. All vehicular accessible area on the lot shall be at least one hundred (100) feet from any interior lot line separating the lot from a residential (R) zone.
- C. Security light must be shielded from adjacent residential zoned properties to prevent undo bright lights from shining onto/into dwellings.
- D. Loud music to be controlled by property owner.

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13. Barber/Beauty Shop

- A. All masseurs and masseuses must be licensed massage and bodywork therapist per N.C.G.S. Chapter 90, Article 36 *Massage & Bodywork Therapy Practice* as amended.

14. Barn, Horse or Cattle

- A. Accessory use only with single-family residence as a principle use.
- B. Barn must be a minimum 100 feet from dwelling and 500 feet from pre-existing residence located on adjacent lot.
- C. No more than one (1) horse for each one (1) acre of land, total cannot exceed five (5) animals unless bona fide farm which requires 20 acres. Then, there is no limit to the number of animals.
- D. Use is subordinate to residence, strictly private use, animals owned or leased by the resident.
- E. Must comply with Section 9.20 of the Unified Development Ordinance.

15. Bed and Breakfast Inn

- A. In all zoning districts, meals shall be served to resident guests only.
- B. In any residential (R) zoning district, no more than two (2) off-street parking spaces shall be provided in the front yard.

16. Building and Home Materials Center, Lumber and Building Materials Yard

- A. All outdoor storage areas shall be at least one hundred (100) feet from any adjacent residential (R) zoning district.

17. Camping and Recreational Vehicle Parks

- A. All spaces for camping and recreational vehicles shall be located at least one hundred (100) feet from any adjoining lot line.
- B. Notwithstanding any other screening requirements, the campground shall be sufficiently wooded to provide an opaque natural buffer between the campground, all adjacent lots, and all adjacent public roads at the time the campground is initially developed.
- C. Accessory uses, limited to usage by campground patrons, may include laundry facilities and the selling of convenience items (snacks, beverages, etc.)

18. Cemetery/Columbarium

- A. Tombstones, columbariums, crypts, monuments and mausoleums shall be located a minimum of twenty (20) feet from any side or rear lot line and at least thirty (30) feet from a street right-of-way. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.
- B. Sales of crypts or monuments shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty (20) feet from any side lot line abutting a Residential (R) District and forty (40) feet from any such rear lot line.

19. Churches/House of Worship

- A. If a school is operated on-premises, parking needs may be satisfied by that already provided by the church. A school having an enrollment certification of one-hundred (100) or more students shall be considered a conditional use in Residential zoning district and shall be considered a separate principal use and may be allowed on the same lot so long as the school meets all applicable area, bulk and setback requirements.
- B. A single-family residential use, occupied by the pastor, priest, rabbi, etc. of the facility, may be placed on the lot containing the church/house of worship. Said structure shall meet all setback requirements for single-family dwellings for the zoning district in which the lot is located. Said structure may not be used for day care facilities.
- C. If a day care center with an enrollment capacity in excess of twenty-five (25) students is operated on-premises, the day care center shall be deemed a separate use and may be allowed subject to the regulations covering such uses in the underlying zoning district.

20. Community Centers

- A. In all Office or Commercial zoning districts, any community center with a seating capacity of up to five hundred (500) persons shall be a use by right. All other community centers shall be a conditional use.

21. Dairy Bars and Ice Cream Shops

- A. Retail sales on premises, only.

22. Commercial or Office Use with Outdoor Speakers

- A. Outdoor speakers shall be at least fifty (50) feet from property lines residential development or residentially zoned properties (R).

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23. Continuing Care Facility

- A. The density levels and minimum yard requirements shall be based on the regulations of the underlying zoning district.

24. Contractors Office and Storage Yards

- A. Outdoor storage areas shall meet the requirements of Section 9.8.

25. Convenience Store; Mini-Mart

- A. Vacuuming facilities may be located outside the building, but may not be located within any required yard or buffer area adjacent to a Residential (R) district.
- B. If a mini-mart is located adjacent to a Residential (R) district, hours of operation shall be limited to 5:00 A.M. to Midnight only.
- C. A mini-mart may contain a freestanding automatic car wash facility. All applicable supplemental regulations contained in Section 11.3.12 shall be followed.
- D. Gasoline pump islands shall be located no closer than fifteen (15) feet from any lot line.
- E. Suitable landscaping shall be provided along all sides of the property that abut Residential (R) Zoning Districts as per Section 9.8.
- F. Convenience or mini-mart stores must have a minimum of one hundred (100') feet setback(s) when adjacent to Residential zoned property.
- G. Security lights must be shielded from all adjacent Residential zoned property to prevent undo bright lights shining onto/into dwellings.

26. Correctional Facility

- A. A two hundred (200) foot setback for all principal and accessory structures shall be observed if the facility is adjacent to any lot located in a Residential (R) Zoning District or any pre-existing principal residential structure.
- B. Any fence which is barbed or contains razors, shall be located in the side or rear yard only, shall be screened according to the standards in Table 9.8.1.b and be located at least thirty (30) feet from any lot located in a Residential (R) District.
 - 1. A fence which is taller than prescribed by section 9.19 or that contains razors in the front yard may only be allowed through securing a conditional use permit or conditional zoning.

- C. All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties.

27. Day Care Centers, in Single Family Structure and up to 8 Children/Persons

- A. The facility is staffed by persons residing in the dwelling in which the day care center is located and up to one (1) non-resident.
- B. Outdoor play areas shall be located in the rear or side yards only. In no case shall such play areas be located in the required side yard setback.
- C. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height. Outdoor play areas shall not include driveways, parking areas, or other land unsuitable for play use.
- D. One attached on-premise non-illuminated sign may be used to advertise the day care center. Said sign shall have a maximum area of four (4) square feet and a maximum height of two (2) feet.
- E. The day care center shall be located in a structure originally constructed as and designed for a single-family dwelling. Said structure shall be the principal structure on the lot. The exterior of the structure (aside from the allowed day care signage) shall not be altered in a manner, which diminishes its single-family dwelling characteristics.
- F. In Office and Commercial districts only, outdoor play areas located in the side yard shall observe a minimum side yard setback of ten (10) feet. On corner or through lots, a minimum twenty (20) foot setback for outdoor play areas as measured from the abutting street right-of-way shall be observed.

28. Day Care Centers, in Single Family Structure from 9 to 12 Children/Persons

- A. The facility is staffed by persons residing in the dwelling in which the day care center is located and a maximum of two (2) non-resident.
- B. Outdoor play areas shall be located in the rear or side yards only. In no case shall such play areas be located closer than ten (10) feet to any property line.
- C. All outdoor play areas shall be surrounded by a privacy fence or wall at least six (6) feet in height to preserve the appearance of a single-family structure.
- D. One freestanding non-illuminated sign may be used to advertise the day care center. Said sign shall have a maximum area of four (4) square feet and a maximum height of two (2) feet. No other signs are allowed on the property.

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- E. The day care center shall be located in a structure originally constructed as and designed for a single-family dwelling. Said structure shall be the principal structure on the lot. The exterior of the structure (aside from the allowed day care signage) shall not be altered in a manner, which diminishes its single-family dwelling characteristics.
- F. Day care operating hours shall begin no earlier than 6:00 A.M. and end no later than 6:30 P.M. Monday through Friday.
- G. In Office and Commercial districts only, outdoor play areas located in the side yard shall observe a minimum side yard setback of ten (10) feet. On corner or through lots, a minimum twenty (20) foot setback for outdoor play areas as measured from the abutting street right-of-way shall be observed.

29. Day Care Centers, Located in a Church or School, up to 50 Children/Persons.

- A. Outdoor play areas shall be located in the rear yard or side yards only. In no case shall such play areas be located in a required side yard.
- B. All outdoor play areas are to be surrounded by a fence or wall at least four (4) feet in height.
- C. Signage for the day care center shall be included in that which is allowed for the church or school.
- D. The property upon which the day care center is located shall be used primarily for church or school purposes. If located on the premises of a church, the day care center shall be an accessory use to the church and may not be conducted in any single-family residence located on such property. The number of persons regularly attending such church or school must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.

30. Day Care Centers, Located in a Church or School, over 50 Children/Persons

- A. Outdoor play areas shall be located in the rear yard or side yards only. In no case shall such play areas be located in a required side yard setback.
- B. All outdoor play areas are to be surrounded by a fence or wall at least four (4) feet in height.
- C. Signage for the day care center shall be included in that which is allowed for the church or school.

- D. The property upon which the day care center is located shall be used primarily for church or school purposes. If located on the premises of a church, the day care center shall be an accessory use to the church and may not be conducted in any single-family residence located on such property. The number of persons regularly attending such church or school must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.
- E. There shall be adequate road ingress and egress to and from the site. Traffic generated by the facility shall not be disruptive to any adjacent residentially developed properties.

31. Day Care Centers, Principal Use

- A. Outdoor play areas may be located in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten (10) feet shall be observed. On corner or through lots, a minimum twenty (20) foot setback as measured from the abutting street right-of-way line shall be observed. (Greater setbacks may be required if otherwise called for in the underlying zoning district.)
- B. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height.

32. Duplex

- A. Two units per lot provided that such are located on a corner lot and that the architectural front of each dwelling unit faces different streets.

33. Dry Cleaning Outlets

- A. Any dry cleaning plant associated with pick-up stations shall have less than 2,000 square feet of floor area in the C-1 district only.
- B. The emission of steam and other obnoxious byproducts shall be controlled in the C-2 district only.

34. Electronic Gaming Operations

- A. Days/Hours of operation: business engaging in electronic gaming operations activities may operate from 8:00 am until 10:00 pm each day, seven (7) days per week.
- B. The maximum number of machines/terminals/computers for any electronic gaming business is 20.
- C. The machines/terminals must not be prohibited by State or Federal law and must have all applicable permits and licenses.

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- D. If food or beverage is served the establishment must meet the requirements of the UDO, the Union County Department of Health, and all State law requirements.
- E. The establishment must be a minimum of three hundred (300) linear feet from any residential zoning district located within or outside the Town of Waxhaw municipal limits.
- F. The establishment must be a minimum of one thousand six hundred (1,600) linear feet from any other organization engaged in an electronic gaming operation business.
- G. The establishment must be a minimum of one thousand (1,000) linear feet from any church, synagogue, or temple and associated uses including cemeteries congregate care facility; a public or private daycare center; non-profit clubs; or any public or private school. The required separation from the above listed uses applies whether the place of worship, school, child day care center, playground, or park is the principal use or an accessory use of the property.
- H. Distances shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structure wall of the electronic gaming establishment to the nearest lot line of the religious use, school, residential district or other electronic gaming facility.
- I. The applicant shall submit a current plot plan prepared within thirty (30) days prior to application by a registered land surveyor depicting the following:
 - 1. Property lines and the structures containing any existing electronic gaming businesses within one thousand six hundred (1600) feet of the subject property
 - 2. Property lines of any established church, synagogue, or temple and associated uses including cemeteries congregate care facility; a public or private daycare center; non-profit clubs; or any public or private school that is within one thousand (1000) feet of the subject property
 - 3. Property lines of any existing residential zoning district within three hundred (300) feet of the subject property.

For the purposes of this Section, a use shall be considered existing or established if it is in existence at the time and application is submitted.

35. **Electric, Heating, Air Conditioning, Ventilating, and Plumbing Supplies and Equipment Sales**

- A. All outdoor storage areas shall meet the requirements of Section 9.8.

36. Equestrian Facilities

- A. Such uses (where allowed) may be principal uses or accessory uses on a lot containing a principal single-family residence.
- B. The tract on which the facility is located must have at least one (1) acre of open pasture for every horse able to be boarded at the site in accordance with the provisions in this section.
- C. All structures housing horses must meet the following setbacks:
 - 1. At least fifty (50) feet from all front, side and rear property lines.
 - 2. At least one hundred (100) feet from any pre-existing residential structures located off the subject property.
 - 3. At least thirty (30) feet from the principle structure when accessory to a residential structure. If accessory to a residential structure, then the structure housing the horse(s) shall be in the rear or side yard.
- D. The number of stalls shall not exceed the number of horses permitted.
- E. Any outdoor lighting shall not shine into the road right-of-way or adjacent residences per Section 12.12 of this Ordinance.
- F. An equestrian facility shall not be located on less than five (5) acres.

37. Public Utility Facility

- A. All service and storage yards shall meet the requirements of Section 9.8, and shall be surrounded by a sturdy fence not less than six (6) feet in height.

38. Family Care Homes

- A. Family care homes shall be allowed as use by right provided that no family care home shall be allowed within on half mile radius of another family care home.

39. Farm Equipment Sales and Service, Tire Recap Facility

- A. All activities shall be conducted within a completely enclosed building.

40. Racetrack, Outdoor

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- A. No portion of the racecourse perimeter shall be located closer than three hundred (300) linear feet from any exterior lot line, except five-hundred (500) linear feet from any lot line abutting a Residential (R) zoning district.
- B. Hours of operation shall be limited to 10:00 AM to 10:00 PM only.
- C. All racecourses for any motorized vehicle shall be paved.

41. Fraternal and Service Organization Meeting Facility

- A. A side setback of twenty (20) feet and a rear setback of forty (40) feet shall be required if a side and/or rear lot line abuts a residential (R) district, unless a greater setback is otherwise required for the zoning district in which it is located.

42. Game Room

- A. A game room, unless located within a shopping center or other planned commercial development, shall be located at least three hundred (300) linear feet from any residential (R) zoning district, and any existing principal residential structure.

43. Hotels or Motels

- A. Retail uses and restaurants may be located as an accessory use within any motel or hotel.
- B. Off-street parking facilities shall be separately computed at seventy-five (75) percent of the required spaces for any retail use containing over 1,000 square feet of gross floor area and for any restaurant or lounge which is open to the general public.

44. Industrial Equipment, Sales, Supplies and Repair

- A. All service and open storage areas shall meet the requirements of Section 9.8

45. Junkyard and Automobile Salvage Yard

- A. Any lot containing such use shall be located at least three-hundred (300) linear feet from any lot in a residential (R) district.

46. Laboratories/Offices in the OIS District

- A. Laboratories and offices located in an OIS district shall be medically related only.

47. Lounge (Principal Use)

- A. Any lounge shall be located at least three-hundred (300) linear feet from any lot in a residential (R) district.

48. Mini-Warehouse

- A. All storage compartments within the mini-warehouse shall front on a private drive having a minimum width of twenty-five (25) feet to ensure sufficient room for vehicular circulation, loading, and parking.
- B. Driveways providing ingress and egress to the site shall not permit any parking or loading extending to within thirty (30) feet of the adjoining street right-of-way.
- C. If the mini-warehouse facility has a locked and keyed entrance two (2) staging spaces must be provided directly in front of the entrance.
- D. All mini-warehouses must have a minimum setback of one hundred (100) feet from any adjacent Residential zoned property.
- E. Outside storage is limited to mini-warehouses in the Heavy Industrial district.
- F. If mini-warehouse is located adjacent to a Residential District, hours of operation shall be limited to 8 a.m. to 9 p.m. only.
- G. Security lights are to be shield from all Residential zoned property adjacent to mini-warehouses to prevent bright lights shining onto/into houses.

49. Monument Sales

- A. The lot which such use is located shall be located at least three-hundred (300) linear feet from any lot located in a residential (R) district.

50. Motorcycle Sales

- A. The lot which such use is located shall be located at least three-hundred (300) linear feet from any lot located in a residential (R) district.

51. Multi-family in the C-4 Business District

- A. A maximum of twelve (12) dwelling units per acre are allowed.
 - 1. Increases in density must be approved by the Board of Commissioners. The applicant must be able to demonstrate how the request is incorporating unique or creative design elements that would warrant additional density.
- B. A mix of uses is preferred in the C-4 Central Business District. Therefore, if two or more dwelling units are located in the C-4 Central Business District, the dwelling

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units shall not be allowed on the ground or first floor. Only single-family, detached units are allowed on the ground or first floor.

- C. Parking of any kind should be encouraged not to abut Broome Street, North Main Street or South Main Street.

52. Pet stores

- A. All facilities associated with a pet store shall be located indoors.

53. Produce Stand (Accessory Use)

- A. A produce stand shall not be located in a road right-of-way.
- B. A produce stand shall not be located closer than ten (10) feet to any side lot line and twenty (20) feet to any side lot line which is in or abuts a Residential (R) District, unless a greater setback is required for the zoning district in which it is located.
- C. Signs for a produce stand shall not be illuminated, nor have flashing lights, nor shall they exceed four (4) square feet in area.
- D. During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it shall not be visible from any public road.

54. Produce Stand (Principal Use)

- A. Any produce stand structure shall not be located in a road right-of-way.
- B. If a free-standing structure is used, it shall not be located closer than ten (10) feet to any side lot line or twenty (20) feet to any side lot line which abuts a Residential (R) district, unless a greater setback is required for the zoning district in which it is located.
- C. The produce stand may be a permanent or temporary structure.

55. Public and Private Elementary, Junior High and Senior High Schools

- A. Any school that has greater than one-hundred (100) students must have access onto a major or minor thoroughfare, or through a collector road.

56. Public Safety Station

- A. All buildings shall be at least twenty (20) feet from all property lines unless a greater side or rear setback is otherwise required for the zoning district in which it is located and shall be designed and landscaped in such a way as to blend in with the surrounding area.

57. Recreation Facility, Indoor or Outdoor; Country Club; Swim Club

- A. All structures (with the exception of swimming pools) shall be located at least twenty (20) feet from any side or rear lot line, except fifty (50) feet shall be required if in or adjacent to a Residential (R) District. Rear and side yard setbacks for outdoor swimming pools shall be fifty (50) feet each, unless adjacent to Residential (R) Districts (see below).
- B. Outdoor swimming pools shall be at least one hundred (100) feet from any adjoining Residential (R) Zoning District.
- C. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of any driving ranges so as to prevent golf balls from going onto adjacent properties. Such devices, where applicable, may be counted towards any required screening provided.
- D. A facility designed to accommodate two-hundred (200) or more patrons at one time may only be allowed through securing a conditional use permit or conditional zoning.
- E. Hours of operation shall be limited to 7:00 a.m. and 10:00 p.m. only if located in a Residential (R) Zoning District.
- F. No direct beam of light from outdoor lighting fixtures or signs shall shine onto any lots located in a Residential (R) district.

58. Recycling Deposit Station (Principal Use)

- A. Any preexisting principal residential structure on another lot shall be located at least one-hundred (100) linear feet from the building housing this facility or from any outdoor bins.
- B. No outdoor storage of goods to be recycled shall be permitted.

59. Home Occupations

- A. No goods, stock in trade, or other commodities may be displayed outside a fully enclosed structure
- B. No on-premises retail sales of goods not produced on-site may occur, except that incidental retail sales may be permitted (for example hair products at a beauty shop)

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- C. No more than two persons not a resident on the premises may be employed in connection with the purported home occupation
- D. The use may not create objectionable noise, fumes, odor, dust or electrical interference
- E. Not more than twenty-five percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 1,000 square feet of gross floor area (whichever is less), may be used for home occupation purposes
- F. Only vehicles used primarily as passenger vehicles may be used in connection with the home occupation.
- G. In the RM-1 and RM-2 zoning districts, home occupations shall only be allowed on lots containing single-family residential dwellings.

60. Home for the Aged, Independent Living Center, Nursing Home, Convalescent Home

- A. Any facility which is licensed to have greater than fifty (50) residents shall maintain a side setback of at least twenty (20) feet and a rear setback of at least thirty-five (35) feet when the side or rear yard is in or abuts a Residential (R) District or a lot containing a principal residential use, unless a greater setback is otherwise required for the zoning district in which it is located.

61. Restaurant, Fast Food or Drive Through

- A. Any free-standing fast-food restaurant building shall maintain a distance of at least two-hundred and fifty (250) linear feet from an existing residence.
- B. Freestanding fast food restaurants shall be designed, where practical, to have a joint ingress/egress with adjoining lots.
- C. There may be up to two fast food restaurants located at the intersection of any two public streets. However, no two fast food restaurants shall be located on the same side of the same public street within four hundred (400) feet of each other, as measured from the outer extremity of the structure or any appurtenance attached thereto. These spacing provisions shall not apply if the fast food restaurant is: (1) totally enclosed within a convenience store; (2) is not in itself a free-standing building (i.e., it is a use connected to other uses or wholly located within another use in a multi-tenant development) and does not have an outside call box.

62. Restaurants (Within Other Facilities)

- A. A restaurant may be allowed as a permitted accessory use in a Office or Commercial District where located within a use allowed in such a district. Such restaurant shall be designed to serve customers or users of such use. Examples of such uses include snack shops in department or variety stores, employee cafeterias, snack shops or canteens in office buildings, bowling alleys, etc.
- B. Access to such restaurant shall not be directly available from the outdoors.
- C. Separate off-street parking spaces for such use shall not be required.
- D. The restaurant shall be allowed up to sixteen (16) square feet of exterior wall identification signage. Said signage shall be included as part of the signage allowed for the principal use. No freestanding signs for said restaurant shall be allowed.
- E. The aggregate gross area of all restaurants within any building shall occupy no greater than ten (10) percent of the gross floor area of the building.

63. Roofing Repair and Installation, Sheet Metal

- A. All open storage areas shall meet the requirements of Section 9.8.2.

64. Seasonal Outdoor Sales

- A. Seasonal outdoor sales, including the sale of such items as Christmas trees and pumpkins, seasonal produce (excluding farmers' market as defined in Section 8), and other similar seasonal products, may take place on a vacant or developed lot. Each seasonal outdoor sales activity is limited to a maximum of forty-five (45) consecutive days. Not more than three events are allowed per calendar year per parcel of land.
- B. Seasonal outdoor sales shall comply with the temporary sign standards listed in Section 13.9.12.
- C. A temporary zoning use permit is required for the temporary display and/or sale of products that are not contained within the principal building.
- D. All temporary seasonal outdoor sales displays shall comply with the following standards:
 - 1. The property shall contain an area that is not actively used that will support the proposed temporary sale of products, without encroaching

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- into or creating a negative impact on existing buffers, landscaping, traffic movements, or parking space availability.
- 2. All required setbacks for the zoning district in which the temporary display is located must be met.
- 3. The proposed display and/or sale of goods, products and/or services for commercial purposes may not occur within one hundred (100) feet of a residential dwelling unit.
- 4. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.
- 5. Tents and other temporary structures shall be compatible with the predominant color of the principle structure on the premises. If the lot is vacant, the predominant color of the tents and temporary structures shall be compatible with the environs.
- 6. Parking shall be adequately provided for the proposed sale of the products. The parking areas shall be located so as to avoid undue interference with the use of public streets and alleys.
- 7. The temporary sale of products will not cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided.
- 8. The hours of operation of the temporary sale of products shall be from no earlier than 7:30 AM to no later than 10:00 PM, or the same hours of operation of the principle uses, whichever is more restrictive.
- 9. Any lighting used for the temporary display / sale of products shall meet the requirements listed in Section 12.12.
- 10. All signage shall meet the requirements listed in Section 13.9.12.

65. Shopping Center

- A. Uses in a shopping center are limited to those that are allowed in the underlying zoning district. Any use shown as a "conditional use" shall require the issuance of a conditional use permit in a shopping center irrespective of the size of that shopping center.

66. Stadiums

- A. Stadiums located in a Residential (R) district shall be limited to those constructed for use primarily by teams representing junior high schools, middle schools, high schools, colleges, or universities. Such structures may be either principal or accessory structures.

- B. Access to the site shall be provided by major or minor thoroughfares only.

- C. No direct beam of light from outdoor lighting fixtures or signs shall shine onto any abutting lots which are located in a Residential (R) district or onto any adjoining residentially developed lot.
 - D. All principal structures (including bleachers) shall be located a minimum of one hundred (100) feet from all lot lines.
 - E. Off-street parking requirements shall be met only if the stadium is freestanding and not an accessory use to a school.
 - F. Stadiums shall be a use by right only if accessory (and on the premises of) a school. Otherwise, the use shall be conditional.
- 67. Bakeries, Cabinet and Woodwork Shops, Machine Shops, Manufactured Goods (Class 1), Sign Painting Shop, Welding Shop**
- A. The manufacturing, compounding, or processing of goods or materials shall be conducted within a completely enclosed building.
 - B. Any outdoor, storage of materials, equipment, or supplies must meet the requirements of Section 9.8.
- 68. Commercial Vehicle Storage and / or Operations Center**
- A. Outdoor speakers shall be at least fifty (50) feet from property lines, residential development, or residentially zoned properties (R).
- 69. Landfill, Demolition (Principal Use)**
- A. The actual fill area shall be located at least three-hundred (300) linear feet from any pre-existing principal residential structure and at least fifty (50) feet from any lot line. All other structures and facilities (except access driveways) associated with the landfill shall be located at least one-hundred (100) linear feet from any lot line.
 - B. Direct access to the site shall be provided by major or minor thoroughfares only.
 - C. All access driveways that serve the site for ingress or egress shall be wide enough to accommodate two lanes of traffic.
 - D. Access to the site shall be controlled with gates, or other suitable devices to prevent unregulated dumping.
 - E. All applicable State permits for the facility should be required.

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70. Temporary Construction Trailers/Structures

- A. Must meet setback requirements (see setback chart)

71. Rental Center

- A. See screening requirements in Section 9.8

72. Manufactured Home Parks

- A. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector/non-arterial streets)

73. Manufacturing Goods, Class 2

- A. See Definition in Section 8.2.
- B. The use will not overly impact the ability of a public agency to collect and/or treat any wastewater generated by the use or the ability of the public agency to treat and distribute any potable water needed by the use.
- C. The use will not overly impact (impact beyond capacity) the system of streets serving the use or that improvements will be made to such streets in consort with the development of said use, the result of which will be adequate handling of the additional traffic generated.
- D. That not only will the use meet the minimum screening requirements of this Ordinance, but also that such additional screening will be installed, as necessitated by the visual characteristics of the particular use, such that the use will be screened from view of adjoining residential districts, or that the nature of the topography makes the screening from distance view from such residential areas impossible and that other measures such as heavy on-site landscaping will be taken to lessen any near or distant visual impacts.

74. Multi-Family Developments (RM-1, RM-2 District)

- A. Overall Site Design and Layout
 - 1. The site plan must be designed to give adequate consideration to the following factors:
 - a. The size and shape of the tract
 - b. The topography and necessary grading
 - c. The reasonable preservation of the natural features of the land and vegetation
 - d. The size of the development and its relationship with adjacent and nearby land uses.

B. Points of Ingress and Egress; Sidewalks

1. Developments with fifty (50) or more dwelling units shall have a direct point of ingress and egress onto a major or minor thoroughfare as shown on the Thoroughfare Plan. Developments with one-hundred (100) or more dwelling units shall have at least two (2) direct points of direct ingress and egress onto a major or minor thoroughfare as shown on the Thoroughfare Plan.
2. Developments with one hundred 100 or more dwelling units shall be provided with a divided ingress-egress driveway with a landscaped median for all entrances from public streets.
3. Any proposed ingress and egress points shall be located and designed so as to not result in a substantial amount of vehicular traffic to be channeled onto adjacent non-thoroughfare local streets.
4. Sidewalks shall be constructed within the development to link the interior of the development with residential buildings within the development and to other destinations such as, but not limited to: adjoining streets, mailboxes, trash disposal areas, onsite amenity areas, etc. These sidewalks shall be constructed in accordance with the standards for sidewalk construction found in Section 9.13
5. Developments containing fifty (50) or more units shall be required by the Town to provide a turn lane and/or a deceleration lane into the development to facilitate ease of traffic into and out of the development.

C. Building Spacing; Exterior Facades

The minimum spacing between multi-family buildings within a development shall be twenty (20) feet, plus one (1) foot for each one (1) foot of height in excess of thirty (30) feet.

In order to provide an interesting and aesthetically attractive development, the following standards shall apply:

1. All multi-family buildings shall have a multi-faceted exterior form in which articulated facades are combined with window and door placements, as well as other detailing, to create an interesting and attractive architectural design which is comprised of more than flat walls with minimum features.
2. With the exceptions of buildings that front the same public street, buildings shall be arranged in patterns that are not strictly linear. Exceptions shall be allowed for buildings that define a common space such as a courtyard or green.
3. Building entryways shall face a street, sidewalk, or common area. Buildings shall not face the rear of other buildings within the same development.

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4. The maximum allowable density for any multi-family development shall be eight (8) units per acre.
5. No more than twenty (20%) of the off-street parking associated with the multi-family use may be located in the front yard facing a public street.

D. Other Required Improvements

For all multi-family developments, not specifically developed for the elderly, and containing more than one-hundred (100) dwelling units, a shelter shall be constructed at a location where a public school bus may pick-up and/or drop-off children riding Union County school buses.

75. **Communication Towers, Telecommunications Towers**

In recognition of the Telecommunications Act of 1996, it is the intent of the Town of Waxhaw to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Waxhaw. Wireless towers may be considered undesirable with other types of uses; most notably residential, therefore special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.

- A. Wireless telecommunication towers, (including cellular towers, digital towers, and PCS towers), require conditional zoning or the issuance of a Conditional Use Permit in all zoning districts pursuant to the regulation set forth in this section and subject to the requirements in Section 14.
- B. All telecommunication towers constructed within Residential districts, and within the OIS and Commercial districts must be of the monopole variety, unless the tower exceeds 199.9 feet, in which case a lattice type tower may be used to insure structural safety. Towers within the I-1, and I-2 districts may be either a monopole or lattice type where the property currently has no structure or is developed for non-residential purposes. Towers constructed on property that includes residential development must be of the monopole variety.
- C. It is the intent of the Town to encourage providers to co-locate facilities in an effort to reduce the number of towers in Waxhaw's jurisdiction. The Town shall require providers to construct telecommunication towers such that additional telecommunication providers may be afforded the opportunity to co-locate facilities on the tower. The owners of the towers with co-location space shall negotiate in good faith with other providers, space at a reasonable lease cost, and publicize the fact that space is available on a lease basis. The Town further reserves the right to make co-location a condition of any tower permitted as a Conditional Use under the guidelines listed above.

- D. The maximum height of telecommunication towers shall be:
1. In all Residential (R) districts the maximum height will be 199.9 feet unless documentation is provided to show a taller tower is required to meet minimal service levels (i.e. cannot meet reasonable service coverage area).
 2. In all other districts, the maximum tower height shall be 199.9 feet unless documentation is provided to show a taller tower is required to meet minimal service levels (i.e. cannot meet reasonable service coverage area). The maximum tower height may be increased by a ratio of one foot for every one linear foot of distance beyond 1,000 linear feet between the base of the proposed tower and any Residential (R) district or platted residential subdivisions lying in Waxhaw and/or in neighboring jurisdiction.
- E. No telecommunication tower is allowed to be located within the front yard of any existing development.
- F. The Town of Waxhaw, by federal law, cannot prohibit a telecommunication tower nor deny a conditional zoning or Conditional Use permit on the basis of environmental or health concerns relating to radio emissions if the tower complies with the Federal Radio Frequency Emission Standards. The provider must provide documentation proving that the proposed tower does comply with the Federal Radio Frequency Emission Standards.
- G. Wherever feasible, all accessory structures on the ground which contain switching equipment or other related equipment must be designed to closely resemble the neighborhood's basis architecture, or the architecture and style of the principal use on the property.
- H. In order to minimize the risk of nay danger, an eight (8) foot high black, dark green, or dark brown vinyl coated chain link fence shall be constructed around the structure and all accessory structures housing equipment and switching equipment.
- I. Screening is required along all sides of the perimeter of the tower site in the form of an opaque screen from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet, for towers over 199.9 in height. It will be the responsibility of the provider to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where screening is

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required, shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the screening shall be replaced in the event it dies.

- J. In all districts, a minimum setback requirement, on all sides of the property, shall be 150 feet or one and one-half feet for every one (1) foot of actual tower height (i.e. a 150 foot tower would require a 225 foot setback), whichever is greater. If the applicant can document a reduced collapse area, then the setback shall be the greater of that distance or 150 feet.
- K. Telecommunication towers located in all residential districts and having a height of 199.9 feet or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or equipment shelters to reduce the effect of glare.
- L. Towers and related facilities must be removed if abandoned (i.e. no longer used for its original intent) for a period greater than six (6) consecutive months.
- M. Additional provider antennas and equipment shelters to an approved telecommunication tower site may be made with the approval of the Administrator, without additional review by the Planning Board and Board of Commissioners, provided said changes do not increase the height of the tower or the type of tower construction.
- N. Free-standing signs are prohibited. One wall sign, for the purpose of identification, is allowed on any equipment shelter provided it does not exceed ten (10) percent of the total wall area of the wall on which it is located.
- O. The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunication tower prior to the approval of conditional zoning or the issuance of a Conditional Use permit.
- P. Outdoor storage of equipment or other related items is prohibited on a telecommunication tower site.
- Q. That the tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facilities.
- R. All applications for a Conditional Use permit for a telecommunication tower must include the following information in addition to any other applicable

information contained in Sections 16.2 (Conditional Zoning) and 14.1, 14.2, and 14.3 (Conditional Use Permit) of the Unified Development Ordinance:

1. Identification of intended provider(s);
2. Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable;
3. A statement from the owner indicating intent to allow shared use of the tower and how others will be accommodated, if applicable;
4. Evidence that the applicant of the proposed tower height and design has notified the property owners of residentially zoned property within 300 feet of the site;
5. Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standards;
6. Documentation that towers over 199.9 feet are necessary for a minimal level of service;
7. Screening, if applicable, must be shown on the site plan detailing the type, amount of plantings, and location;
8. Documentation of collapse area; and
9. A statement regarding possible interference, if any, with respect to radio and/or television reception.

76. Circuses, carnivals, exhibition shows, sideshows, races, trade shows, flea markets, banquets, conventions, religious events, arts and craft shows, stage shows, athletic events and other similar events, including temporary living quarters.

- A. Temporary living quarters shall be limited to a period of not more than five (5) days longer than the duration of the event.
- B. No more than thirty (30) total days in any twelve (1) month period for any one (1) separate event.

77. Planned Residential Developments/ Traditional Neighborhood Developments

In addition to the regulations contained below, regulations for Traditional Neighborhood Developments (TNDs) are included herein. A “TND” shall only be developed as a conditional use in the TND zoning district.

A. Planned Residential Developments

Planned residential developments (P.R.Ds) are permissible only within the R-3, R-4, and RM-1 zoning districts. The purpose of this district is to allow flexible development with a planned neighborhood character. The developer shall meet with the Town staff at least thirty (30) days prior to submittal to review the proposed project and determine the appropriate design approach to meet the intent of this ordinance.

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1. R-3: The maximum density of a P.R.D in an R-3 district shall be no greater than that which would be realized had the tract been developed as a conventional R-3 subdivision in accordance with all other applicable regulations contained in this Ordinance. Furthermore, the actual density yield shall be based on the amount of “developable” land within the tract. Lands that cannot be developed due to physical limitations or have other physical constraints (i.e. ponds, lakes, other bodies of water, HUD designated floodways, wetlands, areas with steep slopes.) shall not be included in determining the density yield of the tract in question. For instance, if there were a 100-acre tract that was to be developed for a P.R.D. and tract contained a 20-acre lake, only eighty (80) acres of land would be considered as being developable and used in calculating maximum density. It will be the responsibility of the applicant to provide density yield data for the proposed P.R.D. in order for the Town to consider an application for a P.R.D.

The tract containing the P.R.D. shall have no minimum acreage requirement. Housing unit types within a P.R.D. shall be limited to detached single-family dwellings and townhomes. No single-family detached lot in a R-3 P.R.D. shall have an area of less than ten-thousand (10,000) square feet. The townhouse portion of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties, unless the adjoining property is non-residentially zoned.

2. R-4: The maximum density of a P.R.D. in an R-4 district shall be no greater than that which would be realized had the tract been developed as a conventional R-4 subdivision in accordance with all other applicable regulations contained in this Ordinance. Furthermore, the actual density yield shall be based on the amount of “developable” land within the tract. Lands that cannot be developed due to physical limitations or have other physical constraints (i.e. ponds, lakes, other bodies of water, HUD designated floodways, wetlands, areas with steep slopes) shall not be included in determining the density yield of the tract in question. For instance, if there were 100-acres tract that was to be developed for a P.R.D. and the tract contained a 20 acre lake, only eighty (80) acres of land would be considered as being developable and used in calculating maximum density. It will be the responsibility of the applicant to provide density yield data for the proposed P.R.D. in order for the Town to consider an application for a P.R.D.

The tract containing the P.R.D. shall have no minimum acreage requirement. Housing unit types within a P.R.D. shall be limited to detached single-family dwellings and townhomes. No single-family detached lot in a R-4 P.R.D. shall have an area of less than six-thousand (6,000) square feet. The townhouse portion of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties, unless the adjoining property is non-residentially zoned.

3. RM-1: The tract containing a P.R.D. shall have no minimum acreage requirement. The maximum density of a P.R.D. shall be 4.5 units per acre. The density yield (i.e., the maximum number of units allowed on the tract) shall be based on the amount of “developable” land within the tract. Lands that cannot be developed due to physical limitations or have other physical constraints (i.e., ponds, lakes, other bodies of water, HUD designated floodways, wetlands, areas with steep slopes) shall not be included in determining the yield of the tract in question. For instance, if there were a 100-acre tract that was to be developed for a P.R.D. and tract contained a 20-acre lake, only eighty (80) acres of land would be considered as being developable and used in calculating maximum density. It will be the responsibility of the applicant to provide density yield data for the proposed P.R.D. in order for the Town to consider an application for a P.R.D.

The minimum lot size for any lot containing a detached single-family dwelling shall be five-thousand (5,000) square feet. The P.R.D. can contain single-family detached dwellings, townhouses, or other multi-family dwelling units. Townhomes and other multi-family dwelling units cannot account for greater than fifty (50) percent of all dwelling units within the PRD.

The townhouse or multi-family portions of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties, unless adjoining property that is non-residentially zoned.

In a P.R.D., the screening requirements that would normally apply where multi-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.

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As part of the P.R.D. the developer shall propose to the Town standards and designs that shall become part of the Conditional Use (CU) Permit and/or Conditional Zoning application. These standards and designs shall address architectural standards, streetscape, and landscaping and common area treatments. The standards and requirements shall incorporate the following as a minimum.

1. Curb and gutter on all interior streets shall be provided.
2. Each single-family dwelling unit must comply with the parking regulations in Section 12 of the Unified Development Ordinance.
3. Usable common open space or recreational areas shall be provided within the P.R.D. Common open space area shall consist of a minimum area of at least twenty (20) percent of the total acreage within the entire project. All common open space areas shall be accessible by sidewalk from the residential developed portions of the P.R.D.
4. All of the common open space required under this Section shall be either conveyed to the Town of Waxhaw, if the Town agrees to accept ownership of and maintenance responsibilities, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator thereof; and
5. Any conveyance to a homeowners association shall be subject to restrictive covenants recorded in the Register of Deeds Office. The covenants shall provide for the establishment of a homeowner's association before recording of the Final Plat, where membership is mandatory for each homebuyer and any successive buyer. The association shall be responsible for liability insurance and local taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities. Such covenants shall also provide that any change of use in the open space may only occur upon consent of the homeowners association and the Town of Waxhaw.
6. The Board of Commissioners can attach fair and reasonable conditions to the Conditional Use Permit and/or Conditional

Zoning application which may address, as a minimum any of the following items:

- a. Minimum heated floor areas
- b. Foundation treatments
- c. Exterior treatments
- d. Architectural treatments
- e. Roof pitch
- f. Garage standards
- g. Driveway construction
- h. Landscaping
- i. Mailboxes, street name signs and streetlights
- j. On-site Amenities

7. Yard and setback requirements for a P.R.D. shall be as follows:

Exterior lot setbacks shall apply to those property lines that are contiguous with the exterior boundary of the development. All other setbacks shall meet the interior lot setback requirements. The typical exterior setbacks are as follows:

Front Yard	-	Twenty-five (25) feet
Side Yard	-	Twenty-five (25) feet
Rear Yard	-	Forty (40) feet

For purposes of this subsection, an exterior lot shall be defined as “any lot within the P.R.D. that has one or more lot lines that abut the exterior boundaries of the development.”

Notwithstanding the above, a vegetative buffer of 25 feet shall be placed along the external side and rear periphery yards of the P.R.D. when such side and/or rear yards do not abut another P.R.D. Such buffer may be on private or commonly-owned lands but shall be undisturbed (i.e. contain no principal or accessory structures.) Furthermore, the Waxhaw Town Board reserves the right to waive or modify these standards on a case-by-case basis at the time of approval of the P.R.D.

Typical interior lot setbacks are as follows:

Detached Dwellings:

Front Yard-	Twenty (20) feet
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Rear Yard-	Thirty (30) feet
Side Yard -	An aggregate side yard width on each lot of fifteen (15) feet. The minimum side yard width shall be five (5) feet.

Notwithstanding the above, the minimum lot width and the minimum front yard, rear yard and side yard setbacks on lots in a Planned Residential Development district may vary and shall be subject to the approval by the Town Board (in association with the approval of a Conditional Use Permit or a Conditional zoning) on a case-by-case basis.

Townhomes:

Front Yard-	Ten (10) feet
Rear Yard-	Twenty (20) feet
Side Yard-	Zero (0) feet
Side Yard (End of Building)-	Five (5) feet

Notwithstanding the above, the minimum lot width and the minimum front yard, rear yard and side yard setbacks on lots in a Planned Residential Development district may vary and shall be subject to approval by the Town Board (in association with the approval of a Conditional Use Permit or a Conditional zoning) on a case-by-case basis.

B. Traditional Neighborhood Developments

If a proposed Planned Residential Subdivision (PRD) sufficiently meets the character and intent of a Traditional Neighborhood Development (TND), and the Town agrees to accept the street for maintenance, TND road standards may be used. The characteristics of TND criteria are listed below. In that case, street standards design guidelines provided in the "TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) GUIDELINES", latest edition, as published by the North Carolina Department of Transportation - Division of Highways, shall be used in lieu of the Standards listed in Section 18.9.2.(A) to 18.9.2.(N) herein

TND's shall also meet the following criteria:

1. SIZE: A TND should be designed at a walkable scale - considered to be approximately a 5 to 10 minute walk from core to edge, or a 1/4 to 1/2 mile maximum distance. All or most residential development must fall within this

- range. The proposed development should be a minimum of 40 acres and a maximum of 400 acres.
2. **COMPOSITION:** This is a discernible community center or core area. Elementary schools are in important community element. Public structures, such as schools, churches and civic buildings, and public open spaces, such as squares, parks, playgrounds and greenways, shall be integrated into the neighborhood pattern.
 3. **DENSITY AND INTENSITY:** Residential densities, lot sizes and house types may be varied, but the average density of the developed area should be at least 4.5 units per acre. Higher densities, often involving multifamily or attached dwelling units, are generally proposed in, adjacent to or within close proximity to the core area. Lower densities, usually detached single-family dwellings, are generally located towards the edge.
 4. **STREET PATTERN:** All or most streets within the proposed network must be part of a dense, interconnected pattern. TND streets should connect with adjacent street networks as much as possible. The degree of interconnectivity should be assessed by its ability to permit multiple routes, to diffuse traffic and to shorten walking distances. Most TND streets are designed to minimize through traffic. Streets are relatively narrow and often shaded by rows of trees. Alleys may be used to provide site access. Larger vehicular corridors are usually, although not exclusively, found within the core area and near the perimeter of the proposed development.
 5. **BLOCK LENGTH:** All or most low speed, low volume streets should have short block lengths of between 250 and 500 feet. Exceptions may be needed due to topography, environmental protection, preservation of cultural resources, and similar considerations.
 6. **RIGHT-OF-WAY:** Within a TND, the right-of-way is an important design element of the public space or "streetscape." The right-of-way width should be the minimum needed to accommodate the street, median, planting strips, sidewalks, utilities, and maintenance considerations. The right-of-way width should be appropriate for adjacent land uses and building types. Planting strips between curb and sidewalks may be used to provide sufficient space for street trees. Use of alleys and other alternate access or easements for utilities and maintenance vehicles should be taken into account when determining size of right-of-way.
 7. **RELATIONSHIP OF BUILDINGS TO STREET;** Buildings are oriented toward the street. Buildings within the core area are placed close to the street. All lots and sites must have pedestrian connections and the core area must be fully accessible to pedestrians.
 8. **SIDEWALKS:** To comply with the Americans with Disabilities Act, sidewalks are a minimum of 5 feet wide and should be wider in commercial or higher intensity areas, when directly abutting curbs without a planting strip or parked

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cars, or when adjacent to walls or other built elements which reduce usable width. Sidewalks should be on both sides of the street. Wherever possible, there should be a continuous pedestrian network adjacent to the streets. Curb cuts should be minimized to reduce conflicts with pedestrians.

9. PEDESTRIAN STREET CROSSINGS: Street crossings must be no longer than are actually necessary. The needs of pedestrians should be balanced with the needs of vehicular traffic. Mid-block crossings, bulb-outs, raised crosswalks and similar techniques are commonly used to accommodate pedestrians when appropriate for traffic conditions and site-specific situations.
10. ON-STREET PARKING: Many streets have on-street parking. On-street parking is a common traffic-calming element of a TND, in that it slows vehicular traffic while providing a buffer between street and sidewalk.
11. CURB CUTS: Curb cuts should be minimized to reduce effects on on-street parking, conflicts with pedestrians and cyclist, and interruptions of traffic flow.
12. HIGHWAYS AND LARGE THROUGH CORRIDORS: The proposed development cannot be penetrated by arterial highways, major collector roads and other corridors with peak hourly traffic flows of 1,200 vehicles, or average daily traffic volumes of 15,000 or more vehicles. Such corridors can only be located at the edge of a TND.

C. Enforcement

If the Board of Commissioners or Administrator determines that there is a violation of the terms of the Conditional Use Permit, Conditional Zoning or Unified Development Ordinance, the Town may cease to issue zoning permits, certificates of occupancy, or any other measure the Town may deem appropriate until said violation is corrected.

78. Automated Teller Machines

Such uses may be allowed as an accessory use on lots containing a principal non-residential use (including those lots which do not contain financial institutions) under the following conditions:

- A. A scaled site plan shall be submitted to the Administrator for his review. The site plan, among other things, shall show proposed means of ingress and egress to the ATM from adjoining roads. If located on a lot which abuts a Residential (R) zoning district, the site plan shall show how light and glare spill-over onto adjacent lots is addressed.
- B. Irrespective of any other regulations pertaining to accessory structures, a freestanding ATM that serves in an accessory capacity may be allowed in the front yard, so long as the front yard setback of the principal structure is

observed. Similarly, the ATM must observe the required side yard setback of the principal structure.

- C. The ATM must front on an arterial or collector road as shown on the most recently adopted version of the Thoroughfare Plan.
- D. At least three parking spaces in addition to those required for the principal use, shall be required for the ATM.
- E. The placing of an ATM on a lot that does not contain a financial institution shall not in itself result in the creation of a planned multi-tenant development, nor shall it constitute an expansion of the principal use on the lot.
- F. All screening and off-street parking requirements for the principal use shall be in conformity with the Unified Development Ordinance prior to the issuance of a zoning permit for the ATM.

79. Prototype Design and Development

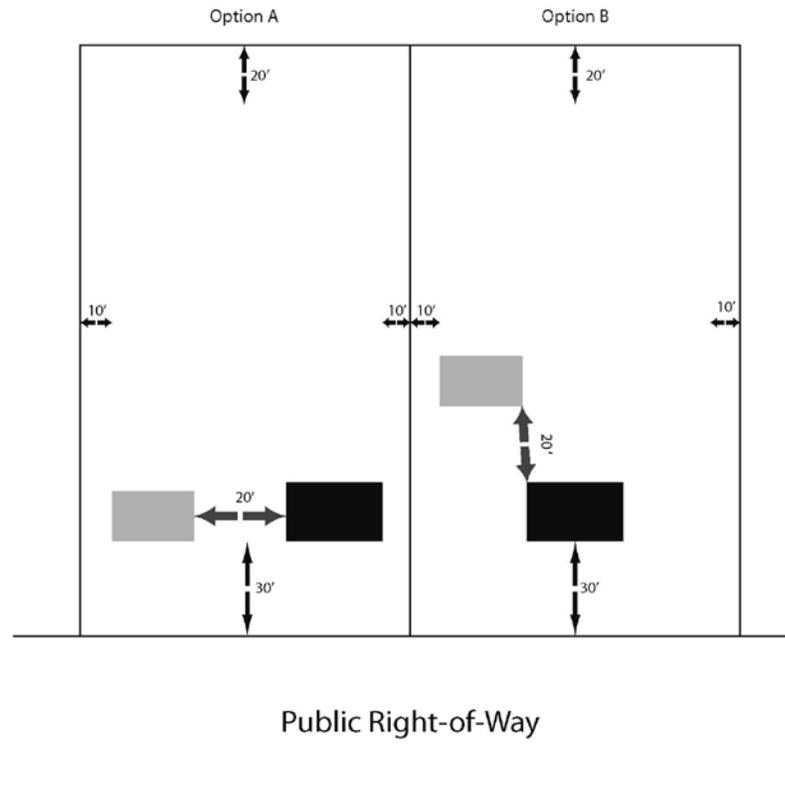
- A. Work involving noise-producing equipment shall be performed indoors.
- B. The noise level at the public sidewalk outside the building in the C-4 Central Business District shall not exceed 70 decibels.
- C. All waste products shall be properly disposed of and in no case drained onto the ground. Containers for these substances shall not be visible from any public street.
- D. No materials shall be stored outside.
- E. Exterior lighting shall be in accordance with Section 12.12 of this Ordinance.
- F. Hours of operations shall be defined by the applicant and approved by the Board of Commissioners when adjoining residential zoning districts.
- G. Prototype Design and Development uses are not allowed in traditional storefront buildings within the C-4 Central Business District.

80. Accessory Dwelling Units

- A. Only one (1) accessory dwelling unit is allowed per lot.
- B. The lot on which the accessory dwelling unit resides shall be a minimum of two (2) acres.

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- C. Accessory dwelling units shall be clearly incidental to the permitted principal structure and may be attached or detached.
- D. Accessory dwelling units shall not exceed the height of the principal structure.
- E. Accessory dwelling units shall not be located forward of the principal structure.
- F. The accessory dwelling unit shall meet the front, side and rear setback requirements for the zoning district in which it is located. Additionally, the accessory dwelling unit shall be a minimum of twenty (20) feet from the primary structure when detached.
- G. An accessory dwelling unit shall be design for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities, and designed for or used as a residence by one family.
- H. Accessory dwelling units shall meet or exceed the architectural standards set forth in this ordinance for single-family residential construction.



81. Farmers' Market

- A. All Farmers' Markets and their vendors shall obtain all required operating and health permits, and these permits (or copies) shall be in the possession of the Farmers' Market Manager or vendor, as applicable, on the site of the Farmers' Market during all hours of operation.

- B. All Farmers' Markets shall have an established set of operating rules addressing the governance structure of the farmers' market, hours of operation, maintenance and security requirements and responsibilities; and appointment of a Market Manager. The name and telephone number of the Market Manager and a copy of the operating rules shall be kept on file with the Town Planning and Community Development Department.
- C. All Farmers' Markets and their vendors are encouraged to accept forms of payment by participants of federal, state, or local food assistance programs, including but not limited to the Food Stamps/Supplemental Nutrition Assistance Program; the Women, Infants, and Children (WIC) Farmers' Market Nutrition Program; and the Senior Farmers' Market Nutrition Program. Such forms of payment include but are not limited to coupons, vouchers, and Electronic Benefit Transfer (EBT) cards.
- D. All Farmers' Market signs shall meet Section 13.11 *Signs That Do Not Require a Permit*.
- E. All accessory structures on the premise shall meet the requirements set forth in Section 9.20 *Accessory Structures*. The accessory structure shall compliment the surrounding environs.
- F. Off-street parking is not required for Farmers' Markets unless the Zoning Administrator determines that public health and safety requires off-street parking to be located within 1000 feet of the site. However, there must be space(s) located on or adjacent to the site for the loading and unloading of materials associated with the market use to prevent impeding traffic flow caused by parking on the side of the street. This space(s) will need to be clearly marked.
- G. The site shall be designed and maintained to prevent stormwater runoff from damaging adjacent properties.
- H. Farmers' Markets shall be exempt from landscaping and buffering requirements contained in this Ordinance unless the site abuts a residentially zoned property. In this case, the site shall meet the requirements of Section 9.8.4 *Side and Rear Yard Landscaping* along the property line of the abutting residentially zoned property.
- I. Fences shall not exceed six (6') feet in height and shall meet the regulations in Section 9.19 *Fences and Walls*.

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- J. Farmers' Markets shall be exempt from installation of off-site improvements contained in this Ordinance, including but not limited to installation of curb, gutter, and sidewalk or right-of-way dedication. If water and sewer is needed on site, Farmers' Market management shall be responsible for all permitting and construction. This exemption of off-site improvements is from the Town of Waxhaw requirements only. Farmer's Market management will be responsible for obtaining approvals, and/or waivers, for the installation of off-site improvements from NCDOT, or any other agency.

82. Community Garden

- A. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities; a garden coordinator to perform the coordinating role for the management of the community gardens; and must assign garden plots according to the operating rules established for that garden. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on file with the Town Planning and Community Development Department.
- B. The site shall be designed and maintained to prevent stormwater runoff from damaging adjacent properties and to prevent intrusion of fertilizers and pesticides into adjacent properties, storm sewers, etc.
- C. There shall be no retail sales on site, except for items produced on site.
- D. Fences shall not exceed six feet in height and shall meet the requirements of Section 9.19 *Fences and Walls*.
- E. All Community Garden signs shall meet the sign requirements set forth for the zoning district in which they are located.
- F. All accessory structures on the premise shall meet the requirements set forth in Section 9.20 *Accessory Structures*. The accessory structure shall compliment the surrounding environs.
- G. Off-street parking is not required for Community Gardens unless the Zoning Administrator determines that public health and safety requires off-street parking to be within 1000 feet of the site. However, there must be space(s) located on or adjacent to the site for the loading and unloading of materials associated with the garden use to prevent impeding traffic flow caused by parking on the side of the street. This space(s) will need to be clearly marked.

- H. Community Gardens shall be exempt from installation of off-site improvements contained in this Ordinance, including but not limited to installation of curb, gutter, and sidewalk or right-of-way dedication. If water and sewer is needed on site, Community Garden management shall be responsible for all permitting and construction. This exemption of off-site improvements is from the Town of Waxhaw requirements only. Community Garden management will be responsible for obtaining approvals and/or waivers, for the installation of off-site improvements from NCDOT, or any other agency.
- I. Community Gardens shall be exempt from landscaping and buffering requirements contained in the UDO unless the site abuts a residentially zoned property. In this case the site shall meet the requirements of Section 9.8.4 *Side and Rear Yard Landscaping* along the property line of the abutting residentially zoned property.

83. Subdivision Sales Office

- A. The use shall serve the subdivision in which it is located.
- B. The use shall be terminated when either the last home or lot is sold or the use as a sales office has ceased for one hundred eighty (180) days.
- C. Parking for the subdivision sales office shall meet the requirements listed in Sections 11.3.84 and 12.3.4.D.

84. Temporary Automobile Parking Lot for Subdivision Sales Office

- A. Subdivision sales offices are allowed to utilize a temporary automobile parking lot either on-site or within 1,000 feet to any entrance of the subdivision sales office in accordance with Section 12.3.4.D. If multiple subdivision sales offices are located within 1,000 feet of one another (measured from any entrance of one sales office to any entrance of another sales office following a reasonable and safe walking route) and under the same ownership, a maximum of one temporary automobile parking lot shall be allowed with a maximum of ten (10) parking spaces.
- B. All off-site parking shall meet the requirements listed in Section 12.5.2.
- C. Landscaping for the temporary parking lot shall be provided in accordance with Section 12.4.2.
- D. The temporary automobile parking lot shall be removed when the use is terminated.

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85. Event Center

- A. All state, county, and/or town licenses or permits required to operate such a facility shall be obtained by the owner/operator of the facility.
- B. If live or recorded music is allowed at events, no amplified sound and/or music shall be allowed outdoors after 10 pm or indoors after 1 am.
- C. The proposed methods of soundproofing the building must be sufficient to reduce the noise from the interior of the building. The noise level at the property line shall not exceed sixty (60) decibels after 10 pm.
- D. Outdoor areas planned to be used in connection with the event center shall be located and buffered in such a manner as to protect neighboring uses from light, noise, and loss of privacy.
- E. Exterior lighting shall be in accordance with sect. 12.12 of this ordinance.
- F. When located in a residential zoning district, the lot on which the event center is located shall be a minimum of 5 acres.

86. Meeting Facility

- A. No food preparation shall be allowed on-site.
- B. No lodging or personal care services shall be allowed on-site.

87. Self Enclosed Indoor Storage

- A. Driveways providing ingress and egress to the site shall not permit any parking or loading extending to within thirty (30) feet of the adjoining street right of way.
- B. Indoor space is to be temperature controlled.
- C. No outdoor storage allowed.
- D. Security lights are to be shielded from all Residential Zoned property adjacent to the self enclosed indoor storage to prevent undo bright lights shining onto/into houses and all lighting shall meet Section 12 of this ordinance.

