

SECTION 4
PRIMARY DISTRICTS ESTABLISHED

4.1 GENERAL PURPOSE

The Town of Waxhaw, North Carolina is hereby divided into PRIMARY ZONING DISTRICTS as designated herein and as shown on the Official Zoning Map. All land lying within the jurisdiction of this Unified Development Ordinance shall be designated by one of the following PRIMARY ZONING DISTRICT symbols and shall be subject to the requirements of said district for the purposes stated elsewhere herein; furthermore, it shall be expressly forbidden for any land area to be designated by more than one PRIMARY ZONING DISTRICT. The below listed PRIMARY ZONING DISTRICTS may hereafter be referred to as "DISTRICTS".

SYMBOL	PRIMARY ZONING DISTRICTS
R1	Single-family Residential
CU-R1	Conditional Use Single-family Residential
CD-R1	Conditional District Single-family Residential
R2	Single-family Residential
CU-R2	Conditional Use Single-family Residential
CD-R2	Conditional District Single-family Residential
R3	Single-family Residential
CU-R3	Conditional Use Single-family Residential
CD-R3	Conditional District Single-family Residential
R4	Single-family Residential
CU-R4	Conditional Use Single-family Residential
CD-R4	Conditional District Single-family Residential
RM1	Multi-family Residential
CU-RM1	Conditional Use Multi-family Residential
CD-RM1	Conditional District Multi-family Residential
RM2	Multi-family Residential
CU-RM2	Conditional Use Multi-family Residential
CD-RM2	Conditional District Multi-family Residential
OIS	Office, Institutional & Specialty
CU-OIS	Conditional Use Office, Institutional & Specialty
CD-OIS	Conditional District Office, Institutional & Specialty
C1	Neighborhood Commercial
CU-C1	Conditional Use Neighborhood Commercial
CD-C1	Conditional District Neighborhood Commercial

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Primary Districts Established

SYMBOL	PRIMARY ZONING DISTRICTS
C2	Highway Commercial
CU-C2	Conditional Use Highway Commercial
CD-C2	Conditional District Highway Commercial
C3	General Commercial
CU-C3	Conditional Use General Commercial
CD-C3	Conditional District General Commercial
C4	Central Business District (CBD)
CU-C4	Conditional Use Central Business District (CBD)
CD-C4	Conditional District Central Business District (CBD)
I1	Light Industrial and Service
CU-I1	Conditional Use Light Industrial and Service
CD-I1	Conditional District Light Industrial and Service
I2	Heavy Industrial
CU-I2	Conditional Use Heavy Industrial
CD-I2	Conditional District Heavy Industrial
CPUD	Commercial Planned Unit Development
CU-CPUD	Conditional Use Commercial Planned Unit Development
CD-CPUD	Conditional District Planned Unit Development
IPUD	Industrial Planned Unit Development
CU-IPUD	Conditional Use Industrial Planned Unit Development
CD-IPUD	Conditional District Industrial Planned Unit Development
TND	Traditional Neighborhood Development
CU-TND	Conditional Use Traditional Neighborhood Development
CD-TND	Conditional District Traditional Neighborhood Development
UN	Urban Neighborhood
CD-UN	Conditional District Urban Neighborhood
NMX	Neighborhood Mixed Use
CD-NMX	Conditional District Neighborhood Mixed Use
MS	Main Street
CD-MS	Conditional District Main Street
TC	Town Center
CD-TC	Conditional District Town Center
OS	Open Space
CD-MS	Conditional District Open Space

* Conditional Use zoning (referred to as CU) will not be applied to any new zoning requests upon the adoption date (11/10/2009) of this amendment. All parcels zoned CU prior to the amendment adoption date may go through the conditional use process or the owner/applicant can apply for a Conditional District (referred to as CD) rezoning.

It should be noted that there is a Conditional Use District (referred to as CU) and a Conditional Zoning District (referred to as CD), which corresponds to each of the other primary districts authorized in this Ordinance. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions.

1. R1-Single Family Residential

The purpose of the R-1, Single Family Residential District is to provide for the residential use of land developed in a very low-density pattern. The principal structure of the R-1 zoning district is the single-family detached dwelling.

2. R-2, Single Family Residential

The purpose of the R-2, Single Family Residential District is to provide for the residential use of land developed in a low-density pattern. The principal structure of the R-2 zoning district is the single-family detached dwelling.

3. R-3 Single Family Residential

The purpose of the R-3, Single Family Residential District is to provide for the residential use of land developed in a medium density pattern. The principal structure of the R-3 zoning district is the single-family detached dwelling.

4. R-4 Single Family Residential

The purpose of the R-4, Single Family Residential District is to provide for the residential use of land developed in a high density pattern. The principal structure of the R-4 zoning district is the single-family detached dwelling.

5. RM-1, Multi-Family Residential

The purpose of the RM-1, Multi-family Residential District is to provide for the residential use of land developed in a medium to high-density pattern. The principal structure of the RM-1 zoning district is the single-family attached dwelling, the two-family dwelling and the multi-family dwelling. The availability of land zoned for RM-1 purposes is to encourage development at higher densities utilizing cluster development techniques, condominium ownership agreements, garden court dwellings and conventional two-family and multi-family dwelling arrangements.

6. RM-2, Multi-Family Residential

The purpose of the RM-2, Multi-Family Residential District is to provide for the residential use of land developed in a high density pattern. The principal structure of the RM-2 zoning district is the single-family attached dwelling, the two-family dwelling and the multi-family dwelling. The availability of land zoned for RM-2 purposes is to encourage development at a high density utilizing cluster development techniques, condominium ownership agreements, garden court dwellings, zero lot line arrangements and conventional two-family and multi-family dwelling arrangements.

7. OIS, Office, Institutional and Specialty

The purpose of OIS, office, institutional and specialty is to provide for the office and institutional use of land developed in various densities and the adaptive reuse of larger housing stock into specialty shops serving adjacent neighborhoods and business districts. The principal structure of the OIS zoning district is the office and institutional building including the adaptive reuse of former residential, commercial and industrial buildings previously existing within the community. No single retail establishment shall have a gross floor area exceeding 5,000 square feet in the OIS district, except through the issuance of a conditional use permit or through the approval of conditional zoning. The outdoor overnight storage of plants, nursery items, building materials, and other bulk goods visible from any public street shall not be allowed in the OIS district.

8. C-1, Neighborhood Business

The purpose of the C-1, neighborhood business district is to provide for the commercial use of land developed in harmony with surrounding residential zoning districts. Commercial development should be environmentally and aesthetically compatible with surrounding residential uses. The requirements of the C-1 zoning district should ensure harmony with surrounding residential uses and not impair the existing and/or future residential development. All establishments developed in the C-1 classification should be scaled to meet the convenience shopping needs of the immediate area and should not be scaled to detract from the C-4 zoning district. A building containing a single use shall not exceed 12,000 square feet gross floor area and in no case may any single use contained in a multi-tenant building have more than 8,000 square feet gross floor area. No multi-tenant building shall exceed 24,000 square feet gross floor area. Any increase of the above maximum size limits shall require the issuance of a conditional use permit or approval of conditional zoning. Outdoor overnight storage visible from any public street shall not be allowed in the C-1 district.

9. C-2, Highway Commercial

The purpose of the C-2, highway commercial district is to provide for the commercial use of land developed for the ease of access, visibility and convenience to arterial and collector streets and their surrounding land uses. Commercial development should be compatible with highway activity and enhance the quality of service available to traveler, commuter and nearby resident alike. The requirements of the C-2 zoning district should ensure that safety and compatibility are major considerations in the commercial development of the C2 zoning district. All establishments developed under the C-2 classification should be scaled to meet the convenience needs of the motorist and should not be scaled to detract from the C-3 and C-4 zoning districts. The outdoor overnight storage of plants, nursery items, building materials and other bulk goods visible from any public street shall not be allowed in the C-2 district. No building used for retail purposed shall have a footprint that exceeds 62,500 square feet.

10. C-3, General Commercial

The purposed of the C-3, General Commercial District is to provide for the commercial use of land developed as an agglomeration of business activity sufficiently separated from residential zoning districts by either transitional zoning districts such as C-1, C-2 and /or OIS; or by sufficient buffering and screening measures. Commercial development should be compatible with arterial and collector street systems and accessibility. The requirements of the C-3 zoning district should ensure the proper site development of commercial activities and should ensure the proper separation of commercial activities from residential zoning districts. Establishments developed under the C-3 classification are encouraged to promote the agglomeration of commercial activity and enhancement of strong business orientation within the C-3 zoning district. The outdoor overnight storage of plants, nursery items, building materials, and other bulk goods visible from any public street shall not be allowed in the C-3 district. No building used for retail purposes shall have a footprint that exceeds 62,500 square feet.

11. C-4, Central Business

The purpose of the C-4, Central Business District is to encourage land uses which are characteristic of main streets and pedestrian districts and that are solely intended for application in the central core of the Town. The district will allow a mixture of complementary land use types, which may include housing, retail, offices, commercial service, and civic uses. The C-4 district is intended to be a predominantly pedestrian area, while also catering to bicycle traffic with shops and store fronts close to the road. The district shall be designed at a pedestrian scale with wide walkways, street trees and limited off-street parking. Development should be compatible with the fabric of surrounding uses and pre-existing development to promote an active live, work, play setting. The C-4 zoning district should be considered vital to all members of the community and enhanced to ensure continual significance in the local economy. It is to be expected that the C-4, Central Business District, will be expanded over time through the zoning change process with the Future Land Use Plan to be used as a guide for the limitation of that district. The district shall not be applied to outlying commercial areas.

The outdoor overnight storage of plants, nursery items, building materials and other bulk goods visible from any public street shall not be allowed in the C-4 district.

No building shall be erected, have structural alterations to the exterior, or have design changes to the façade (except for addition of awnings and repainting a painted surface) without first having been issued a conditional use permit by the Board of Commissioners as prescribed in section 14 of the UDO or approval from the Board of Commissioners for conditional zoning as prescribed in Section 16.2 of the UDO. This requirement does not include demolition. The property owners shall make and are encouraged to maintain the structure by making necessary improvements. Additionally, any property or structure deemed a local historic landmark by Town Ordinance or awarded a grant by the Waxhaw Historic Preservation Commission through the Downtown Waxhaw Façade Improvement Program is not required to receive a conditional use permit from the Waxhaw Board of Commissioners but may need to obtain a Certificate of

Appropriateness as outlined in Section 19 of this Ordinance for design changes to the façade.

The addition of awnings or the repainting of a painted surface shall require the issuance of a zoning use permit by the Zoning Administrator. If the Zoning Administrator determines that the proposed changes are not compatible with the surrounding environs and denies the zoning use permit, the applicant may choose to seek approval from the Board of Commissioners through the conditional use permit process.

Public Planning Requirements in the C-4 district

The C-4 district is the central core for the Town of Waxhaw. It is important that development within the district is harmonious and provide quality retail, office, residential, and civic uses. To achieve a desirable built environment a collaborative planning approach will be utilized to bring decision makers and community members together to provide input for the plan.

Before a development proposal within the C-4 district can be recommended by the planning staff and approved by the appropriate governing boards, the applicant must facilitate a neighborhood meeting. The purpose of the neighborhood meeting is to:

- A. Ensure that the applicants pursue early and effective citizen participation in conjunction with the proposal, giving the project proponent the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the surrounding area.
- B. Ensure the citizens and property owners of the Town have an adequate opportunity to learn about the proposal that may affect them and to work with project proponents to resolve concerns at an early stage of the application process. Accordingly, the issues identified may be addressed by the applicant before preparing formal plans for the application.

The following requirements apply:

1. All meetings shall be held in the Town of Waxhaw jurisdiction.
2. The applicant will be responsible for notifying property owners within 300 feet of the proposed development, as measured from the outermost boundary of the parcel on which the proposed project is to be located. The notice shall include the date, time and location of the meeting and a brief description of the project, zoning of the property, site and vicinity maps. The notice shall be sent at least 10 days but not more than 25 days prior to the neighborhood meeting. Proof of mailings shall be provided to the Town of Waxhaw either by turning in a notarized photocopy of the postmarked envelopes to be mailed or sending the notices certified mail and providing copies of the return receipts to the Town.
3. At a minimum, the following shall be covered in the meeting:
 - a. Introduction of the neighborhood meeting organizer (i.e. developer, property owner, etc.);

- b. Description of the proposed project;
 - c. Existing Features Analysis (slopes, trees, wetlands, natural design constraints) ; and
 - d. Explanation of how comments made at the neighborhood meeting are used.
4. The applicant shall provide appropriate professionals, such as landscape architects, architects, engineers, etc. to be available during the neighborhood meeting.

5. The applicant shall provide to the Town a written summary of the neighborhood meeting. The summary shall include:
 - a. A copy of the mailed notice of the neighborhood meeting (list of persons and addresses);
 - b. An attendance roster or listing of participants;
 - c. A summary of concerns, issues, and problems voiced at the meeting along with the applicant's responses thereto; and
 - d. A summary of proposed modifications, or site plan revisions, based on the feedback / concerns from the meeting. The summary document will be available for public review through the Town.

Town staff will attend the neighborhood meetings to observe and answer questions specific to Waxhaw's planning and approval process.

12. I-1, Light Industrial and Service

The purpose of the I-1, Light Industrial and Service District is to provide for the industrial and service related use of land developed around a general theme of manufacturing, fabricating, processing and servicing at a moderate scale. Industrial and service development should be of compatible nature to surrounding activities including residential, commercial, institutional and governmental; and, should be compatible with arterial and collector street systems and accessibility. The requirements of the I-1 Zoning District should encourage the proper site development of industrial and service activities and should ensure the proper separation of industrial and service activities from residential uses and Zoning Districts. Establishments developed under the I-1 classification are encouraged to promote the agglomeration of industrial and service activity and enhancement of strong industrial and service orientation within the I-1 Zoning District.

13. I-2, Heavy Industrial

The purpose of the I-2, Heavy Industrial District is to provide for the industrial use of land developed around a general theme of manufacturing, fabricating and processing at an intensive scale. Industrial development should be compatible with arterial and collector street systems and accessibility. The requirements of the I-2 Zoning District should encourage the proper site development of industrial activities and should ensure the proper Zoning Districts. Establishments developed under the I-2 classification are

encouraged to promote agglomeration of industrial activity and enhancement of a strong industrial orientation within the I-2 Zoning District.

14. CPUD Commercial Planned Unit Development

The purpose of the CPUD zoning district is to accommodate commercially oriented planned unit developments. Bulk, height and dimensional regulations are eased in the CPUD district, in contrast to other commercial (C) zoning districts, to accommodate innovative developments that are planned in a cohesive manner.

15. IPUD Industrial Planned Unit Development

The purpose of the IPUD zoning district is to accommodate industrial parks and similar multi-tenant industrial developments in a campus type setting. Bulk, height and dimensional regulations are eased in the IPUD district, in contrast to other industrial (I) zoning districts, to accommodate innovative developments that are planned in a cohesive manner.

16. TND Traditional Neighborhood Development

The purpose of the TND zone is to create traditional neighborhood developments as alternatives to conventional subdivisions. TND's tend to be much more pedestrian oriented than other developments with interconnected streets, a mixture of housing units that are in close proximity to each other, and neighborhoods with identifiable centers. Block lengths in TND's tend to be small. On-street parking is allowed. Accordingly, conventional street design standards are modified. TND's may only be created in an area that has first been zoned to a TND district.

17. Downtown Code Zoning Districts

The districts in this Downtown Code have been established along a continuum of development intensity that ranges from rural to urban development. This Downtown Code regulates only the development at the urban end of this continuum, and can be further described as follows:

- A. **Urban Neighborhood (UN):** The Urban Neighborhood District consists of predominately medium density residential urban fabric. It may have a wide range of building types: single, sideyard, and townhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.
- B. **Neighborhood Mixed Use (NMX):** The Neighborhood Mixed Use District consists of higher density, mixed use buildings that accommodate retail, offices, townhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.
- C. **Main Street (MS):** The Main Street District consists of historic, mixed use buildings that accommodate retail, offices, townhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks. The Main Street District is intended to be similar to the

Town Center District, but with building heights that fit the architectural scale of historic Waxhaw.

- D. **Town Center (TC):** The Town Center District consists of larger mixed-use buildings that accommodate retail, offices, townhouses and apartments. It has a tight network of streets with wide sidewalks, steady street tree planting and buildings set close to the sidewalk.
- E. **Open Space (OS):** The Open Space District consists of active and passive recreational areas and natural topography. Development in Open Space Zones shall be limited to Park Facilities and features only, and shall be approved by Conditional Use Permit only.