

4 chapter

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ZONING DISTRICTS, DIMENSIONAL REQUIREMENTS, AND GENERAL USE REGULATIONS

Section 4.1 Base Zoning Districts Established

The Town is hereby divided into zoning districts as described in this Chapter. These zoning districts, along with the conditional zoning districts described in Section 4.2, are also shown and administered on the Town's Zoning Map. The symbol and title for each zoning district is as follows:

R-1 Single Family Residential

R-3 Single Family Residential

R-4 Single Family Residential

NC Neighborhood Center

MS Main Street

TC Town Center

CC Corridor Commercial

EC Employment Center

A description of each zoning district is found on the following pages.

4.1.1 R-1 Residential

District Description

Zoning district that allows for the development of single family detached homes at a rate of 1 unit per acre in a pattern that is in harmony with the rural character of much of Waxhaw's surrounding areas. The goal of this district is to provide traditional suburban housing in areas that do not necessarily have access to public water and sewer service.



Dimensional Standards

Lot Width, Minimum	120 Feet
Lot Depth, Minimum	200 Feet
Density, Maximum	1 Units/Acre
Lot Coverage, Maximum	40 Percent
Front Setback, Minimum	30 Feet
Rear Setback, Minimum	30 Feet
Side Setback (Interior), Minimum	15 Feet
Side Setback (Corner), Minimum	25 Feet
Building Height, Maximum	3 Story

Primary Uses

Single-Family, Detached Dwelling
 Religious Institutions
 Bed & Breakfast
 Horse Barns
 Parks
 Government Buildings/Facilities

Associated accessory structures:
 Garages
 Pools
 Porches
 Sheds

Notes:

Double Frontage Lots: front yard setback distance required on both frontages.
Buffer Yards: required around perimeter of all major subdivisions.
Corridor Overlay District: See Chapter 4 Corridor Overlay district for required right-of-way dedication and expanded lot widths.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 7: Streets, Driveways & Parking
 Chapter 8: Buffering, Landscaping & Lighting
 Chapter 9: Environmental Standards

4.1.2 R-3 Residential

District Description

Zoning district that allows for the development of single family detached homes at a rate of 3 units per acre in a pattern that is in harmony with the existing residential subdivisions found throughout the town. The goal of this district is to provide traditional suburban housing while encouraging the clustering of homes to promote the preservation of trees, open space, and other natural features. Developments that meet these goals may qualify for a density bonus of up to 0.5 units per acre.



Dimensional Standards

Lot Width, Minimum	80 (60) Feet
Lot Depth, Minimum	140 (105) Feet
Density, Maximum	3 (3.5) Units/Acre
Lot Coverage, Maximum	60 (75) Percent
Front Setback, Minimum	20 (15) Feet
Rear Setback, Minimum	30 (25) Feet
Side Setback (Interior), Minimum	10 (7.5) Feet
Side Setback (Corner), Minimum	20 (15) Feet
Building Height, Maximum	3 Story

Primary Uses

Single-Family, Detached Dwelling
 Religious Institutions
 Horse Barn
 Parks
 Government Buildings/Facilities

Associated accessory structures:
 Garages
 Pools
 Porches
 Sheds

Notes:

Double Frontage Lots: front yard setback distance required on both frontages.
Buffer Yards: required around perimeter of all major subdivisions.
Cluster Subdivisions: See Section 5.8 for clustering standards.
Corridor Overlay District: See Chapter 4 Corridor Overlay district for required right-of-way dedication and expanded lot widths.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 7: Streets, Driveways & Parking
 Chapter 8: Buffering, Landscaping & Lighting
 Chapter 9: Environmental Standards

4.1.3 R-4 Residential

District Description

Zoning district that allows for the development of single family detached homes and duplexes at a rate of 4 units per acre. The goal of the district is to provide infill development throughout the periphery of the downtown area to encourage a compact, walkable, and vibrant small town while promoting the historic, small town character of downtown.



Dimensional Standards

Lot Width, Minimum	60 Feet
Lot Depth, Minimum	105 (80) Feet
Density, Maximum	4 (5) Units/Acre
Lot Coverage, Maximum	75 Percent
Front Setback, Minimum	15 Feet
Rear Setback, Minimum	20 Feet
Side Setback (Interior), Minimum	7.5 (5) Feet
Side Setback (Corner), Minimum	15 Feet
Building Height, Maximum	3 Story

Primary Uses

Single-Family, Detached Dwelling
 Duplex
 Religious Institutions
 Parks
 Government Buildings/Facilities
 Bed & Breakfast
 Associated accessory structures:
 Garages
 Pools
 Porches
 Sheds

Notes:

Cluster Subdivisions: when clustering developments in the R-4 district an up to 1 unit/acre bonus and a 25% reduction in lot width, depth may be awarded. See Section 5.8 for clustering standards.
Duplexes: Shall meet a 150% of the minimum lot width and depth standards. Duplexes are excluded from cluster provisions.
Double Frontage Lots: front yard setback distance required on both frontages.
Buffer Yards: required around perimeter of all major subdivisions.
Corridor Overlay District: See Chapter 4 Corridor Overlay district for required right-of-way dedication and expanded lot widths.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 6: Design Standards apply to properties within the National Register Historic District boundary.
 Chapter 7: Streets, Driveways & Parking
 Chapter 8: Buffering, Landscaping & Lighting
 Chapter 9: Environmental Standards

4.1.4 NC Neighborhood Center

District Description

Zoning District that allows for the development of smaller scale offices, neighborhood oriented retail and services as well as town-homes, duplexes, triplexes, and quadraplexes at a rate of no more than 12 units per acre. Located on the periphery of the Downtown core between the MS/TC Districts and the R-4 District and at strategic locations to serve surrounding suburban residential areas throughout town. The goal of this district is to create compact and walkable mixed use neighborhoods near the Downtown core and provide an alternative to auto oriented Corridor Commercial District and promote a town wide architectural identity.



Dimensional Standards

Lot Width, Minimum	60 Feet
Lot Depth, Minimum	80 Feet
Density, Maximum	12 Units/Acre
Lot Coverage, Maximum	75 Percent
Front Setback, Minimum	0/20 Feet
Rear Setback, Minimum	15 Feet
Side Setback (Interior), Minimum	5 Feet
Side Setback (Corner), Minimum	10 Feet
Building Height, Maximum	3 Story

Primary Uses

Single-Family, Attached Duplex/Triplex/Quadraplex
 Upperstory Apartments
 Live Work Units
 Light Retail
 General Office

Associated accessory structures:
 Garages
 Pools
 Porches
 Sheds
 Solid Waste Storage

Notes:

Non-Residential Uses: Shall not exceed 10,000 square feet per development without first obtaining a Special Use Permit and shall not exceed 60,000 square feet per development in the NC District.

Multifamily Residential: Residential units shall not be developed from the ground up and may only be located on the second and third stories in the NC district.

Attached Single-Family Residential: Shall not have a minimum lot width but the total width of the each structure containing the attached, single-family homes and adjacent side yards shall not be less than 60 feet.

Maximum Residential Density: Shall not exceed 12 units/acre for all residential uses.

Duplex/Triplex/Quadraplex: Shall meet a 150% of the minimum lot width and depth standards.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

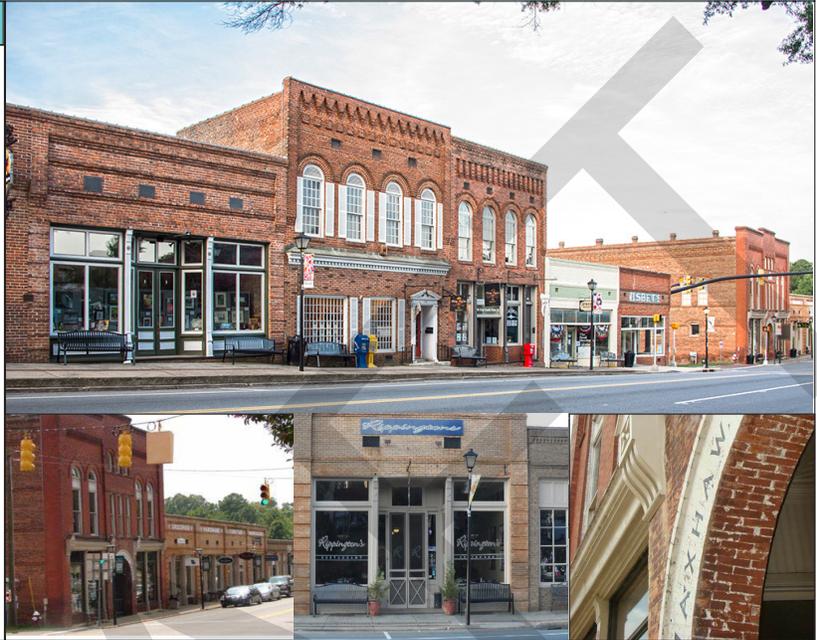
Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 6: Mixed Use & Commercial Buildings, Civic/Landmark Building Design Standards
 Chapter 7: Streets, Driveways & Parking
 Chapter 8: Buffering, Landscaping & Lighting
 Chapter 9: Environmental Standards

4.1.5 MS Main Street

District Description

Zoning district that allows for the development of traditional main street type buildings at a scale consistent with the historic downtown core on North and South Main Streets. This district allows for a wide variety of storefront retail and eating and drinking establishments, interspersed artisan studios, general office, as well as upper story apartments. The goal of the district is to create an active streetscape with buildings set at the back of wide sidewalks in a dense network of tree lined streets while promoting the preservation of the historic main street buildings and adding to the downtown with buildings designed to fit harmoniously into the existing turn-of-the-century urban form.



Dimensional Standards

Lot Width, Minimum	25/100 Feet
Lot Depth, Minimum	80 Feet
Density, Maximum	N/A
Lot Coverage, Maximum	100 Percent
Front Setback, Minimum	0/0 Feet
Rear Setback, Minimum	15 Feet
Side Setback (Interior), Minimum	0 Feet
Side Setback (Corner), Minimum	0 Feet
Building Height, Maximum	3 Story

Primary Uses

General Retail/Office
 Restaurants
 Brewery/Taprooms
 Upperstory Apartments
 Live/Work Units
 Theater/Gallery/Studios
 Government Facility/Parks

Associated accessory structures:
 Decks/Patios
 Sidewalk Dining
 Solid Waste Storage
 Off-Street Parking

Notes:

Multifamily Residential: Residential units shall not be developed from the ground up and may only be located on the second and third stories in the MS district.

Residential Density: There shall be no maximum residential density in the MS District.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 6: Mixed Use and Commercial Buildings Design Standards, Civic/Landmark Building Design Standards
 Chapter 7: Streets, Driveways & Parking
 Chapter 9: Environmental Standards

4.1.6 TC Town Center

District Description

Zoning district that allows for the development of larger scale mixed use buildings that accommodate retail, services, offices, artisan studios, light manufacturing workshops, landmark civic and institutional uses as well as upper story apartments. The goal of the district is to create an active urban core to provide employment, access to daily needs, entertainment, and housing that complements the design and scale of the historic downtown while maintaining the dynamic, walkable small town feel.



Dimensional Standards

Lot Width, Minimum	50 Feet
Lot Depth, Minimum	80 Feet
Density, Maximum	N/A
Lot Coverage, Maximum	100 Percent
Front Setback, Minimum	0/10 Feet
Rear Setback, Minimum	15 Feet
Side Setback (Interior), Minimum	0 Feet
Side Setback (Corner), Minimum	0 Feet
Building Height, Maximum	3 Story

Primary Uses

General Retail
 General Office
 Medical
 Restaurants
 Light Manufacturing
 Upperstory Apartments
 Government Facility

Associated accessory structures:
 Decks/Patios
 Sidewalk Dining
 Solid Waste Storage
 Off-Street Parking

Notes:

Multifamily Residential: Residential units shall not be developed from the ground up and may only be located on the second and third stories in the TC district.

Residential Density: There shall be no maximum residential density in the TC District.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 6: Mixed Use & Commercial Buildings, Civic/Landmark Building Design Standards
 Chapter 7: Streets, Driveways & Parking
 Chapter 8: Buffering, Landscaping & Lighting
 Chapter 9: Environmental Standards

4.1.7 CC Corridor Commercial

District Description

Zoning district that allows for the development of auto oriented retail and service centers that are consistent with the existing developments primarily located along the Highway 16 corridor. The goal of this district is to provide a location for retail and service uses that meet the daily needs of the town citizens that are conveniently accessed by automobile while providing vehicular and pedestrian access management and opportunities for infill development that is designed in a way to be complementary of the historic downtown architecture and increasing the walkability and access to surrounding residential developments.



Dimensional Standards

Lot Width, Minimum	100 Feet
Lot Depth, Minimum	100 Feet
Density, Maximum	N/A
Lot Coverage, Maximum	80 Percent
Front Setback, Minimum	20 Feet
Rear Setback, Minimum	20 Feet
Side Setback (Interior), Minimum	10 Feet
Side Setback (Corner), Minimum	15 Feet
Building Height, Maximum	3 Story

Primary Uses

General Retail
 Shopping Centers
 General Offices
 Restaurants with drive-Through
 Automotive Uses
 Government Facility
 Medical Offices
 Associated accessory structures:
 Decks/Patios
 Sidewalk Dining
 Solid Waste Storage
 Off-Street Parking
 Outdoor Storage

Notes:

Corridor Overlay District: See Chapter 4 Corridor Overlay District for required right-of-way dedication and expanded lot widths.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

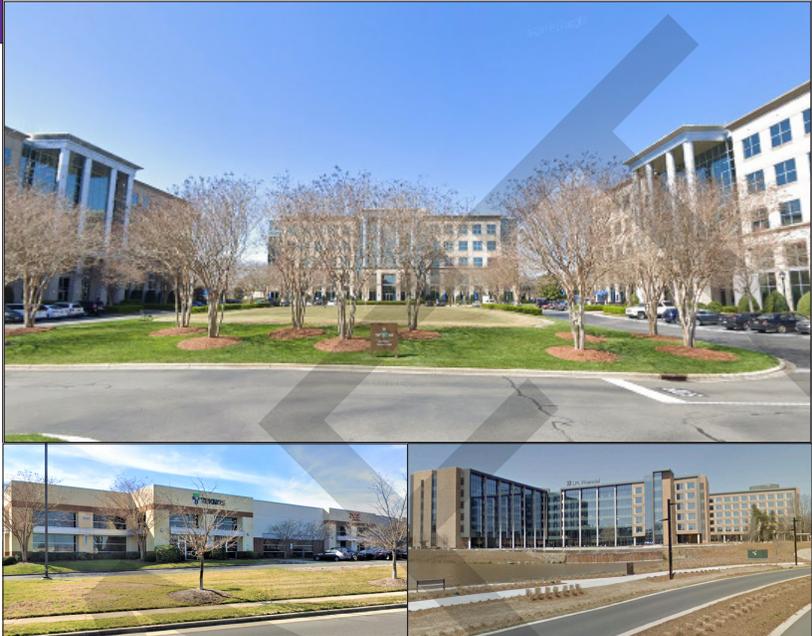
Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 6: Mixed Use and Commercial Buildings Design Standards, Civic/Landmark Building Design Standards
 Chapter 7: Streets, Driveways & Parking
 Chapter 9: Environmental Standards

4.1.8 EC Employment Center

District Description

Zoning district that allows for the development of larger scale businesses to drive employment and economic opportunities including a variety of industries and uses that have limited impacts on surrounding areas such as office parks, light or high tech industrial campuses, and warehousing or distribution facilities. The goal of the district is to provide for high quality jobs that have managed impacts in areas that are well connected to current and future regional transportation routes and are consistent with the heritage of the town as a center for industry and economic opportunity.



Dimensional Standards

Lot Width, Minimum	100 Feet
Lot Depth, Minimum	100 Feet
Density, Maximum	N/A
Lot Coverage, Maximum	75 Percent
Front Setback, Minimum	40 Feet
Rear Setback, Minimum	30 Feet
Side Setback (Interior), Minimum	15 Feet
Side Setback (Corner), Minimum	20 Feet
Building Height, Maximum	6 Story

Primary Uses

Hightech Manufacturing
 Light Industrial
 Research & Development
 Warehousing
 Distribution
 Office Parks
 Commercial Kitchens
 Associated accessory structures:
 Outdoor Storage
 Equipment Storage
 Off-Street Parking

Notes:

Corridor Overlay District: See Chapter 4 Corridor Overlay district for required right-of-way dedication and expanded lot widths.

Residential Housing Options:

Single family attached and multi-family housing developments shall be allowed only as part of a conditional mixed use request. Exclusive housing developments will not be considered until non-residential uses are well established in the employment center.

*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.

Relevant Code Sections

Appendices:
 A. Dimensional Requirements
 B. Table of Permitted Uses
 C. Special Requirements
 D. Planting Species List
 Chapter 5: Subdivisions
 Chapter 6: Employment Center Design Standards, Civic/Landmark Building Design Standards
 Chapter 7: Streets, Driveways & Parking
 Chapter 8: Buffering, Landscaping & Lighting
 Chapter 9: Environmental Standards

4.2.1 CZ-MU Conditional Zoning Mixed-Use

District Description			
<p>Conditional Zoning District that allows for flexibility in layout and design of larger parcels that are of significant public interest due to location, economic, environmental, or cultural characteristics or conditions. All uses allowed in the TC, EC, NC, and R-4 districts may be developed in this district.</p>			
Dimensional Standards		Primary Uses	
Lot Width, Minimum	See EC, TC, NC, & R-4 Charts	<p>All uses allowed in: TC EC NC R-4 Subject to: Conditional Zoning Approval by Waxhaw Board of Commissioners.</p>	
Lot Depth, Minimum	See EC, TC, NC, & R-4 Charts		
Density, Maximum	See EC, TC, NC, & R-4 Charts		
Lot Coverage, Maximum	See EC, TC, NC, & R-4 Charts		
Front Setback, Minimum	See EC, TC, NC, & R-4 Charts		
Rear Setback, Minimum	See EC, TC, NC, & R-4 Charts		
Side Setback (Interior), Minimum	See EC, TC, NC, & R-4 Charts		
Side Setback (Corner), Minimum	See EC, TC, NC, & R-4 Charts		
Building Height, Maximum	See EC, TC, NC, & R-4 Charts		
Notes:		Relevant Code Sections	
<p>Conditional Zoning Districts: Shall only be requested by an applicant with consent of the owner. Town administration may not apply conditional zoning without owner consented application.</p> <p>Minimum Acreage: minimum area for Conditional Zoning Mixed-Use District is 25 acres. This minimum shall be waived if application would increase area of preexisting conditionally zoned mixed-use area.</p> <p>Residential and Non-Residential Mix: CZ-MU district shall be made up of a minimum of 20% and a maximum of 60% non-residential uses. These percentages may be adjusted if a project is found to provide a significant economic benefit to the town as determined by the Zoning Administrator.</p> <p>Conditional Zoning Mixed-Use District: Allows an applicant flexibility in arrangement of a project. All requirements of the TC, EC, NC, and R-4 Zoning Districts shall be adhered to.</p> <p>*This page intended to provide some of the basic and most common standards of this district. Other applicable standards may be found elsewhere in this code.</p>		<p>Appendices: A. Dimensional Requirements B. Table of Permitted Uses C. Special Requirements D. Planting Species List Chapter 5: Subdivisions Chapter 6: Mixed Use, Commercial, Employment Center & Civic/Landmark Building Design Standards Chapter 7: Streets, Driveways & Parking Chapter 8: Buffering, Landscaping & Lighting Chapter 9: Environmental Standards</p>	

Section 4.2 Conditional Zoning Districts Established

In addition to the base zoning districts established, the following conditional zoning districts are established which correspond to the base zoning districts. Conditional zoning districts can only be requested by an applicant with owner consent. These conditional zoning districts can also be utilized when an applicant wishes to rezone an area but prefers to preclude the special use requirement when any of the proposed uses include those classified as a special use. The process for a rezoning to a conditional zoning district is found in Chapter 3.

CZ-MU	Conditional Zoning Mixed Use District
CZ-R-1	Conditional Zoning Single Family Residential
CZ-R-3	Conditional Zoning Single Family Residential
CZ-R-4	Conditional Zoning Single Family Residential
CZ-NC	Conditional Zoning Neighborhood Center
CZ-MS	Conditional Zoning Main Street
CZ-TC	Conditional Zoning Town Center
CZ-CC	Conditional Zoning Corridor Commercial
CZ-EC	Conditional Zoning Employment Center

Section 4.3 Overlay Districts Established

The Town hereby establishes overlay districts. Within these overlay districts, requirements are imposed that either relax or are in addition to the conventional zoning district or conditional zoning district in which it is located. The following overlay districts are established:

- A. Corridor Overlay District
- B. Manufactured Home Overlay District

Section 4.3.1 Corridor Overlay District

The purpose of the Corridor Overlay Zoning District is to provide for the protection and preservation of the town’s primary north-south thoroughfares in order to avoid significant deterioration of service levels, encourage assembly of smaller parcels along the thoroughfare, and to make for a more visually attractive streetscape.

The Corridor Overlay District applies to the development and re-development of properties in the town’s zoning jurisdiction with frontage located on Highway 16 north of Waxhaw Parkway and the entirety of Waxhaw-Marvin Road

- A. Lot Width – The minimum lot width shall be 150 feet. Lots or parcels that have access to a side street with access to Highway 16 or Waxhaw-Marvin Road are exempt from this requirement.
- B. Street Yard Landscape – A 20 foot wide street landscaping yard parallel to the right-of-way is required along the entire frontage. The street yard shall include trees planted every 40 to 65 feet on center or staggered and shrubs planted at a rate of 11 per tree arranged in order to establish a continuous hedgerow at maturing height.
- C. Right-of-Way Dedication
 - 1. Highway 16: In order to progress the completion of the Highway 16 corridor widening project, minimum of 50 feet of right-of- way shall be dedicated for all parcels that front Highway 16 north of Waxhaw Parkway.
 - 2. Waxhaw-Marvin Road: In order to progress the completion of widening of the Waxhaw-Marvin Road corridor, a minimum of 50 feet of right-of-way shall be dedicated for all parcels that front Waxhaw-Marvin Road.

The Town Engineer, with consultation from the NCDOT, may adjust the required right-of-way dedication to more or less than 50 feet on a case-by-case basis. Adjustments shall only be made that are consistent with the plans and designs for the widening of Highway 16 and Waxhaw-Marvin Road.

Section 4.3.2 *Manufactured Home Overlay District*

The purpose of the Manufactured Home Overlay District is to provide for the principal use of land developed in harmony with the conventional or underlying zoning district regulations by permitting the substitution of manufactured homes as a principal use type. The Manufactured Home Overlay District shall consist of no less than ten (10) existing contiguous lots or one hundred twenty thousand (120,000) square feet of un-subdivided land, excluding public right of way. In addition, it can be applied to any area within the town's jurisdiction by approval of the Board of Commissioners.

- A. The following uses are permitted subject to obtaining an Administrative Permit from the Administrator:
 - 1. All uses permitted in the underlying zoning district.
 - 2. Manufactured Homes - Type 1 (permanent installation only)
- B. All dimensional and other requirements of the underlying zoning district shall be complied with in addition to the following specific requirements.
 - 1. The home is used only as a single family residence.
 - 2. The towing apparatus, wheels, axles, and transporting lights are removed or concealed.
 - 3. The longest axis of the home is oriented parallel or within a twenty (20) degree deflection of being parallel to the lot frontage.
 - 4. The home shall be anchored to a permanent foundation of concrete block and/or brick interior piers, or of reinforced concrete in full compliance with applicable building codes for permanent structures.
 - 5. A continuous, permanent masonry foundation or masonry curtain wall is constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two- Family Dwellings, unpierced except for required ventilation and access, installed under the perimeter.
 - 6. Exterior siding of the home shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction, consisting of one or more of the following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint); 2) cedar or other wood siding; 3) wood grain, weather resistant press board siding; 4) stucco siding; or 5) brick or stone siding;
 - 7. The home's roof pitch minimum vertical rise is three and one-half (3-1/2) feet for each twelve (12) feet of horizontal run.

8. The home's roof is finished with a Class C or better roofing material that is commonly used in standard residential construction.
9. A permanent front porch is constructed of at least 32 square feet in area within 12 inches of the floor elevation and fully underpinned by permanent masonry to completely conceal the area beneath the porch and unit.

Section 4.4 Zoning District Dimensional Requirements

This section establishes dimensional standards for uses, structures, and lots related to the following elements, unless otherwise specified in this code.

- A. Setbacks for front, side, and rear yards
- B. Height and number of stories of buildings and structures
- C. Percentage of lots that may be developed
- D. Density allowed in units per acre where applicable

These dimensional requirements are intended to be a baseline for each zoning district. Additional dimensional requirements for specific uses may be found in other chapters of this Code.

The location of required front, side, and rear yard setbacks on irregularly shaped lots will be determined by the Zoning Administrator.

Section 4.4.1 Dimensional Requirements Table

- A. These dimensional requirements are intended to be a baseline for each zoning district. Additional dimensional requirements for specific uses may be found in other chapters of this code.
- B. The Location of required front, side, and rear yard setbacks on irregularly shaped lots will be determined by the Zoning Administrator.
- C. When easements or other types of established access interfere with any of the required dimensional requirements, the Zoning Administrator shall determine how and to what extent the dimensional requirements are applied.

REQUIREMENT	R-1 ⁽¹⁾	R-3 ⁽¹⁾	R-4 ⁽¹⁾⁽²⁾	MS	TC	NC ⁽¹⁾⁽³⁾	CC ⁽¹⁾	EC ⁽¹⁾
Density	1 unit/acre	3 (3.5*) units/acre	4 (5*) units/acre	n/a	n/a	12 units/acre	n/a	n/a ⁽⁴⁾
Front	30 ⁽⁵⁾	20 (15*) ⁽⁵⁾	15 ⁽⁵⁾	0 (min), 0 (max)	0 (min)/ 10 (max)	0 (min)/ 20 (max)	20 ⁽⁵⁾	40 ⁽⁵⁾
Rear	30	30 (25*)	20	15	15	15	20	30
Side (interior lot)	15	10 (7.5*)	7.5 (5*)	0	0	5	10	15
Side (corner lot/ street side)	25	20 (15*)	15 (10*)	0	0	10	15	20
Lot Width (minimum)	120	80 (60*)	60 (45*)	25 (min)/ 100 (max)	50	60	100	100
Lot Depth (minimum)	200	140 (105*)	105 (80*)	80	80	80	100	100
Lot Coverage (max %)	40	60 (75*)	75	100	100	75	80	75
Building Height (max)	3 story	3 story	3 story	3 story	3 story	3 story	3 story	6 story

(*) For cluster development. See Section 5.8 for additional cluster subdivision requirements.

1. Corridor Overlay District: See Chapter 4 Corridor Overlay District for required right-of-way dedication and expanded lot widths
2. Duplexes: Shall meet 150% of the minimum lot width and depth standards. Duplexes are excluded from cluster provisions.
3. Duplex/Triplex/Quadraplex: Shall meet 150% of the minimum lot width and depth standards.

- D. See special requirements for single-family attached and multi-family residential (Appendix C).
- E. Double Frontage Lots: front yard setback required for both frontages.

Section 4.5 General Use Regulations

Access to Property

All buildings, structures, and uses of land shall front a public street and shall meet the dimensional requirements of the underlying zoning district. Existing lots prior to the adoption of this code without frontage to a public street shall require a 20 foot access easement to the public street before the lot can be developed.

Frontage on a public street shall not be required in the following situations:

- A. Lots within non-residential developments where property is administered by a developer or a managing association.
- B. Multi-family lots where individual lots are separated from the public street by land under common ownership by the owners of the multi-family development.
- C. Accessory structures or accessory dwellings with access to an alley as part of an approved residential development.

Accessory Dwellings

Accessory dwellings are allowed in the R-1, R-3, R-4, and NC zoning districts, under the following conditions:

- A. Only one accessory dwelling is allowed per lot.
- B. The accessory dwelling may be attached to the principal structure or detached.
- C. Accessory dwellings shall be clearly incidental to the permitted principal structure.
- D. Accessory dwellings shall not exceed the height of the principal structure.
- E. Accessory dwellings shall not be located forward of the principal structure.
- F. An accessory dwelling shall be designed 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.

- G. The accessory dwelling shall meet the dimensional requirements for a primary structure in the zoning district in which it is located. Additionally, the accessory dwelling unit shall be a minimum of 20 feet from the primary structure when detached.
- H. One off-street parking space must be provided. One on-street parking space may be provided in lieu of the off-street parking space at the discretion of the Zoning Administrator.
- I. The habitable area of the accessory dwelling shall not be larger than 50% of the primary dwelling.
- J. Accessory dwellings on R-1 and R-3 lots shall be a minimum of 2 acres.

Accessory Structures

Accessory Structures are allowed in all zoning districts, provided they meet the following requirements.

- A. Accessory structures shall not be placed within any required front yard setback.
- B. Accessory structures shall be a minimum of 5 feet from the property line.
- C. Accessory structures on corner lots shall meet the minimum dimensional requirements for the underlying zoning district.
- D. Accessory structures shall not cover more than 30% of the lot area.
- E. Accessory structures shall not exceed the height of the principal structure(s).
- F. Accessory structures shall be of similar building materials to the principal structure(s) in the N, MS, TC, CC, and EC zoning districts. Building materials that are not similar to the principal structure(s) may be allowed if it fits within the context of the surrounding area as determined by the Zoning Administrator.

Accessory Uses

The uses listed in Column A shall be permitted by right in any of the zoning districts set forth in Column B. These uses are subject to additional restrictions as defined in this code.

A Accessory Use	B Zoning District
Accessory Dwellings	R-1, R-3, R-4, NC
Athletic Courts/Fields (tennis, basketball, etc.)	R-1, R-3, R-4, NC, CC, EC
Automated Teller Machines (ATMs)	CC, EC, TC, MS, NC
Bike Sharing Stations	All zoning districts
Carports	R-1, R-3, R-4
Clubhouses (Residential)	R-1, R-3, R-4, EC, NC
Community Gardens	All zoning districts
Electric Vehicle Charging Stations	CC, EC, TC, NC
Garages – detached	R-1, R-3, R-4, NC, EC
Fences and Walls	All zoning districts
Food Trucks	All zoning districts
Greenhouses (not commercial)	R-1, R-3, R-4, NC
Home Occupations	R-1, R-3, R-4, NC, MS, TC, EC
Ice Vending Machines	CC
Off Street parking facilities	All zoning districts
Outdoor Storage (Commercial)	CC, EC
Outside Sales	CC, TC, MS, NC
Produce Stands	CC, EC, TC, MS, NC
Recycling Drop Off Station	CC, EC
Restaurants/Cafeterias	CC, EC, TC
Sales Office (onsite for multi-family and single family attached; multi-tenant commercial, etc.)	All zoning districts
Satellite Dishes	All zoning districts
Signs	All zoning districts
Stables and Barns	R-1, R-3, R-4
Storage Buildings	All zoning districts
Swimming Pools	All zoning districts
Telecommunication Antennas and Equipment to Support Tower	All zoning districts
Any other building or use incidental to the principal building or use as determined by the Zoning Administrator	All zoning districts

Fences and Walls for Screening of Dumpsters

- A. Fences and walls used for the screening of dumpsters shall be a minimum of 6 feet in height. The maximum height shall be 8 feet, unless the height of a dumpster warrants the need for additional height as determined by the Zoning Administrator.
- B. The fence or wall shall be opaque. Permitted fence and wall materials for the screening of dumpsters include masonry (such as brick or stone), metal, or wood.
- C. Barbed, razor, or other similar type wire attached to a fence or wall is not allowed.
- D. A landscaped buffer may be used for screening in lieu of a fence or wall. A specific screening plan for the dumpster must be submitted to the Zoning Administrator and approved prior to construction.

Fences and Walls for Residential Uses

- A. Fences and walls may be located on the property line or in any portion of the required setbacks, under the following conditions:
 - 1. If located in the front yard, such fence or wall shall be no greater than 4 feet in height.
 - 2. If located in the side or rear yard, such fence or wall shall be no greater than 8 feet in height.
- B. It is strongly encouraged that a fence or wall be placed in such a manner that the property owner has the ability to perform maintenance on the fence or wall without requiring access to an adjacent piece of property.
- C. Permitted fence and wall materials include masonry (such as brick or stone), decorative metal (such as wrought iron), wood, vinyl, chain link, or a combination of these materials.
- D. Barbed, razor, or other similar type wire attached to a fence or wall is not allowed.

Fences and Walls for Non-Residential Uses

- A. Fences and walls may be located on the property line or in any portion of the required setbacks, under the following conditions:
 - 1. If located in the front yard, such fence or wall shall be no greater than 4 feet in height.
 - 2. If located in the side or rear yard, such fence or wall shall be no greater than 8 feet in height.
- B. Permitted fence and wall materials include masonry (such as brick or stone), decorative metal (such as wrought iron), wood, vinyl, or a combination of these materials. Chain link is allowed if coated in black, dark green, or dark brown vinyl.
- C. Barbed, razor, or other similar type wire attached to a fence or wall is only allowed in the side and rear yards and only if screened from direct public view.

Fences and Walls for Accessory Uses

- A. All pools shall be enclosed from adjoining lots with a fence or wall. The fence or wall shall be a minimum 4 feet in height.
- B. Fences to enclose athletic courts and fields, such as tennis and basketball courts, shall be no more than 12 feet in height. Chain link shall be coated in black, dark green, or dark brown vinyl.
- C. Barbed, razor, or other similar type wire attached to a fence or wall is not allowed.

Food Trucks

Food trucks are allowed in all zoning districts, under the following conditions:

- A. Food trucks in CC, EC, N, R-1, R-3, R-4 zoning districts
 - 1. Permitted only on private property with the property owner's consent
 - 2. The property must have an off-street parking area with a minimum of 10 parking spaces.
 - 3. A minimum of 5 parking spaces are required for each additional food truck that wishes to locate on private property.
 - 4. No more than 3 food trucks can locate on a parcel at one time.

5. Food trucks must meet all required setbacks for the zoning district.
6. The property owner is responsible for the containment and removal of trash and recycling from the property each business day.

B. Food trucks in TC, MS zoning districts

1. Allowed in town's right-of-way if the food truck vendor provides proof of general liability insurance that holds the town harmless in case of accident or injury to a patron.
2. If located in the town right-of-way, food trucks must maintain a 50 foot minimum separation from other food trucks.
3. If located on private property, must have property owner's consent and must meet all required setbacks for the zoning district.

C. All food trucks vendors must apply for an administrative permit to occupy a specific location. The food truck vendor must have proper permitting from the Union County Health Department to locate in the town limits. The administrative permit must be renewed on an annual basis. In addition, food trucks are subject to the requirements of Section 46-5 of the Town Code of Ordinances (Loud, Disturbing, and Unnecessary Noise).

D. Four or more food trucks wishing to locate on a parcel are only allowed as a special event and shall be reviewed and approved on a case-by-case basis. The 50 foot separation requirement is waived for special events.

E. All applicable local and state laws must be met, including returning to a commissary or similar base facility daily.

Home Occupations

Home occupations are permitted in all zoning districts that allow residential housing, under the following conditions:

- A. No goods or other commodities may be displayed outside a fully enclosed structure.
- B. No on-premise 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).
- 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 25% 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.

Parking of Commercial Vehicles

On any lot located in a residential zoning district, one commercial vehicle may be parked on an overnight basis on private property and shall be limited to Class 1 or Class 2 vehicles (gross vehicle weight of up to 10,000 pounds), providing that such vehicle is parked off the street and is used by a resident of the premises.

No person shall park or place construction or maintenance equipment, machinery or materials, or allow same to be parked or placed upon public property, streets, and right-of-way or upon private property in the residential zoning districts.

See Town Code of Ordinances Section 66-21 for additional requirements for commercial vehicles.

Parking of Recreational Vehicles

A recreational vehicle shall not be deemed as a dwelling or an accessory dwelling in this code. Recreational vehicles for dwelling purposes are not allowed on residential lots and shall only be allowed in an approved recreational vehicle park.

See Town Code of Ordinances Section 66-21 for additional requirements for recreational vehicles.

Temporary Uses

Temporary uses are certain uses that are considered seasonal or transient and only allowed on a short term basis. These type uses can be located on a developed lot or on an undeveloped lot. Temporary uses must receive an administrative permit pursuant to this Code. Criteria for approval of a temporary use include:

- A. Written permission from the property owner to conduct said temporary use at the location
- B. Compatibility with and effect on surrounding area
- C. Ability to provide adequate access to the use and off-street parking while not adversely affecting the parking requirements of an existing use on the property

D. Meet the setback requirements for the underlying zoning district

Temporary uses are listed in Column A. The maximum length of time for each temporary use is listed in Column B. These uses are subject to additional restrictions as defined in this code.

A Temporary Use	B Max Time Allowed at Location
Amusement Enterprises (carnivals, circuses, haunted attractions, etc.)	60 days
Construction Trailers	Duration of construction project
Religious Events	30 days
Sales Offices (new residential developments, model homes, etc.)	Completion of development
Seasonal Sales (includes fireworks, Halloween sales, Christmas tree sales, and other similar seasonal sales)	90 days
Special Events (held by a business, industry, or organization)	30 days

Section 4.6 Table of Permitted Uses

No use shall be authorized unless said use is listed as permitted use or special use in the Table of Permitted Uses. Uses not listed as a permitted use or a special use shall be presumed to be prohibited from the applicable zoning district. The Zoning Administrator shall determine if a use not listed in the table can reasonably be interpreted to fit into a listed use category and be deemed as a permitted use or special use.

Uses that are identified as permitted are listed with an “P.” Uses that are identified as a special use are listed with an “S.”

Table of Permitted Uses

No use shall be authorized unless said use is listed as permitted use or special use in the Table of Permitted Uses. Uses not listed as a permitted use or a special use shall be presumed to be prohibited from the applicable zoning district. The Zoning Administrator shall determine if a use not listed in the table can reasonably be interpreted to fit into a listed use category and be deemed as a permitted use or special use. Uses that are identified as permitted are listed with an "P." Uses that are identified as a special use are listed with an "S."

If the use has a definition it is listed in Chapter 13. The NAICS code is listed for certain uses to assist in defining said use or uses that are considered similar. A "SR" denotes that the use has special requirements. These special requirements are found in Appendix C.

The uses are listed in rows and the zoning districts are listed in columns.

Use	P = Permitted	S = Special Use	Definitions Chapter 13	NAICS	Special Requirements	Single-Family Residential R-1	Single-Family Residential R-3	Single-Family Residential R-4	Maintstreet MS	Town Center TC	Neighborhood Center NC	Corridor Commercial CC	Employment Center EC
Residential													
Dwelling, Attached Single Family	Yes		236115		SR	-	-	-	-	-	P	-	S
Dwelling, Detached Single Family	Yes		236115		SR	P	P	P	-	-	-	-	-
Dwelling, Duplex	Yes		236117		SR	-	-	P	-	-	P	-	-
Dwelling, Triplex & Quadplex	Yes		236117		SR	-	-	-	-	-	P	-	-
Dwelling, Manufactured Home	Yes				SR	P	P	P	-	-	-	-	-
Dwelling, Multi-Family	Yes		236116		SR	-	-	-	P	P	P	-	S
Family Care Home	Yes		621610		SR	P	P	P	-	-	-	-	-
Live/Work Units	Yes				SR	-	-	-	P	-	P	-	-
Short Term Rental	Yes		721199		SR	P	P	P	-	-	P	-	S
Tiny Home Park	Yes				SR	-	S	S	-	-	-	-	-
Civic & Institutional													
Animal Shelter	Yes		812910			-	-	-	-	-	-	S	-
Cemeteries, Crematories, & Mausoleums	Yes		812220		SR	P	P	P	-	-	-	P	-
Civic, Social, & Fraternal Organizations			813410			-	-	-	P	P	P	P	-
Community Center	Yes					-	-	-	-	P	P	P	-
Convention Center/Visitors Bureau			561591			-	-	-	-	P	-	P	P
Daycare Center (Child & Adult)	Yes		624120		SR	-	S	S	-	P	P	P	P
Dormitories	Yes		721310			-	-	-	-	-	-	S	S
Event Center (ex. Wedding Venue)	Yes				SR	S	S	S	-	P	P	P	-
Funeral Home			812210			-	-	-	-	-	-	P	-
Government Buildings & Facilities			925120			P	P	P	P	P	P	P	P
Hospital			622110			-	-	-	-	-	-	P	P
Libraries & Archives (Private)			519120			-	-	-	-	P	P	P	-
Museums & Art Galleries			712110			-	-	-	P	P	P	P	-
Nursing Home & Assisted Living	Yes		623110			-	-	-	-	S	P	P	-
Parks			712190			P	P	P	P	P	P	P	P
Performing Arts Companies & Studios			711190			-	-	-	P	P	P	P	-
Preschool			624410			S	S	S	-	-	P	P	P
Religious Institutions	Yes		813110			P	P	P	-	P	P	P	-
Retirement Community	Yes		623311			-	S	S	-	-	S	-	-
School, Primary/Secondary			611110			P	P	P	-	P	P	P	P
School, Technical & Trade			611519			-	-	-	-	P	P	P	P
School, University or College			611310			-	-	-	-	P	P	P	P
Social Assistance	Yes		813319			-	-	-	-	-	S	P	-
Zoo, Public or Private			712130			S	-	-	-	-	-	S	-

Use P = Permitted S = Special Use	Definitions Chapter 13	NAICS	Special Requirements	Single-Family Residential R-1	Single-Family Residential R-3	Single-Family Residential R-4	Maintstreet MS	Town Center TC	Neighborhood Center NC	Corridor Commercial CC	Employment Center EC
Produce Stands	Yes			-	-	-	P	P	P	P	P
Recycling Drop Off Station				-	-	-	-	-	-	P	P
Restaurants/Cafeterias		722511		-	-	-	-	P	-	P	P
Sales Office (onsite for multi-family and single family attached, multi-tenant commercial, etc.)				P	P	P	P	P	P	P	P
Satellite Dishes				P	P	P	P	P	P	P	P
Signs	Yes			P	P	P	P	P	P	P	P
Stables and Barns				P	P	P	-	-	-	-	-
Storage Buildings				P	P	P	P	P	P	P	P
Swimming Pools				P	P	P	P	P	P	P	P
Telecommunication Antennas and Equipment to Support Tower				P	P	P	P	P	P	P	P
Any other building or use incidental to the principal building or use as determined by the Zoning Administrator				P	P	P	P	P	P	P	P

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Section 4.7 Special Requirements for Certain Uses

This section establishes uniform criteria for certain uses permitted in the Table of Permitted Uses. These special requirements must be satisfied prior to a development approval or administrative permit issued. These requirements are designed to ensure that the listed uses are compatible with other permitted uses in the zoning district and the surrounding area.

Each use is listed in alphabetical order.

Adult Establishment

- A. Adult establishments shall be located no closer than 1000 feet to a school, church, day care, civic building, park, residentially zoned or residentially used parcel.
- B. All windows, doors, or other openings shall have opaque glazing to discourage visibility of the interior.
- C. The maximum floor area for the use shall be 3000 square feet.
- D. No exterior signage or building element shall be pornographic in nature or convey any such idea or element.
- E. A legal conforming adult establishment shall not be rendered a nonconforming use by the subsequent location of a house, church, school, park, day care, or residentially zoned area with respect to the spacing requirement above.

Amphitheater/Auditorium/Outdoor Assembly

- A. Structures associated with an auditorium, including the stage and screen, shall be setback a minimum of 100 feet from the property line.
- B. Ingress and egress from a public street shall be designed and constructed to provide safe traffic movement and shall be accessed only from collector or arterial streets. They shall not be accessed from residential streets.

Amusement Park, Outdoor

- A. Outdoor amusement park primary buildings or amusement structures shall be located no closer than 500 linear feet to a residential zoning district.
- B. All buildings, whether permanent or temporary, may not be located within 100 feet of any lot line.

Auto, Truck, Boat, Motorcycle, & Recreational Vehicle Sales & Dealerships

- A. Large surface parking lots with 30,000 square feet of vehicular access should be visually and functionally segmented into several smaller lots. The size of any single surface parking lot shall be limited to 3 acres, unless divided by a street or principal building.
- B. Outdoor public address systems that can be heard beyond the boundaries of the property are not permitted (alt: are prohibited).

Automobile Body Shop

- A. The building containing such use shall be located at least 200 feet from the property line of any lot located in a residential zone.
- B. All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with an opaque fence or wall. Such storage is restricted to the rear yard.
- C. Storage yards shall be located at least 50 feet from the property line of any lot located in a residential district.
- D. Repair work involving noise-producing equipment shall be performed indoors.
- E. Outdoor stockpiling or collection of automobiles for dismantling and use as spare parts is expressly prohibited.

Bed & Breakfast Establishment

- A. Meals shall be served to resident guests only.
- B. The bed and breakfast establishment shall be owner occupied.
- C. In the NC zoning district, all guest parking shall primarily be to the rear of the home. In the R-1 and R-3 zoning districts, the Zoning Administrator may approve parking to the side or in front of the home. On street parking may be counted towards the parking requirements for the use.
- D. Signage shall be permitted per Chapter 10 of this Code.

Beer & Wine Shop

A tap or tasting room is allowed in beer and wine retail shops. The tap or tasting room shall not exceed 50% of the total floor area.

Brewery & Distillery

The following standards shall apply to all Breweries and Distilleries located in the EC Zoning District:

- A. Shall be permitted to have a tap room, tasting room, or restaurant on the same lot.
- B. Beverages consumed and sold as retail shall be manufactured from such Breweries and Distilleries.
- C. Appropriately scaled special events are considered an accessory use to a Vineyard and Winery.
- D. Outdoor events and activities shall take place no closer than two hundred feet from any property line.
- E. All equipment used during the brewing or distillation processes (malt silos, mash tuns, lauter tuns, brew kettles, whirlpools, fermentation tanks, copper columns, infusion tanks, filtering tanks and storage tanks) visible from the street (excluding alleys), shall be screened using architectural features consistent with the principal structure.
- F. Access and loading bays shall not face public streets(excluding alleys).
- G. Shall not emit odors, gas, dust, or any other pollutants detrimental to the health, safety, or general welfare of persons living or working in the surrounding properties.
- H. Long-term Outdoor storage of goods and materials shall not be permitted, including the use of portable storage units, cargo containers, and tractor trailers.

Cell Towers (Telecommunication Towers)

Cell towers (telecommunication towers) shall be allowed in all zoning districts by Special Use Permit, subject to the following standards:

- A. The applicant for a cell tower shall bear the burden of demonstrating by substantial evidence in a written record that a need exists for the proposed cell tower and that no reasonable combination of locations, techniques or technologies will prevent the need for, or mitigate the height or visual impact of, the proposed cell tower.
- B. Cell towers must be a monopole design that does not exceed 150 feet in height.
- C. **Setback Limits for Cell Towers** - In all districts the minimum setback requirement in all directions will be 1.5 feet for every 1 foot of tower height (e.g. a 150 foot tower would require a 225 foot setback).
- D. In addition to the notice requirements found elsewhere in this code, the applicant for a special use permit for a cell tower shall be required to notify by regular mail all property owners within a one-quarter mile (1,320 feet) radius of the proposed location of any public hearing on the application at least ten days but no more than twenty five days prior to the hearing. The Zoning Administrator may require the applicant to conduct a crane or balloon test to simulate the height of the proposed tower. Notice of the dates and times of such tests shall be mailed by the applicant to all property owners within a one-quarter mile (1,320 feet) radius of the proposed location at least ten days prior to the primary test date.
- E. Applicants for cell towers are encouraged to consider properties owned by the Town before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies shall retain discretion as to whether to make a specific property available for wireless cell facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.
- F. Co-location and use of existing structures is encouraged where appropriate. To that end, the following provisions shall apply to an application for a cell tower:
 - 1. A special use permit for a cell tower shall not be approved unless the tower is designed structurally, electrically, mechanically and in all respects to accommodate at least three users.
 - 2. A special use application for a telecommunication tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved telecommunication towers, buildings or alternative

structures.

3. Antennas associated with a wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.
 4. No wireless telecommunication facility shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the FCC.
- G. All telecommunication towers must comply with FCC and FAA regulations.
- H. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licenses to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.
- I. As part of its application, each applicant for a telecommunication tower shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within 180 days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A \$5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.
- J. Abandoned or unused telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a telecommunication facility pursuant to this provision, the Town shall give 30 days' written notice of its intention to do so to the permittee at their last known address.

K. All telecommunication towers shall comply with FAA lighting requirements. Additionally, the Town may impose lighting requirements for those towers not required to be lighted per the FAA. No cell tower shall be located:

1. On top of buildings; or
2. In a locally or nationally designated historic area or property or on a nationally or locally designated historic structure or building. The location of a telecommunications tower shall not adversely impact the historic integrity of a locally or nationally designated historic area, property, or structure.

L. Telecommunication towers shall be designed to meet the following standards:

1. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. The Town may condition approval on the use of specific concealment techniques where it determines that doing so is necessary to fulfill the intention of this code.
2. Guyed towers are prohibited. Commercial wireless telecommunication transmission towers shall be of a monopole design unless the Town determines that an alternative design would better blend in with the surrounding environment.
3. Use of dual-polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated), dual-band/multi-band antennas (allowing two or more providers of different types of commercial wireless services to share a common antenna), and use of combiners (allowing antenna sharing by providers using the same frequency band) are encouraged.
4. Antennas shall be mounted on telecommunication towers so as to present the smallest possible silhouette, profile, or cross-section.
5. No telecommunication tower shall have constructed thereon, or attached thereto in any way, platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.
6. All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed 12 feet in height. Ground mounted equipment shall be screened from view with a minimum "Class B" buffer (see Chapter 8), except where a design of non-vegetative screening better reflects and complements the architectural character

of the surrounding neighborhood.

- M. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes.
- N. Telecommunication towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence shall not be topped with barbed wire. The Town may require as a condition of approval that the fencing be screened by landscaping or other means deemed appropriate by the Zoning Administrator. The Town may waive or modify the fencing requirement if it determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
- O. Telecommunication towers shall have a flat gray or galvanized finish unless the Town determines another color scheme would be a preferable aesthetic alternative.
- P. Signage at any telecommunication tower site shall conform to the following provisions:
 - 1. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.
 - 2. Equipment hazard warning and informational signs are permitted.
 - 3. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.
- Q. The Town may require any other conditions deemed necessary or desirable to minimize the impact of the tower on the adjacent properties and uses. Such conditions shall include, but are not limited to: the height of the tower; the construction or type of tower; lighting; and co-location of the antennas and facilities of different parties on a single tower.

Cemeteries, Crematories, & Mausoleums

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, unless greater setbacks are required in the zoning district within which the use is located.”

Convenience Store with fuel

- A. Gasoline canopy area shall not be located in front of the convenience store building.
- B. Vehicle vacuuming facilities may be located outside of the building but may not be located within any required buffer or setback.
- C. A freestanding automatic car wash facility may be located on the same lot and must meet the same buffer and setback requirements as the convenience store building.

Daycare Center (Child & Adult)

- A. Outdoor play areas may be located in the rear yard or side yard only and not in any required setback.
- B. All outdoor play areas shall be surrounded by a fence or wall at least four (4) feet in height.
- C. 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 must equal or exceed the number of enrollees certified by the State of North Carolina to attend the day care center.
- D. If the day care center is to be located in a structure originally constructed as and designed for a single-family dwelling, the exterior of the structure shall not be altered in a manner that diminishes its single-family dwelling characteristics.

Drug Store

No drive thru facility for prescription pick up shall be located in front of the building.

Dwelling, Attached Single Family

A single-family attached dwelling may take the following forms:

- A. Attached row with rear vehicular access – Multiple units attached side by side meeting required front setbacks with vehicular access via a rear alley.
 - a. Rear setback for alley access is 15 feet from the centerline of the alley.
- B. Attached row with front vehicular access – Multiple units attached side by side meeting required setbacks with vehicular access from the front or corner side street.

- C. The preferred form of attached single family dwellings shall be rear access. Front access may be considered by the Zoning Administrator on a limited basis.
- D. The allowed dwelling units per acre shall be the same in the EC zoning district as in the NC zoning district (12 units per acre).
- E. In no case shall a row of attached single family dwellings be less than 80 feet. All single family attached dwellings shall meet the design standards found in Chapter 6 of this Code.

Dwelling, Duplex

- A. Duplexes shall meet 150 percent of the minimum lot width and depth standards for the zoning district.
- B. In the R-4 zoning district, duplexes are excluded from the cluster subdivision standards.

Dwelling, Multi-Family

Multi-family developments shall meet the following requirements:
These uses are allowed on the 2nd and 3rd stories of multi-use buildings in the NC, MS, and TC districts:

- A. There is no maximum dwelling units per acre.
- B. Allowed for all stories in the EC district as a special use or conditional zoning only.
- C. Maximum dwelling units per acre is 24.
- D. Off-street parking shall be located behind or below the building or buildings.

Dwelling, Triplex & Quadplex

Triplexes and Quadplexes shall meet 150 percent of the minimum lot width and depth standards.

Electronic Gaming (Sweepstakes)

- 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 establishment must be a minimum of (300) linear feet from the property line of any residential use located within or outside the Town of Waxhaw municipal limits.
- D. The establishment must be a minimum of 1,000 linear feet from any religious institution and associated uses including cemeteries, congregate care facilities, public and private daycare centers, non-profit clubs, and public or private schools.

Equestrian Facility

- A. An equestrian facility may be located on a lot as the principal use or on a lot with a single family residence.
- B. The lot shall be a minimum of 5 acres.
- C. All structures housing horses must meet the following setbacks:
 - 1. At least 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.
 - 2. At least 50 feet from all front, side and rear property lines.
 - 3. At least 100 feet from any pre-existing residential structures located on neighboring properties.

Event Center

An event center shall be located only on a property that has access to a collector street, minor thoroughfare, or major thoroughfare. In no case shall an event center locate on a property with access only to a local street.

Fairground

All fairground facilities shall be located at least five-hundred (500) linear feet from a residential zoning district. Otherwise, all buildings whether permanent or temporary, may not be located within one-hundred (100) feet of any lot line.

Family Care Home

Family care homes shall be allowed as a use by right in the R-1, R-3, and R-4 zoning districts provided that no family care home shall be allowed within on half mile radius of another family care home.

Grocery Store

No drive thru facility for prescription pick up shall be located in front of the building.

Hotel

- A. Retail uses and restaurants may be located as accessory uses within any 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 that is open to the general public.
- C. Entry to sleeping spaces may only be from an internal hallway.

Live/Work Units

Live/ work units shall meet the following provisions:

- A. The work area use shall be located on the first (ground) floor only and shall occupy up to fifty percent (50%) of the total area of the live/work unit.
- B. Up to two (2) nonresident employees may be allowed in the work portion of the live/ work unit when additional parking spaces are provided as required in Chapter 7.
- C. Live work units shall not exceed three thousand (3,000) square feet in gross floor area. The residential and nonresidential portions may be side-by-side or stacked and are not required to have a solid wall separation between them. Live work units shall be designed and constructed to meet all applicable building codes.

Nightclub

Live music shall not be audible beyond property boundary at decibel levels louder than normal background noise if establishments are located within 350 feet of a residence.

Racetrack, Outdoor

- A. No portion of the racecourse perimeter shall be located closer than three hundred (300) linear feet from any exterior lot line.
- B. All racecourses for any motorized vehicle shall be paved.

Radio & TV Studio

The transmission tower may exceed the maximum height requirement for the zoning district in which it is located.

Recreation Facility, Outdoor

- 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 the structure is in or adjacent to a Residential (R) District. Rear and side yard setbacks for outdoor swimming pools shall be fifty (50) feet.
- B. Fencing, netting, trees, berms, or other control measures shall be provided around the perimeter of driving ranges to prevent golf balls from going onto adjacent properties. Such devices, where applicable, may be counted towards any required screening provided.

Recreation Vehicle Park

The following standards shall apply for all recreational vehicle parks:

- A. The land in a recreational vehicle park development shall be under single ownership or management by the applicant.
- B. The minimum lot size for a recreational vehicle park shall be 5 contiguous acres.
- C. The maximum density shall be 10 parking pads per acre.
- D. A leasing office is required for all recreational home park developments. The office should have regular business hours but also have 24 hour availability for emergencies.
- E. Each individual recreational home lot shall have a dedicated parking space.
- F. Dumpsters are required for solid waste collection and shall meet the screening requirements of Chapter 8 of this Code.
- G. All streets within a recreation vehicle park shall be privately maintained. The minimum width of a one-way street shall be 12 feet and the minimum width of a two-way street shall be 20 feet.

Repair & Service of Industrial Equipment

All repair and servicing operations shall be in an indoor facility.

Restaurant with Drive-Thru

No drive thru facility shall be located forward of the restaurant building.

Short Term Rental

- A. The maximum occupancy of the rental shall be based on International Building Code standards, as amended by the NC Building Code. Responsibility for ensuring that the dwelling is in conformance with its maximum occupancy shall rest with the owner of the property.
- B. A renter may not use a short-term rental for a purpose not incidental to its use for lodging and sleeping purposes. This restriction includes using the rental for weddings, receptions, concerts, fundraisers, or any similar group activity.
- C. There will be no demand for parking beyond that which is normal to a residential area.
- D. Signs, other than address/tenant identification signs which meet the requirements of Chapter 10 of this code, shall not be permitted.
- E. The property owner shall maintain on file with the Town an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.
- F. Informational Packet: A packet of information shall be provided to renters and posted conspicuously in the common area of the rental summarizing the guidelines and restrictions applicable to the rental use, including:
 - 1. Maximum occupancy of the rental;
 - 2. Applicable noise and use restrictions;
 - 3. Location of off-street parking;
 - 4. Directions that trash shall not be stored within public view, except within containers approved for the purpose of collection; information providing the trash collection schedule for the town shall also be provided;
 - 5. Contact information for the local property representative;
 - 6. Evacuation routes;
 - 7. Notification that the renter is responsible for complying with the regulations of this subsection.

Solar Electric Power Generation (Solar Farms)

Solar Electric Power Generation (Solar Farms): Solar Electric Power Generation, also referred to as solar farms, are permitted with a Special Use Permit in the R1 (single family residential) zoning district, subject to the following standards:

- A. Setback: Solar Farms shall adhere to the setback requirements of the underlying zoning district in which the property is located. Additional restrictions may be imposed as part of the approval of a Special Use Permit
- B. Height: Solar panels can be up to 20 feet tall at maximum tilt
- C. Lot Size: Solar Farms shall be located on parcels of land that are 25 acres or greater in size.
- D. Fencing: All large-scale solar systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the Town as part of the Special Use Permit review process.
- E. Electrical Lines Underground: On-site electrical interconnection and distribution lines shall be placed underground, unless otherwise required by the utility provider.
- F. Removal of Vegetation: The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar farm installation.
- G. Removal: All obsolete or unused systems and those that are obviously in disrepair or partially dismantled shall be removed within twelve months of cessation of operations by the lot owner.
- H. Decommissioning plan: The applicant must provide a decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) that describes the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored to its condition prior to the development of the solar farm.

Decommissioning will be required following a continuous six-month period in which no electricity is generated by the facility.

The permit holder will have 12 months to complete decommissioning of the solar farm. Decommissioning shall include removal of solar panels, foundations, structures, cabling, electrical components, conduit, and any other associated facilities as described in the decommissioning plan.

Prior to issuance of an Administrative Permit, the applicant must provide the town with a performance guarantee in the form of an irrevocable letter of credit in the amount of 125 percent of the estimated decommission cost minus the salvageable value or \$50,000, whichever is greater.

Stadium

Stadiums as a primary use are only allowed by special use in the CC zoning district, under the following:

- A. All principal structures (including bleachers) shall be located a minimum of 100 feet from all adjacent lot lines.
- B. Access to the site shall be provided by major thoroughfares only.
- C. Off-street parking requirements shall be required if the stadium is freestanding and not an accessory use to a school.

Stadiums are allowed as an accessory use on campuses for primary and secondary schools, colleges, or universities.

Tiny Home Park

The following standards shall apply for all tiny home parks:

- A. The land in a tiny home park development shall be under single ownership or management by the applicant.
- B. The minimum lot size for a tiny home park, park shall be 5 contiguous acres.
- C. The maximum density shall be four dwelling units per acre.
- D. A leasing office is required in all tiny home park developments. The office should have regular business hours but also have 24 hour availability for emergencies.
- E. Each individual tiny home lot shall have a dedicated parking space.
- F. Dumpsters are required for solid waste collection and shall meet the screening requirements of Chapter 8 of this Code.
- G. All streets within a tiny home park shall be privately maintained. The minimum width of a one-way street shall be 12 feet and the minimum width of a two-way street shall be 20 feet.

Vineyard & Winery

The following standards shall apply to all Vineyards and Wineries located in the EC Zoning District:

- A. Shall be permitted on land consisting of at least ten acres, with at least five acres being dedicated to the growing of fruits used to create wine, and only if it meets all State permit requirements for such facilities.
- B. Shall be permitted to have a tap room, tasting room, or restaurant on the same lot.
- C. Wine consumed and sold as retail shall be manufactured from such Winery.
- D. Appropriately scaled special events may be considered an accessory use to a Vineyard and Winery.
- E. Outdoor events and activities shall take place at a minimum of two hundred feet from any property line.
- F. Shall not produce odors, gas, dust, or any other pollutants detrimental to the health, safety, or general welfare of persons living or working in the surrounding properties.
- G. All equipment used during the wine making process visible from the street (excluding alleys), shall be screened using architectural features consistent with the principal structure.

Welding

The manufacturing, compounding, or processing of goods or materials shall be conducted within a completely enclosed building