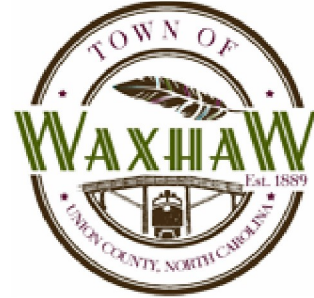


# Board of Commissioners

Regular Meeting \* PD Community Room

August 13, 2024 @ 6:30 PM



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## A. CALL TO ORDER

## B. CEREMONIAL OPENING

## C. ADOPTION OF AGENDA

## D. GENERAL PUBLIC COMMENTS

1. Members of the public may wish to submit comments that are related to the agenda or are general in nature. Public comments will be accepted during this portion of the meeting. Citizens may sign up to speak prior to the meeting. Public comments are limited to three minutes in length per person and the Board will allocate fifteen minutes to read the submitted comments.

## E. CONSENT AGENDA

1. **Approval for Union County Tax Office to be Charged with the Collection of Fiscal Year 2024-25 Tax Bills**  
[Approval for Union County Tax Office with Collection of Tax Bills - Pdf](#)
2. **Adoption of Ordinance (ORD2024021) Amending the Declaring Temporary Road Closures for Events**  
[Adoption of Amended Ordinance \(ORD2024021\) NCDOT Temporary Road Closures - Pdf](#)
3. **Adoption of Budget Amendment Ordinance (ORD2024022) to Accept a Donation from the Waxhaw Lions Club for Communication Board**  
[Adoption of Budget Amendment Ordinance \(ORD2024022\) - Pdf](#)

## F. RECOGNITIONS

1. **Public Services Department: 20 Year Service Award**  
**Information:** Ryan Springs, Maintenance Tech, has been with the Town of Waxhaw for 20 years and will be honored with a Service Award.  
**Presenter:** Todd Matthews, Public Services Director  
[Staff Recognition and Service Award - Pdf](#)
2. **Recognition of the Waxhaw Lions Club Donation to Parks & Recreation**

**Department for a Communication Board**  
**[Recognition of the Waxhaw Lions Club Donation - Pdf](#)**

G. PRESENTATIONS

H. PUBLIC HEARINGS

1. **Public Hearing for Text Amendment TA - 016-2024 - An amendment to add R2 Single-Family Residential Zoning District and Conservation Development Design Standards to the Land Development Code**

**Information:** Petition TA-016-2024 is a request by the Town of Waxhaw Planning Department to amend various sections of the Land Development Code to remove cluster subdivision standards, replace the text with conservation development design standards, and include a new R2 single-family zoning district.

**Recommended Action:**

- **MOTION** to open and close the public hearing.

**Presenter:** Lisa Thompson, Planning & Inspections Director

**[Public Hearing for Text Amendment TA-016-2024 - Pdf](#)**

I. OLD BUSINESS

J. NEW BUSINESS

K. TOWN LEADERSHIP REPORTS

1. Town Manager Jeffrey Wells
2. Assistant Town Manager Matt Hubert
3. Parks & Recreation Director Dena Sabinske
4. Public Services Director Todd Matthews
5. Board of Commissioners

L. CLOSED SESSION

1. No Topics Scheduled

M. ADJOURNMENT

## Board of Commissioners Agenda Item Report

Agenda Item No. AIR-2202  
Submitted by: Jeffrey Wells  
Submitting Department: Administration  
Meeting Date: August 13, 2024

**Subject:**

**Approval for Union County Tax Office to be Charged with the Collection of Fiscal Year 2024-25 Tax Bills**

**Executive Summary/Staff Recommendation:**

North Carolina General Statutes require the Tax Collector's office to provide an annual settlement for all taxes billed and collected for the previous year. In addition, the governing board must also charge the Tax Collector with collecting the levy for the new fiscal year.

Staff recommends the Board approve and charge the Union County Tax Administrator with collecting the Town of Waxhaw tax levy for fiscal year 2024-25.

**Financial Impact:**

The initial tax charge for FY 2024-25 is \$11,595,074.06. The tax charge will be adjusted monthly according to releases and discoveries. The town FY 2024-25 budget estimated ad valorem tax revenues at \$11,470,000.00, approximately 99% of the tax charge. The county tax department historically collects over 99% of the tax charge.

**ATTACHMENTS**

[2024 Waxhaw Order of Collection 6.6.2024](#)

[2024 Waxhaw TR-2 Report Original LIVE 07192024](#)

[Town of Waxhaw Tax Settlement](#)



August 6, 2024

**TAX CHARGE FOR FISCAL YEAR 2024-2025**

TO: Vann Harrell, Tax Administrator for the County of Union

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2024 tax records as filed in the Office of Tax Administrator, and in the tax receipts delivered to the Tax Administrator’s Office in August 2024, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien on all real property of the respective taxpayers in the Town of Waxhaw. You are further authorized, empowered, and commanded to collect the 2024 taxes charged and assessed as provided for by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law.

This Order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property and attach wages and/or other funds of such taxpayers, for and on account thereof, in accordance with the law.

The Tax Charge will be adjusted monthly according to releases, discoveries, and motor vehicle billings.

	<b>Tax Charge</b>	
General Tax		\$11,590,894.83
Late List Penalties		\$4,179.23
<b>Total Tax</b>		<b>\$11,595,074.06</b>

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024

\_\_\_\_\_  
Mayor, Town of Waxhaw

\_\_\_\_\_  
Vann Harrell, Tax Administrator

Attest:

\_\_\_\_\_  
Clerk, Town of Waxhaw

**Tax Administration**  
500 North Main St. Suite 236  
Monroe, NC 28112  
T 704.283.3746

[unioncountync.gov](http://unioncountync.gov)

**TR Collection Original Report  
Union County**

**TOWN OF WAXHAW**

Assessed Value of Taxable Real Property

1. Assessed value of residential real property	2,809,737,000
2. Assessed value of commercial real property	254,548,100
3. Assessed value of industrial real property	13,453,300
4. Assessed value of taxable real property not included in items 1-3	52,218,500
5. Add lines 1-4	3,129,956,900
6. All real property exclusions, exemptions, and deferments	152,961,441
7. Total Taxable Valuation of Real Property(Subtract line 6 from line 5)	2,976,995,459

Additional required information(present-use value and deferments should be included in lines 1-7)

Property classified for taxation at present use value (G.S. 105-207)

8. Full assessed value of present use value property	43,737,400
9. Value Deferred	39,857,400
10. Present Use Value subject to taxation (Subtract line 9 from 8)	3,880,000

Assessed Value of Taxable Personal Property

11. Business personal property	36,792,767
12. Individual personal property	2,288,440
13. Other personal property	0
14. Total taxable value lines 11-13	39,081,207
15. All personal property exemptions, exclusions and deferments	4,932,985
16. Total Taxable Value of personal property)	34,148,222

Assessed Value of Public Service Companies

17. Total Assessed Valuation of Public Service Companies	0
18. Grand Total Valuation of All Taxable Property as of January 1	3,011,143,681

AD VALOREM LEVY

1. Tax Levy	11,590,894.83
2. Additional Taxes levied on late listings and discovered properties	0.00
3. Penalties on late listings and discoveries	4,179.23
4. TOTAL AD VALOREM TAX LEVY	11,595,074.06

CIRCUIT BREAKER INFORMATION

1. Number of Circuit Breaker	0
2. Circuit Breaker Deferred Tax	0.00



2024 Town Of Waxhaw  
Property Tax Settlement Report

July 29, 2024  
Tax Administration



## SETTLEMENT REPORT

July 29, 2024

Mayor and Council Members:

In compliance with N.C.G.S 105(a)(3), attached hereto is a report entitled "Settlement for Current Real Estate and Personal Property Taxes for Fiscal Year 2023-2024" dated July 29, 2024, setting forth my full settlement for all real and personal property taxes in my hands for collection for the fiscal year 2023-2024.

In compliance with the N.C.G.S. 105-373(a)(4)(b), attached hereto is a report entitled "Fiscal Year 2023-2024 Settlement for Delinquent Real and Personal Property Taxes for Tax Year 2022" dated July 29, 2024, setting forth my full settlement for all delinquent real and personal property taxes collected during the fiscal year 2023-2024.

Any delinquent accounts will remain in the hands of the Collector for further collection activities pursuant to the North Carolina General Statutes.

Further, I hereby certify that I have made diligent efforts on behalf of the Town Of Waxhaw to collect the taxes owed by the delinquent taxpayers in such a manner that is reasonably necessary as prescribed and allowed by law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vann Harrell', is written over the printed name.

Vann Harrell  
Tax Administrator

**Tax Administration**  
500 N. Main St. Suite 119  
Monroe, NC 28112  
T 704.283.3848

[unioncountync.gov](http://unioncountync.gov)



## SETTLEMENT FOR 2023 AD VALOREM TAXES

### Charges to Collector

The total amount of taxes, fire fees, and late list penalties included in charge for the current year	\$	11,717,454.69
Adjustment to Charge	\$	20,495.41
All interests costs and fees collected by the collector:	\$	6,932.91
<b>TOTAL</b>	<b>\$</b>	<b>11,744,883.01</b>

### Credits to Collector

All Sums Deposited by Collector	\$	11,665,025.71
Releases Allowed by governing body	\$	73,930.15
Principal amount of outstanding real and personal property taxes.	\$	5,927.15
<b>TOTAL</b>	<b>\$</b>	<b>11,744,883.01</b>







## SETTLEMENT FOR 2022 AD VALOREM TAXES

### Charges to Collector

The total amount of taxes, fire fees, and late list penalties included in charge for the current year	\$	9,152.67
All interests costs and fees collected by the collector:	\$	435.92
<b>TOTAL</b>	<b>\$</b>	<b>9,588.59</b>

### Credits to Collector

All Sums Deposited by Collector	\$	(371.69)
Releases Allowed by governing body	\$	6,146.25
Principal amount of outstanding real and personal property taxes.	\$	3,814.03
<b>TOTAL</b>	<b>\$</b>	<b>9,588.59</b>

### BREAKDOWN OF PRIOR YEAR SETTLEMENT

Tax Year	Beginning Balance	Levy Added	Total Balance	Collections	Releases	Total Outstanding
2022	\$ 8,083.52	\$ 1,069.15	\$ 9,152.67	(\$ 807.61)	\$ 6,146.25	\$ 3,814.03
Totals	\$ 8,083.52	\$ 1,069.15	\$9,152.67	(\$ 807.61)	\$ 6,146.25	\$ 3,814.03



## **Board of Commissioners Agenda Item Report**

Agenda Item No. AIR-2214  
Submitted by: Barbie Bruce  
Submitting Department: Town Clerk  
Meeting Date: August 13, 2024

**Subject:**

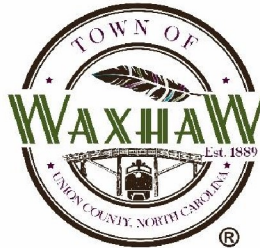
**Adoption of Ordinance (ORD2024021) Amending the Declaring Temporary Road Closures for Events**

**Executive Summary/Staff Recommendation:**

On May 28, 2024, the Board of Commissioners adopted ordinance (ORD2024017) declaring NCDOT temporary road closures for Town events. For many years, the Town of Waxhaw has support and hosted the Annual GingerSnap 5K Race event sponsored by the Girls on the Run of Union County. Staff is requesting to amend the schedule to include this event for November 23, 2024. Pursuant to the North Carolina General Statutes 20-169 and NCDOT requirements, the town shall adopt an amended ordinance requesting authorization to temporarily close roads for town events identified in the ordinance. Adoption of this item by the Board of Commissioners will allow staff to submit this request to NCDOT for approval.

**ATTACHMENTS**

[Ordinance ORD2024021 - Amending Declared NCDOT Road Closures - Gingersnap 5k Race - November 23 - 2024.08.13](#)



## **Ordinance Amending the Declaration of NCDOT Temporary Road Closures for Town of Waxhaw Events**

**WHEREAS**, the Waxhaw Board of Commissioners adopted ordinance (ORD2024017) on May 28, 2024, declaring NCDOT temporary road closures for Town of Waxhaw events;

**WHEREAS**, for many years, the Town of Waxhaw has supported and hosted the Annual GingerSnap 5K Race event sponsored by the Girls on the Run of Union County;

**WHEREAS**, the Town of Waxhaw desires to amend the schedule to include the 15<sup>th</sup> Annual GingerSnap 5K Race event on November 23, 2024; and

**WHEREAS**, to close the NCDOT maintained roads requires the Waxhaw Board of Commissioners is to adopt an ordinance regulating the use of the route.

**NOW THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Town of Waxhaw, North Carolina, pursuant to N.C.G.S. 20-169, that the following route be closed during the day and time set forth below on the following described portion of a State Highway System route:

### **15<sup>th</sup> ANNUAL GINGERSNAP 5K RACE:**

**Event Date/Time:** Saturday, November 23, 2024, 8 AM – 11 AM  
Roads closed 6AM – 11 AM

### **Affected NCDOT Maintained Streets:**

- Rehobeth Road from Highway 75 to West North Main Street.
- Helms Road Waxhaw-Marvin Road.
- Waxhaw-Marvin Road from Rehobeth to Pine Oak Road.

### **Notice that other Town of Waxhaw maintained streets will be closed for this event.**

- North Church Street from West North Main Street to Price Street.
- North Broad Street from West North Main Street to Price Street.
- North Price Street from North Church Street to North Jackson Street.
- North Jackson Street from Price Street to West North Main Street.

- McDonald Street from North Broome Street (Highway 16) to North Broad Street.
- North High Street from West North Main Street to Price Street.
- North Hicks Street from West North Main Street to McDonald Street.
- Peyton Court at West North Main Street.
- Applewood Lane at Waxhaw-Marvin Road.
- Eutaw Drive at Waxhaw-Marvin Road.
- Glenda Drive at Eutaw Drive.
- Coldwater Mill at Waxhaw-Marvin Road.
- Fallondale Drive at Waxhaw-Marvin Road.
- West North Main Street from North Church to Rehobeth Road, Waxhaw, NC 28173.

Signs shall be erected giving notices of the closures for this event as required by N.C.G.S. 20-169.

**Effected Date:** This ordinance shall be effective upon adoption on the 13<sup>th</sup> day of August 2024.

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**Robert J. Murray, III, Mayor**

ATTEST:

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**Barbara Bruce, Town Clerk**



## **Board of Commissioners Agenda Item Report**

Agenda Item No. AIR-2216

Submitted by: Robin Viar

Submitting Department: Parks & Recreation Department

Meeting Date: August 13, 2024

### **Subject:**

**Adoption of Budget Amendment Ordinance (ORD2024022) to Accept a Donation from the Waxhaw Lions Club for Communication Board**

### **Executive Summary/Staff Recommendation:**

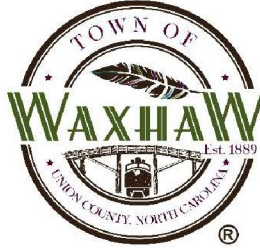
The Waxhaw Lions Club contacted the Parks & Recreation Department with a donation proposal to enhance the new Waxhaw Downtown Park. The Parks & Recreation Staff suggested installing a Communication Board, which aligns with the Town's goal of promoting inclusive activities for all. The Lions Club conducted a fundraising campaign and successfully raised the \$2,000.00 needed to purchase the board. The Communication Board promotes inclusive and will significantly improve the language skills of non-verbal individuals, reduce communication-related anxieties, and enhance user safety and satisfaction. The Parks & Recreation Staff deeply appreciate this valuable contribution for the new Waxhaw Downtown Park and its benefits to the Waxhaw community.

### **Financial Impact:**

Acceptance of the donation in the amount of \$2,000 for the purchase of a Communication Board to be installed at the Downtown Park.

### **ATTACHMENTS**

[Ordinance #ORD2024022 - 2024-25 Budget Amendment to Accept Communicaton Board Donation - 08.13.24](#)



**FY 2024-2025 Budget Amendment Ordinance**  
**Acceptance of a Communication Board Donation for the**  
**Downtown Park**

**WHEREAS**, the Town of Waxhaw will accept a Communication Board donated by the Waxhaw Lyons Club with an estimated value of \$2,000.00 to be placed in the Downtown Park;

**WHEREAS**, the donation will be received as an Asset and accounted for accordingly;

**NOW, THEREFORE, BE IT ORDAINED**, by the Waxhaw Board of Commissioners of the Town of Waxhaw, North Carolina that:

<u>Donation</u>	<u>Estimated Value</u>
Asset:	
Communication Board	\$2,000.00

**Duly adopted and effective this the 13<sup>th</sup> day of August 2024.**

\_\_\_\_\_  
Robert J. Murray, III, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Bruce, Town Clerk



## **Board of Commissioners Agenda Item Report**

Agenda Item No. AIR-2210  
Submitted by: Emily Howe  
Submitting Department: Public Services Department  
Meeting Date: August 13, 2024

**Subject:**

**Public Services Department: 20 Year Service Award**

**Information:** Ryan Springs, Maintenance Tech, has been with the Town of Waxhaw for 20 years and will be honored with a Service Award.

**Presenter:** Todd Matthews, Public Services Director



## **Board of Commissioners Agenda Item Report**

Agenda Item No. AIR-2217

Submitted by: Dena Sabinske

Submitting Department: Parks & Recreation Department

Meeting Date: August 13, 2024

**Subject:**

**Recognition of the Waxhaw Lions Club Donation to Parks & Recreation Department for a Communication Board**

**ATTACHMENTS**

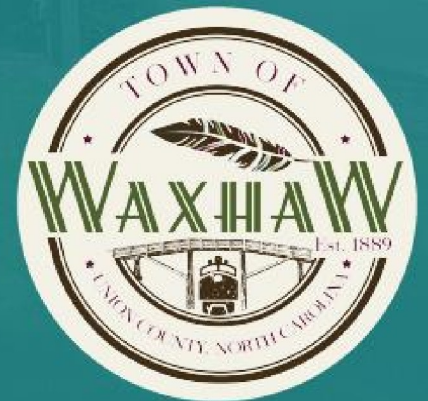
[Presentation - Waxhaw Lions Club Donation for Communication Board - 2024.08.13](#)



# Parks & Recreation Department

Communication Board Donation from Waxhaw Lions Club

Dena Sabinske, Director of Parks & Recreation





# Communication Board Donation



## COMMUNICATION BOARD DONATION FROM THE WAXHAW LIONS CLUB

The Waxhaw Lions Club contacted the Town of Waxhaw Parks & Rec with a proposal to enhance our new Waxhaw Downtown Park. We suggested installing a Communication Board, which would be an ideal addition since it aligns perfectly with the Town's goal of promoting inclusive activities for all. This board will significantly improve the language skills of non-verbal individuals, reduce communication-related anxieties, and enhance user safety and satisfaction. The Lions Club diligently conducted a fundraising campaign and successfully raised the \$2,000 needed to purchase the board. We sincerely appreciate this valuable contribution to our new Waxhaw Downtown Park and look forward to it benefiting our community for many years to come.





# Communication Board Donation

MOTION to approve and authorize the Town Manager to accept the donation from the Waxhaw Lions Club.



QUESTIONS





## Vision

Professional park facilities, recreational opportunities and quality of life initiatives that unmistakably reflect the unique character of Waxhaw.

## Mission

To provide recreational, educational and cultural opportunities that promote a healthy lifestyle and excellent quality of life in a safe environment for citizens of all ages, means and abilities.





## Board of Commissioners Agenda Item Report

Agenda Item No. AIR-2211  
Submitted by: Lisa Thompson  
Submitting Department: Planning Department  
Meeting Date: August 13, 2024

**Subject:**

**Public Hearing for Text Amendment TA - 016-2024 - An amendment to add R2 Single-Family Residential Zoning District and Conservation Development Design Standards to the Land Development Code**

**Information:** Petition TA-016-2024 is a request by the Town of Waxhaw Planning Department to amend various sections of the Land Development Code to remove cluster subdivision standards, replace the text with conservation development design standards, and include a new R2 single-family zoning district.

**Recommended Action:**

- **MOTION** to open and close the public hearing.

**Presenter:** Lisa Thompson, Planning & Inspections Director

**ATTACHMENTS**

[TA-016-2024 BOC PH Staff Report. w LDC and Policy](#)  
[2024.08.13 PH Slides](#)

**Text Amendment TA-016-2024**  
**Adding Conservation Development Design Standards**  
**And the R2 Single Family Zoning District to the LDC**

**EXPLANATION OF THE REQUEST**

Petition TA-016-2024 is a request by the Town of Waxhaw Planning Department to amend various sections of the Land Development Code to remove cluster subdivisions and replace it with conservation development design standards; and include a new R2 single family zoning district.

**BACKGROUND INFORMATION**

Over the past 2 years, the Planning Department updated the town's comprehensive plan, which was adopted in November 2023. The update involved extensive public input, where concerns about open space, tree preservation, and density were raised. To address these issues, Section 12 of the Comprehensive Plan, which covers Land Use, includes a thorough treatment of Conservation Development, with specific related goals that lead to this text amendment.

**ANALYSIS**

The proposed amendment aims to address the above concerns with the following goals:

1. **Preservation of Natural Resources:** The amendment improves the requirements for the preservation of trees, natural resources, and open spaces in new developments.
2. **Density Neutrality:** The new policy ensures that developments remain density neutral. The maximum density allowed will be based on the by-right plan without any density bonuses. The old cluster provisions are removed.
3. **Enhanced Open Space Opportunities:** The 4-step design process requires developers to plan around open spaces in a collaborative review process, ensuring better utilization and preservation of open spaces.
4. **New Zoning District:** The introduction of the R2 Single Family Zoning District, similar to the County's R20 zoning, will support low-density residential development in the southern side of Waxhaw, aligning with the Land Use Plan for future annexations. It also gaps the dimensional requirements of R1 and R3.

This amendment aims to ensure sustainable development that aligns with the town's comprehensive plan and addresses public concerns regarding environmental preservation and controlled density.

**REQUESTED LDC CHANGES**


**Bold** text is proposed or ~~strikethrough~~ of existing text.

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 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 District
- R-2 Single Family District**
- R-3 Single Family District
- ...

**4.1.2 R-2 Residential**

4.1.2 R-2 Residential	
District Description	
<p>R-2 Residential zoning allows for the development of single family detached homes at a rate of 2 units per acre in a pattern that is in harmony with the existing residential subdivisions found throughout the town. R-2 is intended to provide traditional suburban housing with access to public water and sewer service. #</p>	
Dimensional Standards (R2C Conservation Design) #	
Lot Width, Minimum#	90 (40) Feet#
Lot Depth, Minimum#	100 (80) Feet#
Density, Maximum#	2 Units/Acre#
Lot Coverage, Maximum#	50 Percent#
Front Setback, Minimum#	25 (12.5) Feet#
Rear Setback, Minimum#	30 (15) Feet#
Side Setback (Interior), Minimum#	12 (5) Feet#
Side Setback (Corner), Minimum#	20 (10) Feet#
Building Height, Maximum#	3 stories#
Primary Uses	
<p>Single-Family, Detached Dwelling            Religious Institutions            Horse Barn            Parks            Government Buildings/Facilities#</p>	
Associated accessory structures#	
<p>Garages            Pools            Porches            Sheds#</p>	
Notes:	
<p><b>Double Frontage Lots:</b> front yard setback distance required on both frontages. 1</p> <p><b>Buffer Yards:</b> required around perimeter of all major subdivisions. 1</p> <p><b>Conservation Subdivisions:</b> See Section 5.8 for standards. 1</p> <p><b>Corridor Overlay District:</b> See Chapter 4 Corridor Overlay district for required right-of-way dedication and expanded lot widths. 1</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>	
Relevant Code Sections #	
<p>Chapter 4: 1            Dimensional Requirements, 1            Special Requirements, 1            Table of Permitted Uses            Chapter 5: Subdivisions            Chapter 7: Streets, Driveways &amp; Parking            Chapter 8: Buffering &amp; Landscaping, Planting Species List            Chapter 9: Environmental Standards            1</p>	

4.1.3 R-3 Residential <sup>#</sup>		
<b>District Description:</b>		
R-3 Residential zoning 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. R-3 is intended 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. <sup>#</sup>		
<b>Dimensional Standards (R3C Conservation Design)<sup>#</sup></b>		<b>Primary Uses:</b>
Lot Width, Minimum <sup>1</sup>	80 (40) Feet <sup>1</sup>	Single-Family, Detached Dwelling <sup>1</sup> Religious Institutions <sup>1</sup> Horse Barn <sup>1</sup> Parks <sup>1</sup> Government Buildings/Facilities <sup>1</sup>
Lot Depth, Minimum <sup>1</sup>	140 (70) Feet <sup>1</sup>	
Density, Maximum <sup>1</sup>	3 Units/Acre <sup>1</sup>	
Lot Coverage, Maximum <sup>1</sup>	60 (75) Percent <sup>1</sup>	
Front Setback, Minimum <sup>1</sup>	20 (10) Feet <sup>1</sup>	
Rear Setback, Minimum <sup>1</sup>	30 (15) Feet <sup>1</sup>	
Side Setback (Interior), Minimum <sup>1</sup>	10 (5) Feet <sup>1</sup>	Associated accessory structures, <sup>1</sup> Garages <sup>1</sup> Pools <sup>1</sup> Porches <sup>1</sup> Sheds <sup>1</sup>
Side Setback (Corner), Minimum <sup>1</sup>	20 (10) Feet <sup>1</sup>	
Building Height, Maximum <sup>1</sup>	45 Feet <sup>1</sup>	
<b>NOTES:</b>		
Double Frontage Lots: front yard setback distance required on both frontages. <sup>1</sup> Buffer Yards: required around perimeter of all major subdivisions. <sup>1</sup> Conservation Subdivisions: See Section 5.8 for standards. <sup>1</sup> Corridor Overlay District: See Chapter 4. Corridor Overlay district for required right-of-way dedication and expanded lot widths. <sup>1</sup>		<b>Relevant Code Sections<sup>#</sup></b>
<sup>#</sup> 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.		Chapter 4 - Dimensional Requirements, <sup>1</sup> Special Requirements, <sup>1</sup> Table of Permitted Uses <sup>1</sup> Chapter 5: Subdivisions <sup>1</sup> Chapter 7: Streets, Driveways & Parking <sup>1</sup> Chapter 8: Buffering & Landscaping, Planting Species List <sup>1</sup> Chapter 9: Environmental <sup>1</sup> Standards <sup>1</sup>

**Section 4.2 Conditional Zoning Districts Established**

In addition to the base zoning districts established, the following conditional zoning districts are **may be established which correspond to the base zoning districts (for example: CZ-R3 Conditional Zoning Single Family Residential)**. Conditional zoning districts can be requested only 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-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
- CZ-MU Conditional Zoning Mixed Use District

**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 existing contiguous lots or 120,000 square feet of un-subdivided land, excluding public right of way. In addition, it can be applied to R-1, R-3 and R-4 **any single-family zoning** districts within the Town’s jurisdiction by approval of the Board of Commissioners.

**Section 4.4.1**

**Section 4.4.1 Dimensional Requirements Table**

REQUIREMENT	R-1 <sup>(1)</sup>	R-2 <sup>(1)</sup>	R-3 <sup>(1)(2)</sup>	R-4 <sup>(1)(2)</sup>	MS	TC	NC <sup>(1)(2)(3)</sup>	CC <sup>(4)</sup>	EC <sup>(5)</sup>
Density <sup>¶</sup>	1 unit <sup>¶</sup> /ac. <sup>¶</sup>	2 units <sup>¶</sup> /ac. <sup>¶</sup>	3 units <sup>¶</sup> /ac. <sup>¶</sup>	4 units <sup>¶</sup> /ac. <sup>¶</sup>	n/a <sup>¶</sup>	n/a <sup>¶</sup>	8 units/ ac. <sup>¶</sup>	n/a <sup>¶</sup>	n/a <sup>(3)¶</sup>
Front <sup>¶</sup>	30 <sup>(4)¶</sup> (15* <sup>¶</sup> )	25 <sup>(4)¶</sup> (12.5* <sup>¶</sup> )	20 <sup>(4)¶</sup> (10* <sup>¶</sup> )	15 <sup>(4)¶</sup> (7.5* <sup>¶</sup> )	0 min/ max <sup>¶</sup>	0 min/ 10 max <sup>¶</sup>	0 min/~ 20 max <sup>¶</sup>	20 <sup>(4)¶</sup>	40 <sup>(4)¶</sup>
Rear <sup>¶</sup>	30 (15* <sup>¶</sup> )	30 <sup>¶</sup> (15* <sup>¶</sup> )	30 (15* <sup>¶</sup> )	20 (10* <sup>¶</sup> )	15 <sup>¶</sup>	15 <sup>¶</sup>	15 <sup>¶</sup>	20 <sup>¶</sup>	30 <sup>¶</sup>
Side ~ (interior lot) <sup>¶</sup>	15 <sup>¶</sup> (7.5* <sup>¶</sup> )	12 <sup>¶</sup> (5* <sup>¶</sup> )	10 (5* <sup>¶</sup> )	7.5 (5* <sup>¶</sup> )	0 <sup>¶</sup>	0 <sup>¶</sup>	5 <sup>¶</sup>	10 <sup>¶</sup>	15 <sup>¶</sup>
Side <sup>¶</sup> (corner lot/ street side) <sup>¶</sup>	25 <sup>¶</sup> (12.5* <sup>¶</sup> )	20 <sup>¶</sup> (10* <sup>¶</sup> )	20 (10* <sup>¶</sup> )	15 (7.5* <sup>¶</sup> )	0 <sup>¶</sup>	0 <sup>¶</sup>	0 <sup>¶</sup>	15 <sup>¶</sup>	20 <sup>¶</sup>
Lot Width <sup>¶</sup> (minimum) <sup>¶</sup>	100 <sup>¶</sup> (40* <sup>¶</sup> )	90 <sup>¶</sup> (40* <sup>¶</sup> )	80 (40* <sup>¶</sup> )	60 (40* <sup>¶</sup> )	25 <sup>¶</sup>	50 <sup>¶</sup>	60 <sup>¶</sup>	100 <sup>¶</sup>	100 <sup>¶</sup>
Lot Depth <sup>¶</sup> (minimum) <sup>¶</sup>	200 <sup>¶</sup> (100* <sup>¶</sup> )	160 <sup>¶</sup> (80* <sup>¶</sup> )	140 (70* <sup>¶</sup> )	105 (52.5* <sup>¶</sup> )	80 <sup>¶</sup>	80 <sup>¶</sup>	80 <sup>¶</sup>	100 <sup>¶</sup>	100 <sup>¶</sup>
Lot Coverage (impervious surface) <sup>¶</sup> (max. %) <sup>¶</sup>	40 <sup>¶</sup>	50 <sup>¶</sup>	60 (75* <sup>¶</sup> )	75 <sup>¶</sup>	100 <sup>¶</sup>	100 <sup>¶</sup>	80 <sup>¶</sup>	80 <sup>¶</sup>	75 <sup>¶</sup>
Bldg. Height (maximum) <sup>¶</sup>	3 story <sup>¶</sup>	3 story <sup>¶</sup>	3 story <sup>¶</sup>	3 story <sup>¶</sup>	3 story <sup>¶</sup>	3 story <sup>¶</sup>	3 story <sup>¶</sup>	3 story <sup>¶</sup>	6 story <sup>¶</sup>

**(\*) For Conservation Subdivision, See Section X.XX for additional Conservation Subdivision requirements.**

- (1) Corridor Overlay District: See Chapter 4 Corridor Overlay District for required right-of-way dedication and expanded lot widths
- (2) Duplex/Triplex/Quadraplex: Shall meet 150% of the minimum lot width and depth standards ~~and are excluded from cluster provisions~~
- (3) See special requirements for single-family attached and multi-family residential.
- (4) Double Frontage Lots: front yard setback required for both frontages.

**Section 4.5 General Use Regulations**

**Accessory Dwellings**

Accessory dwellings are allowed in the ~~R-1, R-3, R-4, NC, TC, MS and EC~~ **any residential** zoning districts, under the following conditions:  
 ...

**Accessory Uses**

*Delete repetitive Chart*

**Food Trucks**

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

- A. Food trucks in **any district except for TC, MS CC, EC, NC, R-1, R-3, R-4** zoning districts...

**Section 4.6 Table of Permitted Uses**

Single-Family Residential R-1 & R-2	Single-Family Residential R-3	Single-Family Residential R-4	Maintstreet MS	Town Center TC	Neighborhood Center NC	Corridor 1 Commercial CC	Employment 1 Center EC
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**Section 7.7 Special Requirements for Certain Uses**

**Bed & Breakfast Establishment**

- A. The bed and breakfast establishment shall be owner occupied.
- B. In the NC zoning district, all guest parking shall primarily be to the rear of the home. In the R-1, **R-2**, 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.

C. Signage shall be permitted per Chapter 10 of this Code.

*Dwelling, Duplex, Triplex and Quadraplex*

~~B. In the R-4 zoning district, duplexes are excluded from the cluster subdivision standards.~~

*Family Care Home*

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

*Section 5.8 Cluster Subdivisions*

~~Cluster Subdivisions are allowed only in the R-3 and R-4 Single Family Residential districts, and are applicable to only single-family attached and single-family detached homes. The maximum dwellings per acre may increase from 3 units per acre to 3.5 units per acre for single family detached housing in the R-3 district and 4 units per acre to 5 units per acre in the R-4 district, subject to the following criteria:~~

~~Must be able to connect to the public water and sewer system~~

~~Union County Public Works may allow septic systems in special circumstances where a small percentage of the proposed lots cannot reasonably connect to the public sewer system.~~

~~A minimum of 20% of the land must be designated as open space.~~

~~The open space shall be owned by the homeowners' association.~~

~~All or a portion of the open space may be dedicated to the Town if the Town determines there is a public interest and benefit.~~

~~All or portion of the open space may be dedicated to an organization that conserves land if the Town determines there is a benefit.~~

~~Lot dimensional requirements may be reduced by 25% of the standards of the R-3 and R-4 Single Family Residential Districts.~~

~~If 25% or more of the land is dedicated to open space then the side setbacks can be reduced by 50%, but in no case shall be less than 5 feet.~~

~~The project area must be a minimum of 5 acres in size. A smaller area may be considered on a case-by-case basis by the Zoning Administrator.~~

## *Section 5.8 Conservation Development Design*

### **A. Purpose**

The purpose of Conservation Development Design standards is to preserve agricultural and forestry lands, natural and cultural features, and rural community character that might otherwise be lost through conventional development approaches. Accomplishing this goal requires a collaborative effort between the development team and town staff that allows for greater flexibility and creativity. Specific objectives are as follows:

- To preserve areas of the town with productive soils for continued agricultural and forestry use by preserving blocks of land large enough to allow for efficient operations.
- To encourage the maintenance and enhancement of habitat for various forms of wildlife and to create new woodlands through natural succession and reforestation where appropriate.
- To minimize site disturbance and erosion through retention of existing vegetation and avoiding development on steep slopes.
- To preserve open land, including those areas containing unique and sensitive features such as natural areas and wildlife habitats, steep slopes, streams, wetlands, and floodplains.
- To preserve scenic views and elements of the town's rural character, and to minimize perceived density by minimizing views of new development from existing roads.
- To preserve and maintain historic and archaeological sites and structures that serve as significant visible reminders of the town's social and architectural history.
- To provide for the active and passive recreational needs of town residents, including implementation of the Parks & Recreation Plan.
- To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.
- To create compact neighborhoods accessible to open space amenities and with a strong identity.

### **B. Applicability**

Conservation Development Design is permitted in all zoning districts. All Conservation Development Design plans shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions. When a conflict exists, the Conservation Development Design requirements and standards shall prevail.

### **C. Procedures for Application and Approval**

1. **Pre-Application Review:** A pre-application meeting is required with the Planning Department prior to filing an application for Sketch Plan approval. The purpose of



this informal meeting is to introduce the applicant to the provisions of this Ordinance and discuss his/her objectives in relation thereto.

2. **On-Site Visit:** Prior to the submission of a Sketch Plan, the applicant shall schedule a mutually convenient time to walk the property with the Planning Department staff and other outside agencies as applicable. The purpose of this visit is to familiarize staff with the property's distinctive features, and to provide them an informal opportunity to offer guidance to the applicant regarding the tentative location of Secondary Conservation Areas, and potential building locations and street alignments. Before scheduling the on-site visit, the applicant shall have prepared the Existing Features/Site Analysis Map as required in Section 3.2 of the Conservation Design Standards Policy.

A Design Charrette will immediately follow the Site Visit. The goal of the charrette is to create an Overlay Plan using a collaborative approach that incorporates input from the applicant, landscape architect, engineer, and town staff. The charrette results shall be considered by the applicant but shall not be binding.

3. **Application Submittal:** Applications for Sketch Plan approval shall be submitted to the Planning Department and shall contain the following information:
  - A Sketch Plan application in a form.
  - A Yield Plan as specified in the Conservation Development Design Standards Policy
  - A Sketch Plan (site analysis, yield plan and overlay plan) of the proposed major subdivision prepared in accordance with Section 4.1 of the Conservation Development Design Standards Policy. The sketch plan shall be based on a collaborative design process that includes the guidance of Town Planning Staff.

Staff shall review the sketch plan and may also distribute the plan to the Town's Technical Review Committee.

The review shall include but not be limited to:

- a. The location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Site Analysis Map and on the County's Map of Potential Conservation Land, in its Comprehensive Plan.
- b. All primary and secondary conservation lands per policy.
- c. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels.
- d. The location of proposed access points along the existing road network.
- e. The proposed building density and impervious coverage.
- f. The proposal's compatibility with respect to the objectives and policy recommendations of the Town's Comprehensive Plan and specifically the Environmental and Open Space Map.

- g. Consistency with the zoning ordinance.
- h. Any other requirements outlined in the Conservation Development Design Standards Policy.

Once the sketch plan is approved, the applicant may proceed with the submittal of a Preliminary Plan in accordance with LDC Section 5.7.1 Preliminary Plan Review and Approval Process by the Board of Commissioners.

#### **D. Dimensional Standards**

Provided the arrangement, design, and shape of the lots is such that they provide satisfactory and desirable sites for building and contribute to the preservation of at least 50% of the land areas as Primary and/or Secondary Conservation Areas; minimum lot area, lot width, and setback requirements may be reduced as set forth in the dimensional requirements table of LDC Section 4.4.1.

#### **E. Ownership and Protection of Open Space**

Conservation land within a Conservation Development may be owned and/or administered by any of the methods described below, either individually or in combination. In addition, all open space shall be restricted from further subdivision through permanent conservation easements recorded in the Union County Registry of Deeds. These easements should be held by land trusts or conservation agencies of the state or local government. Ownership options include:

- Fee simple dedication to the Town, the State of North Carolina, or a private or public nonprofit land conservancy.
- Ownership by a homeowners' association where specific development restrictions and maintenance requirements are included as part of its bylaws. Such land shall also be protected through permanent conservation easements, as described below.
- Land owned by other private entities managing the land for open space purposes.

#### **F. Management Plan.**

1. Applicants shall submit a Plan for Management of Open Space and Common Facilities ("Plan") as part of the HOA covenants (or equivalent) and restrictions or conservation easement that:
  - a. allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for the frequency of specific ongoing maintenance activities and for long-term capital improvements
  - b. provides that any changes to the Management Plan be approved by the Zoning Administrator; and
  - c. provides for enforcement of the Plan.

2. In the event the party responsible for maintenance of the Open Space fails to maintain any or all portions of the dedicated land in reasonable order and condition, the Town of Waxhaw may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. Such maintenance costs may be charged to the Homeowner's Association or to the individual property owners that make up the Homeowner's Association and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

**G. Legal Instrument for Permanent Protection**

1. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed.
2. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

**5.12 Lot Design Standards**

I. All pipes and swales and their corresponding easements shall follow the property line as to not overburden the buildable area of the lot without approval from the Zoning Administrator.

**Section 7.2.1 D**

<b>ZONING</b>	Commercial/ Industrial #	Residential#	Residential#	Downtown & Neighborhood Centers#
	CC, EC#	R-1, R-2#	R-3, R-4#	MS, TC, NC#
<b>BLOCK LENGTH</b>	1,200 ft#	800 ft#	600 ft#	400 ft#

**Section 7.5.5 Bicycle Parking Ratios**

BICYCLE PARKING RATIOS		
USE CATEGORY	SPECIFIC USE	REQUIREMENT
Public/Institutional Uses #	Libraries, Museums, Public Parks, Hospitals, Post Office#	1 bike parking space per 15 parking spaces
Single Family Attached/ Multi-Family/Subdivisions (Residential) #	Club houses, recreational buildings or facilities, and other amenity areas or facilities#	1 bike parking space per 15 parking spaces#
Assembly Uses #	Churches, Public and Private Schools, Auditoriums, Stadiums	1 bike parking space per 15 parking spaces
Entertainment Uses #	Skating Rinks, Golf Courses, Theaters, Health Clubs #	1 bike parking space per 20 parking spaces#
Retail and Business Services	Convenience stores, Shopping centers, Restaurants	1 bike parking space per 25 parking spaces

D. Residential Uses. Bicycle parking is required for **any residential development** Single-Family Attached, MultiFamily or cluster subdivisions with common recreation areas.

**Section 8.4 Street and Front, Side and Rear Landscaping Yards**

C. Front, Side, Rear Yard Areas in Major Subdivisions, Cluster Developments, and for Developments Located within the National Register Historic District in the R-1, R-3, and R-4 Residential Districts **any residential development**: One medium to large maturing tree shall be provided within the required front yard. Two small, medium, or large maturing trees shall be provided within the required side or rear yards; one of which shall be of the medium to large maturing variety. Four shrubs shall be provided for each required yard tree and may be located anywhere on the parcel.

**Section 8.6 Residential Perimeter Tree Buffer**

Developments containing a total of 25 or more residential units in all phases in the R-1, R-3, R-4 **single family residential zoning districts**, and residential portions of NC districts shall provide an undisturbed 25 foot perimeter landscape buffer in accordance with the following standards:

**Section 8.7**

		BUFFER TYPE BY ABUTTING DISTRICT							
DISTRICTS		R-1/R-2	R-3	R-4	NC	MS	TC	CC	EC
DISTRICT	MS	*	*	*	*	*	*	*	*
IN WHICH	NC	A	A	A	*	*	*	*	*
BUFFERS	TC	B	B	A	*	*	*	*	*
ARE	CC	C	C	B	B	*	*	*	B
REQUIRED	EC	D	D	D	D	*	B	B	*

\*Indicates no buffer required.

**Section 8.9 Open Space**

C. Developments containing a total of 25 or more residential units in all phases in the R-1, R-3, and R-4 **any single family residential zoning districts** shall dedicate a minimum of 15 percent of the interior site area as publicly accessible recreation space

E. Developments can dedicate 20 percent or more area to open space to qualify for the Cluster Development requirements found in Section 5.8 of this Code.

**Section 8.10 Tree Preservation**

A. Development sites in the R-1, R-3 and R-4 **single family residential zoning districts** that are calculated to be covered by 40 percent or more tree canopy area prior to development shall

preserve a minimum of 30 percent of their Interior Site Area in contiguous tree preservation areas.

C. Development sites in the R-1, R-3, R-4, **single family residential zoning districts**, CC, and EC districts that are calculated to be covered in less than 40 percent of tree canopy area prior to development shall preserve a minimum of 15 percent of their Interior Site Area in contiguous tree preservation areas.

**Section 10.7 Prohibited Signs**

The following signs, sign construction, and displays are prohibited in all zoning districts:

G. Electronic message boards in MS, NC, R-1, R-3 and R-4 **and any single-family** zoning districts

**Section 10.14 Temporary Signage**

- A. Temporary Signage for R-1, R-3, R-4 **any residential** Zoning Districts
- B. Temporary Signage for New Developments greater than 10 acres in R-1, R-3, R-4 **any residential** Zoning Districts

**Section 13.2 Definitions**

**Cluster Subdivision.** A type of single family detached subdivision layout available for use in the R-3 and R-4 zoning districts. This type of subdivision layout allows a developer an increase in dwelling units per acre and reduction in lot dimensional requirements in exchange for open space on the property.

**PLANNING BOARD**

The Planning Board reviewed the text amendment July 16, 2024 and unanimously recommended approval. Concerns were raised regarding the conservation areas being held/protected in perpetuity and what would happen if a HOA became defunct. Staff advised that a maintenance management plan and covenants are required. If the HOA were to go under, the land would then revert to the Town (see Section 5.8 F and G above) or be protected by a public or private land trust or equivalent legal entity. Legal Counsel advised that a conservation easement can be drafted to cover these concerns, and the town can require the applicant to use the town's easement agreement for each development.

**PUBLIC INPUT**

As part of the public hearing process, input from residents, developers, and other stakeholders will be solicited. This feedback will be considered in the final decision-making process.

**RECOMMENDATION**

Staff recommends approval of Text Amendment TA-016-2024. The proposed changes are consistent with the comprehensive plan and will provide a balanced approach to residential development and natural resource conservation.

**REQUESTED ACTION**

A motion to open and close the public hearing.

**REASONABLE AND CONSISTENCY STATEMENT**

The text amendment is **consistent** with the *Waxhaw 2040 Comprehensive Plan* and **reasonable** and in the public interest in that it preserves and establishes continuous open space corridors and improves site development design to maximize environmental values.

**Attached:**

Relevant sections of the Waxhaw 2040 Comprehensive Plan  
New Design Policy

## SECTION 12: LAND USE

### Conservation Development

Conservation design is a density neutral-strategy that can help strike the balance between land conservation and community growth. It allows the same number of development units as conventional plans but in a more compact arrangement, in order to maintain the most valuable natural features and functions of the site. Natural, scenic, historic, and agricultural areas are preserved as open space in perpetuity for the benefit of residents, the public, and the natural ecosystem. In a true conservation subdivision, at least 50 percent of the original tract area is preserved as undeveloped open space with houses sited closer together on reduced-sized lots. The design of conservation subdivisions focuses on harmonizing with the surrounding landscape, preserving natural and historic features, minimizing environmental and visual impacts, and providing continuity with off-site open spaces and greenways.



#### Benefits of Conservation Subdivisions:

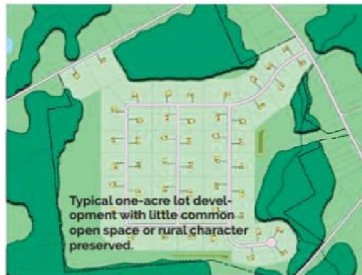
- Significant open space preservation
- Reduced environmental impacts
- Greater recreational opportunities
- Design flexibility
- Reduced development costs due to less infrastructure needed like roads and stormwater management facilities
- Higher property values for homes near protected open spaces
- Reduced energy consumption
- Lower maintenance costs
- A greater sense of community

#### Conservation Commercial/Mixed Use

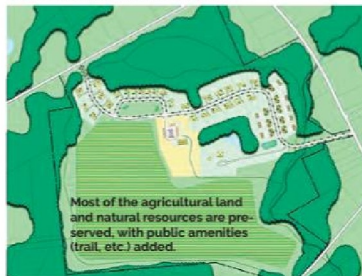
While most commonly applied to residential design, the principles and benefits apply to the design and construction of nearly any type of development. Most ordinances can be modified to encourage residential, commercial, and mixed-use development that is sensitive to both the natural ecology of the development site and economic needs of the community, landowner, and developer.



PRE-DEVELOPMENT SITE



CONVENTIONAL SUBDIVISION



CONSERVATION SUBDIVISION



## Design Elements

Good design is critical to successful conservation subdivision developments. Several design elements must work in harmony to ensure proposals result in high-quality development and livable communities.

### Natural Resource Protection

Preserving natural resources and thoughtfully integrating them into the site design will reduce the development's impact on the site and enhance both the aesthetic value as well as the functionality of the open space for wildlife, water quality, and overall environmental health.

### Open Space Design

"Design" of Open Space involves identification of the most environmentally or culturally critical areas and corridors of the site, and carefully preserving those areas to the greatest degree possible while harmoniously integrating the developed area. Scenic views and physical connections are then carefully established to ensure that the Open Space can be enjoyed. Integration of the built environment with Open Space goes beyond sidewalks and trails. It can include community facilities and recreation areas located in central locations of the development and even agricultural activities that center around preserved working farms.

### Landscaping

Preserving existing vegetation and carefully integrating new landscaping can significantly improve a development's sense of place. Proper landscaping choices can maintain and even improve environmental health as it blends the development into the preserved natural area.

### Stormwater Management

Traditional development is one of the biggest contributors to degraded water quality. Conservation design utilizes low-impact stormwater strategies that allow more runoff to be treated through natural processes, providing both water quality and economic benefits.

### Housing Variety

A variety of lot types and sizes can enhance a sense of place and community and allows greater flexibility to accommodate natural conditions. Conservation Design employs density bonuses and varying housing types.

### Parking Design

With smaller lots, providing convenient parking can present design challenges. Conservation subdivisions minimize the presence of vehicles at the street and employ green infrastructure to reduce impervious area.

## How to Create a Conservation Development

adapted from the Conservation Subdivision Handbook by Randal Arendt

### 1. Identify conservation areas (site analysis).

Complete an environmental inventory of the property to identify open space areas fit for conservation that may have environmental, cultural or historical importance. These can include floodplains and wetlands, aquifers and recharge areas, steep slopes, mature woodlands, significant wildlife habitat, farmland and productive soils, scenic views, and other significant features. Consider any open space on the property that could connect to a regional network of open space to maximize the benefit to wildlife and trails, including all lands and trails identified in the Transportation and Open Space Map of the 2040 Comp Plan.

### 2. Select locations for development.

Remove the identified conservation areas from consideration and prepare conceptual options for the proposed program that fit the remaining developable area.

### 3. Design a circulation network.

Draw in a network of streets and trails - in harmony with the existing topography - to serve the proposed development internally and connect it to existing roads, regional trail networks and public greenways. Ensure that the proposed street network fits the local context. New development should reflect and extend the historic streetscape and street pattern.

### 4. Prepare a Yield Plan.

Estimate the base density (development capacity) permitted for the site under by-right zoning. This includes the maximum number of residential lots or the buildable envelope and impervious area for non-residential development.

### 5. Design a Conservation Development Plan.

Draw in the individual lot lines on the proposed street network, utilizing the density options, bonuses, or other incentives provided in the Land Development Code.

### 6. Establish the Conservation Agreement(s)

Place a permanent conservation easement on the open space that runs with chain of title, in perpetuity, and specifies the various conservation uses that may occur with the land. These restrictions are separate from zoning ordinances and continue in force even if legal densities (or political will) changes in the future. Easements are typically held by land trusts and can be modified by the co-holders only within the spirit of the original agreement. Deed restrictions and covenants are not recommended.





- C. Create vibrant public spaces and other public improvements in the Downtown and Neighborhood Center areas.
  - D. Increase mobility options in and around Downtown to support commerce and increased development density.
3. Develop design standards for Neighborhood Centers to reflect Waxhaw and specific neighborhood identity.
- A. Scale development in Neighborhood Centers to meet the needs of nearby residents in the appropriate market area. Match the scale and types of activities to accommodate the service area. Ensure that buildings and uses are easy to access on foot or bike. Include safe paths, bike racks, benches and other amenities for non-motorized travelers, and provide comfortable sidewalks space for pedestrian movement, curb bump outs, street trees/lighting/furniture, sidewalks cafes for an active pedestrian-friendly environment.
  - B. Further encourage and guide the development of civic spaces (plazas, pocket parks, welcoming alleys, etc.) in Neighborhood Centers.
4. Further the planning and development of Economic/Employment Centers in accordance the *2020 Collaborative Growth Strategy*.
- A. Prioritize location of needed infrastructure to Economic Centers.
  - B. Provide safe access easements between commercial properties that will limit roadway congestion and contribute to walkable commercial environments.
5. Work with Union County to provide incentives for economic corridors and light industrial sites identified in the Union County 2050 Plan.
- A. Coordinate with appropriate Union County (UC) agencies, including the UC Planning Department and Monroe UC Economic Development.
6. Spur private investment through Capital Improvement Projects.
- A. Engage local businesses on mutually beneficial project ideas.
7. Encourage Conservation Development.
- A. Update the Land Development Code with policies that incorporate conservation subdivision design principles and make them clear, easy and predictable to follow throughout the development process.
  - B. Make Conservation Subdivision Design a by-right permitting process.
  - C. Host programs that explain conservation design principles and process that target developer and regulatory staff audiences.



## **Conservation Development Design Standards Policy**

### **Section 1 Open Space Standards**

#### **1.1 Minimum Required Open Space**

At least fifty percent (50%) of the land area in the Conservation Development Design shall be set aside as protected open space. Open space shall be comprised of both Primary Conservation Areas and Secondary Conservation Areas as defined in section 1.4 Types of Open Space. In cases where the Primary Conservation Area approaches 50% of the land, additional conservation area may be required but in no case can the Zoning Administrator require more than 60% Open Space.

#### **1.2 General Criteria**

The following criteria apply to all Conservation Development Design projects:

- A. All primary conservation areas and designated secondary areas shall be protected from clearing, grading, filling, or other construction related disturbance except as may be approved by the Zoning Administrator.
- B. The open space area shall be reasonably contiguous, coherently configured, substantial in size, and shall normally abut existing or potential open space on adjacent properties. In general, the area shall occupy at least three (3) acres. It shall not exceed a length-to-width ratio more than 4:1. Smaller or disconnected conservation areas should be avoided except to preserve isolated heritage trees or other features of value for conservation as approved by the Zoning Administrator.
- C. The pedestrian circulation system shall be designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. Roadside footpaths should connect with off-road trails, and link with existing or potential open space on adjoining parcels.
- D. Common areas (neighborhood greens), cul-de-sac islands, and both sides of new streets shall be landscaped primarily with native species shade trees and flowering shrubs with high wildlife conservation value.

#### **1.3 Open Space Location Standards**

**A. Undivided Preserves.** Both Primary and Secondary Conservation Areas shall be located or maintained in substantial and cohesive preserves which adjoin housing or development areas that have been designed compactly to form larger conservation units to be enjoyed by all residents of the development. Such open space shall be directly accessible to the largest number of lots within the development. To achieve this, the majority of lots should abut the open space to provide residents with direct views and access. Safe and convenient pedestrian access to the open space from all adjoining house lots shall be provided, except in the case of farmland or other resource areas vulnerable to trampling damage or human disturbance.

**B. Interconnected Network.** As these standards are implemented, the protected open space in each new subdivision should be effectively designed to adjoin each other, and/or to other permanently protected lands, so that they may ultimately form an inter-connected network of Primary and Secondary Conservation Areas.

#### **1.4 Types of Open Space**

Open space shall be comprised of two types of land: "Primary Conservation Areas" and "Secondary Conservation Areas" and shall be configured to create or maintain interconnected networks of conservation lands.

**A. Primary Conservation Areas** form the core of the open space to be protected. They are the first type of open space to be designated on a Site Analysis Map to satisfy the minimum open space requirement and consist of the following site features:

1. **Wetlands**, including, but not limited to, streams, creeks, ponds, reservoirs, and adjoining land areas identified in one or more of the following:
  - a) The National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service
  - b) Soil maps published by the County Soil Survey prepared by the U.S.D.A. Natural Resources Conservation U.S.D.A. Natural Resources Conservation Service (where "very poorly drained" soils can be considered as a proxy for wetlands);
  - c) A required Environmental Assessment or Environmental Impact Statement;
  - d) A site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner.
2. **Floodplains** (100-year) and alluvial soils identified as part of:

- a) Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA); and
- b) The Soil Survey prepared by the U.S.D.A. Natural Resources Conservation Service.

**B. Secondary Conservation Areas** consist of unconstrained land that would otherwise be permissible for building and include the site features listed below. Following the site walk, the Zoning Administrator may require an independent, third-party study of any of the site features.

- 1. **Woodlands / Significant Heritage Trees** – including forests and significant heritage trees as defined in the town’s Land Development Code (LDC).
- 2. **Natural areas** and wildlife habitats and corridors identified in the Waxhaw 2040 Comprehensive Plan or most current Open Space map and previously unidentified environmentally sensitive areas may be required as determined by the Zoning Administrator.

Where the goal of the Open Space Development project is to conserve **woodlands/ significant heritage trees and/or natural areas** and wildlife habitats, the following criteria apply:

- G-1** Locate dwellings in unwooded parts of the site away from mature forests, natural areas, and/or wildlife corridors.
- G-2** Design development around existing heritage trees, hedgerows and tree lines between fields or meadows. The impact on larger woodlands (greater than five acres), especially those containing mature trees, natural areas, and/or wildlife corridors should be minimized.
- G-3** When any woodland is developed, care shall be taken to locate buildings, streets, yards, and septic disposal fields to avoid heritage trees, mature forests, natural areas, and/or wildlife corridors.

- 3. **Farmland**, whether actively farmed or not, includes cropland, fields, pastures, existing significant homestead/structures, and meadows.

Where the goal of the Conservation Development Design project is to conserve **farmland**, the following guidelines apply:

- G-1** Locate building lots in forested areas (per guidelines provided above pertaining to heritage tree and/or natural area development) away from existing grazing areas, cropland, feedlots, and similar uses.

**G-2** If development must be located on open fields or pastures because of greater constraints on other parts of the site, dwellings should be sited in locations at the far edge of a field, as seen from a public road.

**G-3** Identify the most productive portions of existing grazing areas and cropland and locate building lots on less productive land.

**G-4** Provide buffers between house lots and cropland or pastures, to reduce the potential for conflict between residents and farming activities. Such buffers shall generally be 75 feet in width and shall be managed to encourage the growth of successional woodland or other habitat.

4. **Slopes greater than 15%** which require special site planning due to their erosion potential, limitations for septic tank nitrification fields, and terrain or elevation changes. Such areas may be suitable for building, but higher site preparation and construction costs are to be expected.
5. **Historic and/or archaeological sites**, including, but not limited to, sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark or district.

Where the goal of the Conservation Development Design project is to conserve **historic and archaeological sites and structures**, the following guidelines apply:

**G-1** Design around and preserve sites of historic, archaeological or cultural value so as to safeguard the character of the feature(s), including fences and walls, farm outbuildings, burial grounds, abandoned roads, and earthworks.

**G-2** Locate new streets, driveways, fences, and utilities so as not to intrude on rural, historic landscapes. Wherever possible, streets and driveways are to follow existing hedgerows, fence lines, and historic farm drives.

**G-3** Include plantings in new developments that reflect natural and historic landscape materials and are in harmony with the character of the area.

**G-4** Ensure that building designs and styles used in new construction are compatible with the architectural style of historic buildings located on or adjacent to the site, especially in terms of scale, height, roof shape, and exterior materials.

6. **Scenic views (viewsheds)**, especially of natural and cultural features from designated scenic road corridors, including “views from the road” as well as views outward from potential home sites.

Where the goal of the Conservation Development Design project is to conserve **scenic views**, the following guidelines apply:

**G-1** Leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. Consider “no-build, no-plant” buffers along public roadways where views or vistas are prominent or locally significant. In wooded areas where enclosure is a feature to be maintained, consider a “no-build, no-cut” buffer created through the preservation of existing vegetation.

**G-2** Where development is located in unwooded areas clearly visible from existing public roads, it should be buffered from direct view by a vegetative buffer or a naturalistic earth berm constructed to reflect the topography of the surrounding area or located out of sight on slopes below existing ridge lines.

**G-3** Respect rural roadside character and vehicular carrying capacity by avoiding development fronting on existing public roads, e.g., limiting access to all lots from interior rather than exterior roads.

**G-4** Protect rural roadside character and scenic views by providing conservancy lots (e.g., ten acres or more in size) adjacent to existing public roads.

**G-5** Avoid siting new construction on prominent hilltops or ridges, or so close to hilltops and ridges that rooflines break the horizon (unless such buildings can be effectively screened or buffered with trees).

## **Section 3 The Design Process**

### **3.1. Yield Plan**

A yield plan is defined as the maximum number of lots reasonably achievable on the property, based on a conventional subdivision design plan where lots meet or exceed the minimum dimensions required for lots in conventional subdivisions, conforming to the Town of Waxhaw’s regulations governing lot dimensions, land suitable for development, and street design. The Yield Plan shall be prepared by the applicant, showing how the tract of land could be subdivided

to yield the maximum number of buildable residential lots. Although the Yield Plan does not have to meet formal requirements for a site design plan and is not intended to involve significant engineering or surveying costs, the design must be realistic and economically capable of being graded and constructed, given site features and all applicable regulations. Potential building lots and streets must not be shown in areas that would not ordinarily be permitted in a conventional plan.

The Yield Plan shall contain the following information:

- a. Existing topography shown at 2' contour interval with the location of all areas unsuited for development, including wetland locations, 100-year floodplains, and slopes exceeding 25 percent.
- b. The proposed arrangement of lots, including size and number, and streets within the subdivision, including right-of-way widths, public water and sewer utilities; and
- c. When a project is not suitable for public utilities, the location of individual wells and septic systems must be shown along with areas identified for primary and secondary drainage fields; in concurrence with Union County Environmental Health standards.

### **3.2 Existing Features/Site Analysis**

An Existing Features/Site Analysis Map analyzing each site's significant features is required for all proposed subdivisions to provide a basis of the open space design process. The Map shall identify, at minimum, those natural, historic, cultural and scenic features listed in Sections 1.4A and 1.4B without distinction as to whether they are Primary or Secondary Conservation Areas.

### **3.3 Conservation Design Process**

Following the constraints established in the Existing Features/Site Analysis Map, an Overlay Plan (see Section 5 Specifications for Sketch Plan) shall be designed around both the Primary and Secondary Conservation Areas, which together constitute the required open space. The design process can then continue with the delineation of potential building sites and road alignments, with lot lines being drawn in as the final step. These steps in the design process are further described below.

- A. Open Space Designation: During this initial step, all potential Conservation Areas, both Primary and Secondary, shall be identified, using the Existing Features/Site Analysis Map. Primary Conservation Areas shall consist of those features described in Section

1.4A above. Secondary Conservation Areas shall include the most sensitive and noteworthy natural, scenic, and cultural resources as described in Section 1.4B. above. Guidance as to which parts of the remaining land to classify Secondary Conservation Areas shall be based upon:

- On-site visits,
  - The Open Space Standards contained in Section 1 above; and
  - The Evaluation Criteria contained in Section 4 below.
- B. **Building Site Location:** In this step, potential site locations for dwelling units and other structures are tentatively located with consideration for advantageous circulation patterns. Such sites may be situated around the Primary and Secondary Conservation Areas to permit the enjoyment of these areas without negatively impacting them.
- C. **Street Alignment and Trail Networks:** This step consists of designing a circulation pattern that will allow buildings to be located in a way that best fulfills conservation and scenic goals while providing vehicular access to each dwelling or other structure in the most reasonable and economical manner. This arrangement shall be served by a network of informal trails connecting development focal points and neighborhood areas with open space features within the conservation lands. The arrangement of lots and access streets shall avoid or at least minimize impacts to both Primary and Secondary Conservation Areas. Wetland crossings and streets traversing slopes over 15 percent shall be strongly discouraged unless such streets link one buildable portion of a site with another when no other means of access is available. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained and to facilitate easy access to and from building units on different parts of the property and on adjoining parcels. Where cul-de-sacs are necessary, those serving six (6) or fewer units may be designed with "T-turnarounds" facilitating three-point turns. Cul-de-sacs serving more than six units shall generally be designed with a central island containing indigenous trees and shrubs, either conserved or planted. All cul-de-sacs should provide trail access to the open space and/or other nearby streets. The creation of single-loaded access streets is encouraged to maximize the number of units in new developments that may enjoy views of open space. To make this approach economical, narrower lots and strategically spaced flag lots, both of which help make the street system more efficient, are permitted in Conservation Development Designs.
- D. **Drawing in the Lot Lines:** The final step consists of drawing in lot lines around potential unit sites. Each lot must contain a buildable area of sufficient size to accommodate the building (such as a single-family detached dwelling) along with customary accessory uses, including, but not limited to, storage buildings and garages, patios and decks,



lawns, and driveways. Individual wells and septic systems, where these are to be provided, may be located within the undivided conservation lands if sufficient space is not available on the lots.

#### 4. Sketch Plan

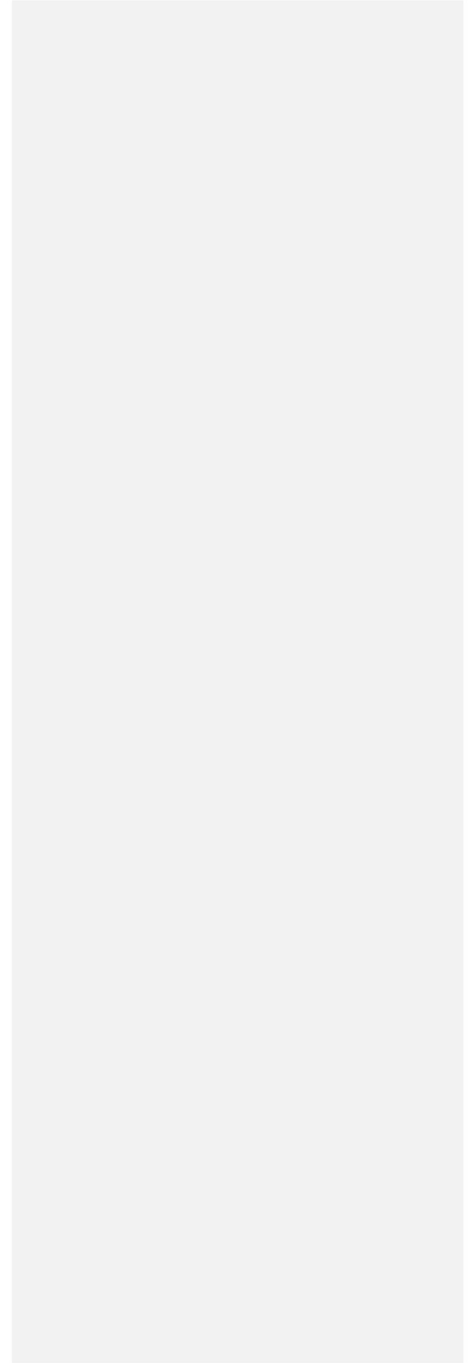
##### 4.1 Components of Sketch Plans

The Sketch Plan required by LDC Section 5.8 shall consist of three parts:

1. An **Existing Features/Site Analysis Map** including:
  - a. Primary Conservation Areas
  - b. Secondary Conservation Areas
  - c. Transportation and Utility Systems: street rights-of-way, easements, public and private water and sewer lines and storm drainage facilities
2. A **Yield Plan** as described in Section 3.1 of this document.
3. An **Overlay Plan** shall contain the following information:
  - a. The proposed arrangement of lots within the subdivision, including size, orientation and number.
  - b. The proposed approximate lot and street layout within the subdivision, including travel way and right-of-way widths, and connection to existing streets.
  - c. The location, type, and area of the open space proposed in the subdivision, including open space to be preserved:
    - i. In a separate lot or lots under the ownership of a homeowners' association or equivalent.
    - ii. In a separate lot or lots through dedication for public use, such as a park site, to a unit of local government, state government or a private land conservancy.
  - d. The location of proposed water supply and sewage disposal facilities, including:
    - i. Well sites for individual and community water systems.
    - ii. Nitrification fields and land application areas for community sewage disposal systems employing subsurface disposal and spray irrigation, respectively.
    - iii. Nitrification fields and land application areas for individual on- and off-lot sewage disposal systems employing subsurface disposal and spray irrigation, respectively.
    - iv. Public water and sewer lines, where such facilities are available or capable of being extended.

Commented [MC1]: Move this to 5.1 under overlay plan section?

The Overlay Plan shall be submitted by the applicant as a diagrammatic basis for informal discussion with the Planning Staff regarding the design of a proposed subdivision or land development. It shall be drawn by a licensed landscape architect, or a site planner experienced in conservation subdivision design. Civil engineers and surveyors may also be integral to the design team at this stage.





Text Amendment– Conservation Design and R2  
Zoning  
August 13, 2024 Board of Commissioners Mtg.





# Conservation Design Overview

## Conservation Subdivision:

A residential subdivision that **devotes at least half** of its potentially buildable land area to undivided, permanently protected open space.

**Conservation subdivision design** results in a network of **permanently protected natural areas**.

## Benefits:

- More **habitat** for wildlife
- Filter and retain more **stormwater** runoff
- Require less new **infrastructure**
- Better maintain a **rural** sense of place
- As parcels are developed, a conservation lands network will emerge as a protected **greenway system**.





# Requested Change

**Applicability** – all zoning districts

**Procedures** -

- Pre-App Review
- On-Site Visit
  - Yield plan, site analysis needed to create Sketch Plan
- Design “charette”
- Follow existing preliminary plat procedures

**Dimensional Standards Reduction** – 50% primary/secondary open space

**Ownership and Protection** of Open Space

**Management Plan** - Legal Instrument for Permanent Protection

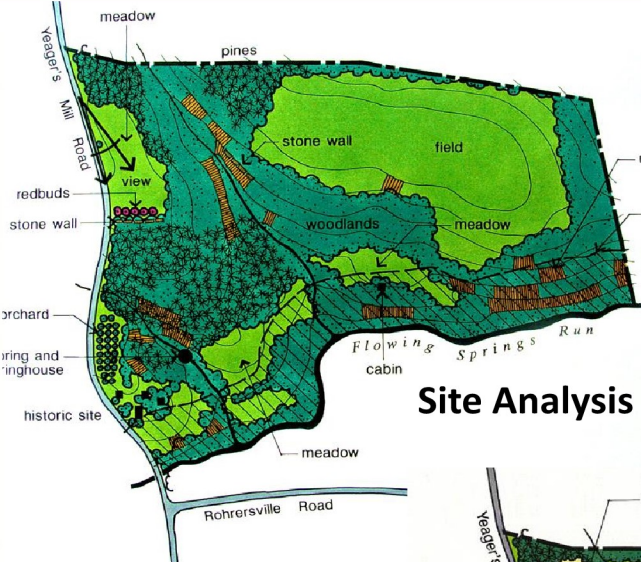
Eliminate *cluster requirements*

and replaces it with *conservation design*.

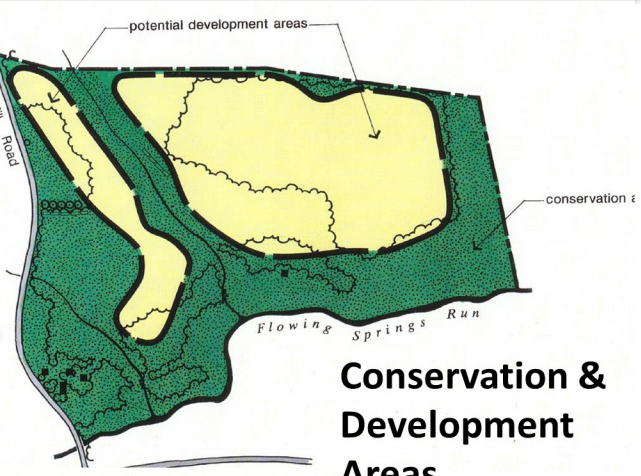


# Requested Change

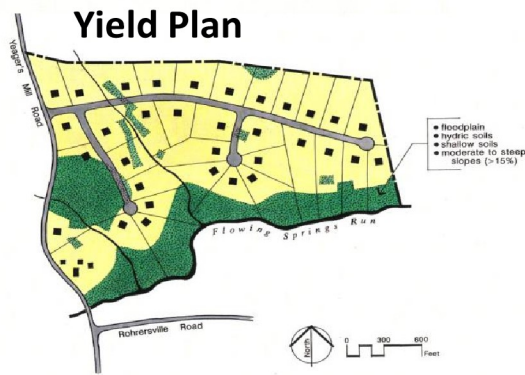
**Pre-development Site**



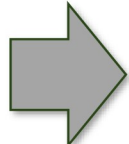
**Site Analysis**



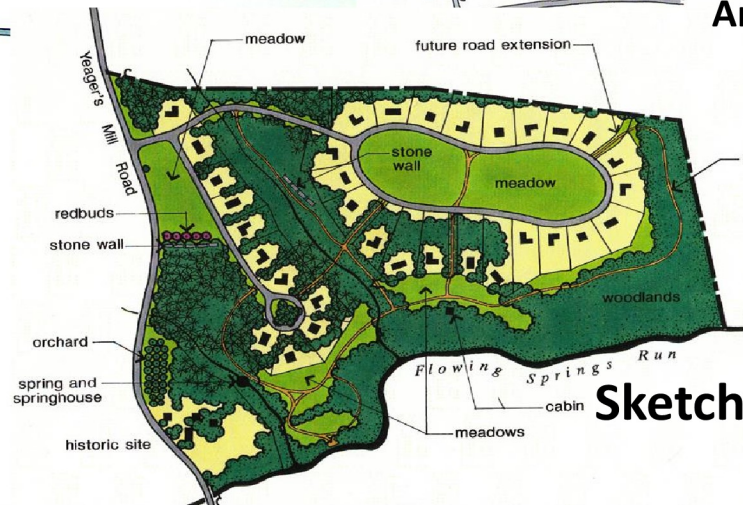
**Conservation & Development Areas**



**Yield Plan**



**Yield**



**Sketch Plan**



# Requested Change

## Policy Statement:

- Describes the town's expectations to the developer.
- Includes the design standards, design process and plan components.

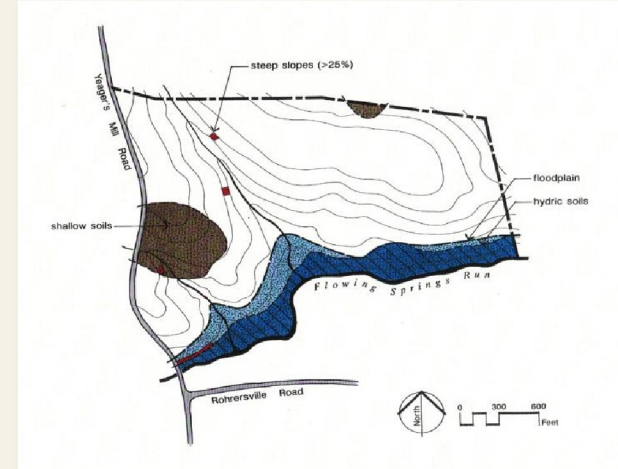
## Types of Open Space

### Primary Conservation Areas

- Wetlands
- Floodplains

### Secondary Conservation Areas

- Woodlands
- Natural Area
- Farmland
- Slopes
- Historic or Archaeological sites
- Recreation
- Scenic Views





# Requested Change

**Minimum Lot Size**

Density units/ac

**Minimum Setbacks**

Front\*

Side

Rear

Corner Side

Lot Width

Lot Depth

**Max. Building Height**

**Max. Coverage %**

	Conservation		Conservation		Conservation			Conservation				Conservation
	R1	RI C	R2	R2C	R3	R3-cluster	R3C	R4	R4-Cluster	R4 - C	NC	NC C
Minimum Lot Size												
Density units/ac	1	1	2	2	3	3.5	3	4	5	4	8	8
Minimum Setbacks												
Front*	30	15	25	12.5	20	15	10	15	15	7.5	0	0
Side	15	7.5	12	5	10	7.5	5	7.5	5	5	5	5
Rear	30	15	30	15	30	25	15	20	20	10	15	7.5
Corner Side	25	12.5	20	10	20	15	10	15	10	7.5	0	
Lot Width	100	40	90	40	80	60	40	60	45	40*	60	20
Lot Depth	200	100	160	80	140	105	70	105	80	52.5	80	
Max. Building Height	3 stories		3 stories		3 stories			3 stories			3 stories	
Max. Coverage %	40		50		60			75			80	

\* garage setbacks of 20' required

\* 20' townhome





# Planning Board

**The Planning Board reviewed the text amendment on July 16, 2024 and unanimously recommended approval.**

**Discussion included:**

- ***Conservation land being managed and kept in perpetuity.***
- ***Safeguards for if/when a HOA is defunct.***



# Requested Action

**Motion:** to open and close the public hearing.

**Land Use Plan Consistency:** The text amendment is **consistent** with the *Waxhaw 2040 Comprehensive Plan* and **reasonable** and in the public interest in that it preserves and establishes continuous open space corridors and improves site development design to maximize environmental values.

Questions?