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7.1 TABLE OF USES / USES NOT EXPRESSLY LISTED OR ADDRESSED

- A. Table 7.1-1 shows the principal uses that are allowed in each zoning district. Supplemental regulations (**Suppl. Regs.**) are discussed in Chapter 8; Parking Requirements (**Parking Regs.**) are discussed in Chapter 10. Other district regulations may apply which are not expressly listed in this Chapter, such as Flood Plain, Watershed Water Supply, etc.

Certain uses predating the adoption of this Ordinance are allowed to remain as nonconforming uses in accordance with Chapter 3 of this Ordinance. Unless a use is allowed as a "permitted," "special use," "nonconforming use," "temporary use," or otherwise specifically addressed in this Ordinance, then such use shall be expressly prohibited in that zoning district. The Board of Adjustment shall have no authority to grant a variance or special use permit to allow for such prohibited use.

- B. Table 7.1-1 lists the allowed uses and in the zoning district in which they are permitted in accordance with the following letter designations:

X = Permitted use by right

SUP = Special Use Permit required

CZ = Conditional Zoning required

E = Existing use subject to limitations

S= Supplemental regulations listed in addition to X, C, CZ, E, SP

O= Overlay District only

Note: The supplemental regulations list more in depth how a use is allowed if a supplemental number is noted in the Table of Uses.

7.2 TABLE OF USES CATEGORY DESCRIPTION

(Note: The Category Title color corresponds to the color on the Use Table.)

- A. Agricultural Uses**
Characterized by uses that create or preserve areas intended primarily for the raising of animals and crops, and the secondary industries associated with agricultural production.
- B. Commercial Services**
Uses which are general commercial / business in nature.
- C. Civic / Community Organizations**
Uses of a public, nonprofit, or charitable nature providing ongoing education, training or counseling to the general public on a regular basis, without a residential component.
- D. Educational**
Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes college and other institutions of higher training that offer courses of general or specialized study leading to a degree usually in a campus setting.
- E. Industrial / General Manufacturing**
Firms involved in research and development activities without light fabrication and assembly operations; limited industrial / manufacturing activities. The uses emphasize industrial businesses and sale of heavier equipment. Factory production and industrial yards are located here. Sales to general public limited. Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- F. Medical**
Uses providing medical or surgical care to patients. Some uses may offer overnight care.
- G. Offices, General**
Activities conducted in an office setting and focusing on business, government, professional or financial services.

- H. **Personal Services**
Uses which are generally related to the care of the personal needs.
- I. **Recreation, General**
Uses focusing on natural areas consisting vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures. Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting or outdoor setting or within a number of structures.
- J. **Residential**
Residential occupancy of a dwelling unit by a household for month-to-month or longer basis.
- K. **Sales and Services, General**
Companies or individuals involved in the sale, lease or rental of new or used products or providing services or repair to the general public.
- L. **Transportation**
Facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus services.
- M. **All Other Uses**
Uses not covered elsewhere above.

7.3 PRE-EXISTING LOTS OF RECORD

For pre-existing lots that were in compliance at the time of recording and had listed setbacks and / or lot size also recorded at that same time, will be honored in lieu of the current setback requirements listed in this Ordinance.

7.4 CONVERSION OF RESIDENTIAL STRUCTURES TO NON-RESIDENTIAL USES OR MIXED-USE DWELLING

In any non-Residential zoning district, a residential structure that existed on or before the date of adoption of this Ordinance, may be converted to a permitted nonresidential use (or a mixed-use dwelling), so long as all applicable off-street parking and landscaping, screening requirements are met. If such use is a special use, the Board of Adjustment may attach fair and reasonable conditions which would serve to mitigate any existing nonconforming situations arising from such conversion.

7.5 BULK AND DIMENSIONAL STANDARDS

Bulk and dimensional standards for all uses in all general zoning districts are shown in Tables 7.1-2 through 7.1-5. Such dimensional standards shall apply unless specific more restrictive standards for individual uses are found elsewhere in this Ordinance.

Additional setbacks shall be required on corner lots and abutting unlike zoning district lots

TABLE 7.1-1 TABLE OF USES

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(A) [2]

MINIMUM LOT AREA (SQUARE FEET) [4]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF [6]
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	30,000 / 20,000 [1] 12,000 [1]	30,000 / 20,000 [1] 12,000 [1]	30,000 / 20,000 [1] 12,000 [1]	2ac	20,000 12,000 [5]	12,000	8,000	9,000
Two-family Dwelling; Bed and Breakfast Inn	40,000	40,000	40,000	2ac	30,000	18,000	12,000	12,000
Multi-family Development	-	-	-	-		-	-	43,560
Day Care Center, Class B and C	-	40,000	40,000	2ac	30,000	-	-	20,000
Infill Residential Development	-	-	-	-	10,000	6,000	4,000	4,000
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [3]	43,560	43,560	43,560	2ac	21,780	21,780	21,780	21,780

[1] Minimum lot area requirements shall be reduced to twenty thousand (20,000) square feet where the lot is served by one (1) utility or twelve thousand (12,000) square feet where the lot is served by two (2) utilities.

[2] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[3] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

[4] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.

[5] Twelve thousand (12,000) square feet where the lot is served by two (2) utilities.

[6] Minimum lot size without public / community water and sewer shall be increased to 20,000 sqft per dwelling unit.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(B) [1]

MINIMUM LOT WIDTH (FEET) [3]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	80	80	80	100	100	90	60	60
Two-family Dwelling; Bed and Breakfast Inn	80	80	80	100	100	90	60	70
Multi-family Dwellings;	-	-	-	-	-	-	-	100
Day Care Center, Class B and C	-	80	80	100	100	-	-	100
Traditional Neighborhood Developments (TND) (Individual lots within)	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings	None, except 40 for detached SF dwellings
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [3]	100	100	100	100	100	100	100	100

[1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[2] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

[3] As measured at the minimum front yard setback. For additional lot width and road frontage requirements refer to Sections 9.5 and 13.15.3.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(C) [1]

MINIMUM FRONT YARD SETBACK (FEET) [3]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	25	25	25	25	25	25	25	25
Two-family Dwelling; Bed and Breakfast Inn	30	30	30	50	25	25	25	25
Multi-family Dwellings; Day Care Center, Class B and C	-	-	-	-	-	-	-	30
	30	30	30	50	30	-	-	30
Traditional Neighborhood Developments (TND) (Individual lots within)	See Sections 8.1.13			-	See Sections 8.1.13			
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [2]	50	50	50	50	50	50	50	50

[1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[2] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

[3] Refer to the definition of “front yard” in Section 2.7 to determine how the front yard is to be measured on corner lots.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(D) [1]

MINIMUM SIDE YARD SETBACK (FEET) [3]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	15	15	15	25	15 [4]	12 [4]	8 [4]	8 [4]
Two-family Dwelling; Bed and Breakfast Inn	15	15	15	25	15	12	8	8
Multi-family Dwellings; Day Care Center, Class B and C	-	-	-	-	-	-	-	15
	25	25	25	25	15	-	-	15
Traditional Neighborhood Developments (TND) (Individual lots within)	See Sections 8.1.13			-	See Sections 8.1.13			
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [2]	25	25	25	25	25	25	25	25

[1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[2] There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

[3] An additional ten (10) feet to the requirements listed above shall be required on all side yards which abut a public or private street.

[4] Five (5) feet for internal lots within an infill residential development.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(E) [1]

MINIMUM REAR YARD SETBACK (FEET)

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	30	30	30	50	30 [3]	30 [3]	30 [3]	30 [3]
Two-family Dwelling; Bed and Breakfast Inn	30	30	30	50	30	30	30	30
Multi-family Dwellings;	-	-	-	-	-	-	-	30
Day Care Center, Class B and C	30	30	30	50	30	-	-	30
Traditional Neighborhood Developments (TND) (Individual lots within)	See Sections 8.1.13			-	See Sections 8.1.13			
Planned Residential Development (PRD) / Planned Unit Development (PUD)	-	-	-	-	See Sections 8.1.11 and 8.2.26			
All Other Uses [2]	50	50	50	50	50	50	50	50

- [1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.
 [2] There are no minimum / maximum dimensional requirements for Essential Services, Class 1 and Parks.
 [3] Twenty (20) feet on internal lots within an infill residential development.

LOT AND BUILDING STANDARDS

RESIDENTIAL ZONING DISTRICTS

TABLE 7.1-2(F) [1]

MINIMUM BUILDING HEIGHT (FEET) [2]

STANDARD	R-1	R-2	R-3	RLD	RS-20	RS-12	RS-8	RMF
Single-family Dwellings; Manufactured Homes; Family Care Homes; Rooming House; Day Care Center, Class A	45	45	45	45	45	45	45	45
Two-family Dwelling; Bed and Breakfast Inn	45	45	45	45	45	45	45	45
Multi-family Dwellings;	-	-	-	-	-	-	-	45
Day Care Center, Class B and C	-	45	45	45	45	-	-	45
Planned Residential Development (PRD) /	3 Stories			-	3 Stories			
Traditional Neighborhood Developments (TND) (Individual lots within)	3-5 Stories; Refer to Section 8.1.13 (B)(3)			-	3-5 Stories; Refer to Section 8.1.13 (B)(3)			
Planned Unit Development (PUD)	-	3-5 Stories; Refer to Section 8.1.26 (A)(2)		-	3-5 Stories; Refer to Section 8.1.26 (A)(2)			
All Other Uses [2]	45	45	45	45	45	45	45	45

[1] Dimensional requirements listed for certain uses in Chapter 8 shall supersede those listed herein. Overlay district regulations may apply.

[2] Exceptions to height limitations are found in Section 9.8.

LOT AND BUILDING STANDARDS

OFFICE ZONING DISTRICTS

TABLE 7.1-3(A) [1]

STANDARD	TMU	OLC	O-1	OM
Minimum Lot Area (sq. ft.) [13]	3,000 / 5,000 [2] [9]	5,000 [9]	5,000 [9]	5,000
Minimum Lot Width (ft.)	50 [8] [11]	70 [8] [11]	70 [8] [11]	70 [8]
Minimum Required Setbacks (ft.)				
- Front	3 [3] [10]	30 [10]	30 [10]	30
- Side	0 [4] [10]	10 [10]	10 [10]	10
- Rear	20 [5] [10]	20 [5] [10]	20 [5] [10]	20 [5]
Maximum Building Height (ft.) [7] [12]	50 [6]	50 [6]	50 [6]	50 [6]

[1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.

[2] Five-thousand (5,000) square feet for all single-, two- or multi-family dwellings; 3,000 square feet, for all other uses.

[3] The front yard setback shall be 0-25 feet, as measured from the edge of the adjoining front sidewalk.

[4] Ten (10) feet if abutting a residential zoning district.

[5] Thirty (30) feet if abutting a residential zoning district.

[6] The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet or more from a residentially zoned lot.

In the OM district the height may be increased to one-hundred twenty-five (125) feet if located three hundred (300) or more from a residentially zoned lot.

[7] Exceptions to height limitations are found in Section 9.8.

[8] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.

[9] Minimum lot area for infill residential developments shall be four-thousand (4,000) square feet

[10] Minimum internal lot setbacks in infill residential developments shall be: Front- Twenty (20) feet; Side- Five (5) feet; Rear- Twenty (20) feet

[11] Forty (40) feet for detached single-family dwelling units in TND. Otherwise, no minimum lot width for uses in a TND.

[12] Maximum building heights for PRDs, TNDs, and PUDs range from 3-5 stories. Refer to Chapter 8 for additional information.

[13] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis

LOT AND BUILDING STANDARDS

COMMERCIAL ZONING DISTRICTS (Except CBD and UMU)

TABLE 7.1-4(A) [1]

STANDARD	C-1 and NBS	C-2	C-3	GPX
Minimum Lot Area (sq. ft.) [8]	5,000 [6]	5,000	5,000	[9]
Minimum Lot Width (ft.)	70 [5]	70 [5]	70 [5]	[9]
Minimum Required Setbacks (ft.)				[9]
- Front - Side - Rear	30 10 20 [2]	30 10 20 [2]	30 10 20 [2]	
Maximum Building Height (ft.) [4] [7]	50 [3]	50 [3]	50 [3]	[9]

- [1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.
- [2] Thirty (30) feet if abutting a residential zoning district.
- [3] The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet or more from a residentially zoned lot. In the C-2 and C-3 districts the height may be increased to one-hundred twenty-five (125) feet if located three hundred (300) feet or more from a residentially zoned lot.
- [4] Exceptions to height limitations are found in Section 9.8.
- [5] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
- [6] Four-thousand (4,000) square feet for lots in infill residential developments.
- [7] Maximum building heights range from 3-5 stories for traditional neighborhood developments (TNDs), planned unit developments (PUDs) and planned residential developments (PRDs). Refer to Chapter 8 for additional requirements.
- [8] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.
- [9] Dimensional Requirements within the GPX are as follows:
- (a) Refer to Section 8.1.11 for PRDs; Section 8.1.13 for TNDs; Section 8.2.26 for PUDs.
 - (b) C-2 regulations shall apply to: Restaurants, Convenience Stores, Hotels/Motels, Essential Service Class 4.
 - (c) RS-20 regulations for Single Family Dwellings (other than those in PRDs, TNDs, PUDs).

LOT AND BUILDING STANDARDS

COMMERCIAL ZONING DISTRICTS-CBD and UMU

TABLE 7.1-4(B) [1]

STANDARD	CBD	UMU
Minimum Lot Area (sq. ft.) [13]	None [10]	3,000 / 5,000 [2] [10]
Minimum Lot Width (ft.)	None [9] [11]	50 [9] [11]
Minimum Required Setbacks (ft.) - Front - Side - Rear	[3] [12] None [4] [12] None [4] [12]	[3] [12] 0 [5] [12] 20 [6] [12]
Maximum Building Height (ft.) [8]	None	50 [7]

- [1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.
- [2] Five-thousand (5,000) square feet for all single-, two- or multi-family dwellings; 3,000 square feet, for all other uses.
- [3] The front yard setback shall be 0-10 feet, as measured from the edge of the adjoining front sidewalk
- [4] None, except ten (10) feet when adjoining a lot not in the CBD, TMU or UMU districts.
- [5] Ten (10) feet if abutting a residential zoning district.
- [6] Thirty (30) feet if abutting a residential zoning district.
- [7] The maximum height may be increased to seventy-five (75) feet if located two hundred (200) feet or more from a residentially zoned lot.
- [8] Exceptions to height limitations are found in Section 9.8.
- [9] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
- [10] One (1) acre for multi-family developments
- [11] Forty (40) feet for detached single-family lots within a traditional neighborhood development (TND).
- [12] Infill Residential Developments-: Front- Twenty (20) feet; Side- Five (5) feet; Rear- Twenty (20) feet.
- [13] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.

LOT AND BUILDING STANDARDS

INDUSTRIAL ZONING DISTRICTS

TABLE 7.1-5 [1]

STANDARD	I-1	I-2	I-3	I-U
Minimum Lot Area (sq. ft.) [13]	None	None	None	None [2] [9]
Minimum Lot Width (ft.)	70 [8]	70 [8]	70 [8]	50 [8] [10]
Minimum Required Setbacks (ft.)				
- Front	50	50	50	[3] [11]
- Side [4]	20 [5]	20 [5]	20 [5]	10 [5] [11]
- Rear	30	30	30	20 [5] [11]
Maximum Building Height (ft.) [7]	50 [6]	50 [6]	50 [6]	50 [6] [12]

- [1] Dimensional uses for specific uses as shown in Chapter 8 shall supersede those shown herein. Overlay district regulations may apply.
- [2] One (1) acre for multi-family developments.
- [3] The front yard setback shall be 0-20 feet, as measured from the edge of the adjoining front sidewalk.
- [4] The minimum setback requirements for exterior side lots shall be increased by 10 ft.
- [5] Thirty (30) feet if abutting a residentially zoned lot.
- [6] The maximum height of the structure may be increased to (75) feet, provided that the structure lies two hundred (200) feet or more from a residentially zoned lot.
- [7] Exceptions to height limitations are found in Section 9.8.
- [8] Refer to Sections 9.5 and 13.15.3 for further road frontage requirements.
- [9] Four-thousand (4,000) square feet for lots in an infill residential development
- [10] Forty (40) feet for detached single-family residences in a traditional neighborhood development (TND)
- [11] Infill Residential Developments-: Front- Twenty (20) feet; Side- Five (5) feet; Rear- Twenty (20) feet
- [12] Maximum building heights range from 3-5 stories for traditional neighborhood developments planned residential developments and planned unit developments. Refer to Chapter 8 for additional information.
- [13] Minimum lot area requirements are subject to Public Health Department approval, which may require larger minimum lot areas on a case- by-case basis.

7.6 OVERLAY DISTRICT DESIGN STANDARDS

7.6.1 SV SCENIC VIEW OVERLAY DISTRICT

This District shall be shown on the Official Zoning Map of Gaston County as having two boundaries. The first, being the inner boundary which generally follows the projected boundary of the Daniel Stowe Botanical Garden, and the second boundary (or outer boundary) which shall be depicted on the Zoning Map. The SV Zoning District shall consist of the land lying between the inner boundary and the outer boundary.

A. Permitted Uses

All permitted principal and accessory uses in the underlying general zoning district, shall be allowed, except that telecommunication towers and facilities are not allowed anywhere in the SV district. Notwithstanding, in no instance shall the regulations within this district apply to a single- or two-family dwelling.

B. Setbacks

The more restrictive of either the underlying general zoning district or any other applicable overlay district(s) shall apply.

C. Minimum Lot Width

The more restrictive of either the underlying general zoning district or any other applicable overlay district(s) shall apply.

D. Maximum Building Height

1. No structure shall be erected higher than the most restrictive requirement of either the maximum height allowed by the underlying general zoning district, the maximum height allowed by any overlay district, or thirty-five (35) feet.
2. Exceptions to height limits of structures listed in Section 9.8 of this Ordinance shall not be applicable within the SV District, with the following exceptions:
 - a. Roof structures not intended for human occupancy and serving in an accessory structure to the principal structure on the lot, such as skylights, housing for elevators, stairways, roof water tanks, ventilating and air conditioning equipment shall be allowed, provided however any such roof structures do not lie more than twelve (12) feet in height above the highest point of the roof surface.

- b. There shall be no height limits for steeples, architectural spires, belfries, cupolas, and chimneys on residential structures.
- c. Antennae for radiation or reception of radio and television signals are allowed with a height of up to seventy-five (75) feet above the ground.

E. Signs

Notwithstanding any other provision of this Ordinance the height of any sign within the SV District shall be limited to the most restrictive of either the underlying general zoning district, or any other applicable overlay district, or the provisions of Subsection D herein.

7.6.2 TH THOROUGHFARE HIGHWAY OVERLAY DISTRICT

A. Applicability

The TH Thoroughfare Highway Overlay District shall be in place along any thoroughfare, or portions thereof, identified on the most recently adopted version of the thoroughfare or transportation plan of the Gaston Urban Area, or other similar document for those portions of Gaston County not located within the Gaston Urban Area, for which a functional design and surveyed centerline exists. The location of all such applicable thoroughfares (or portions thereof) shall be available for public review and inspection in the Administrator's office. All uses normally allowed in the underlying general zoning district shall be allowed in the TH district.

B. District Regulations

- 1. Said regulations shall apply to existing streets and shall apply if the functional design and surveyed centerline has been adopted by the governing board prior to submittal of the zoning permit application.
- 2. The minimum yard or setback prescribed by each zoning district in the UDO shall begin to be measured from the existing street right-of-way or from the transitional setback line described below, whichever method produces the greater setback. The transitional setback line shall be drawn thirty (30) feet from the centerline of any thoroughfare, where the thoroughfare plan calls for a two-lane, a two-lane modified, a two-lane with parking on one side, a two-

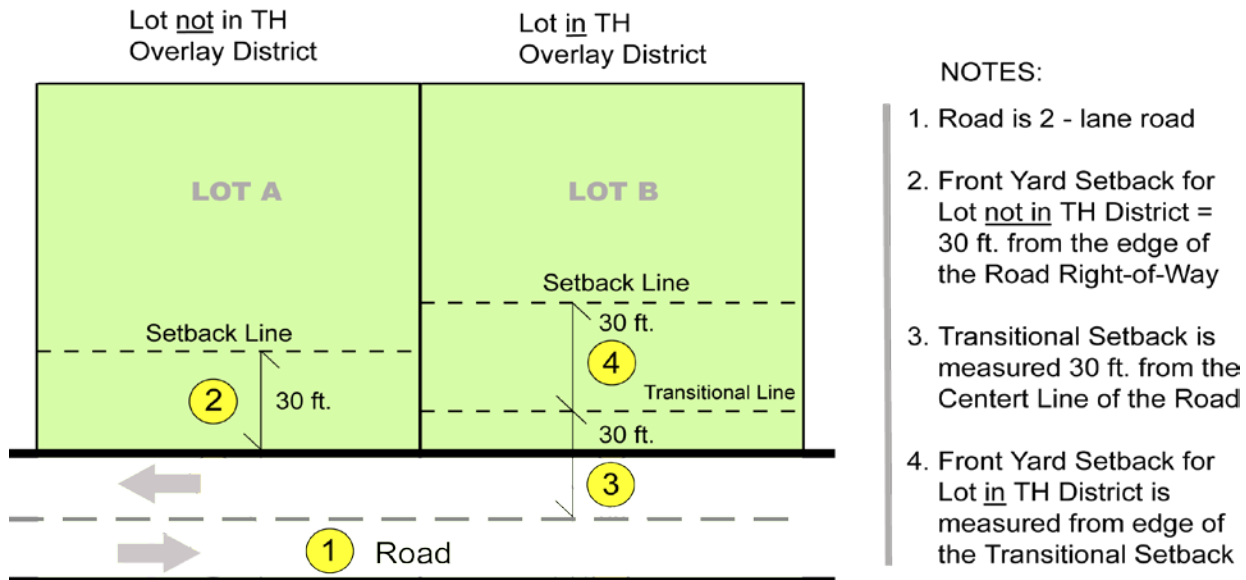
Town of McAdenville, North Carolina
Unified Development Ordinance
Chapter 7 – Uses and Building Lot Standards

lane with parking on two (2) sides, or a three-lane facility; forty-five (45) feet from the centerline where the thoroughfare plan calls for a four-lane or a five-lane facility. Where the thoroughfare/ transportation plan technical notes call for a four-lane divided or a six-lane facility, the minimum yard or setback prescribed by each zoning district in this Ordinance shall begin to be measured from a beginning point fifty (50) feet from the centerline of the thoroughfare.

Proposed Lane Widths (per the Gaston Urban Area Thoroughfare Plan or other adopted Plan)	Transitional setback line location - measurement from centerline
Two lanes	30
Two lanes, modified	30
Two lanes, parking one side	30
Two lanes, parking two sides	30
Three lanes	30
Four lanes	45
Five lanes	45
Four lanes, divided	50
Six lanes	50

3. A thoroughfare setback or yard also shall be established on all applicable lots where existing rights-of-way are not as large as herein prescribed. Figure 7.6.2-1 illustrates the location of the thoroughfare setback area on a sample principal arterial. The thoroughfare setback area can be used for any use allowed in the underlying zoning district, except for those permanent uses which are prohibited in a required setback or yard area. Except where otherwise prohibited, the thoroughfare setback may be used to satisfy minimum lot size, off-street parking, and open space requirements.

Figure 7.6.2-1



4. The standards contained herein shall not apply to a development located on a lot in which such thoroughfare setback would normally be required which meets one (1) or more of the following circumstances:
 - a. A project that had a valid building permit in effect as of the effective date of implementation of this zoning district where such permit allows for construction or development to take place within the required thoroughfare setback.
 - b. A project that had a site plan approved as of the effective date of the implementation of this zoning district where such site plan allows for construction or development to take place within the required thoroughfare setback.
 - c. A project which had an approved and valid site specific or phased development plan in place as of the effective date of the implementation of this zoning district where such development plan allows for construction to take place within the required thoroughfare setback.
5. An affected property owner shall have the right to appeal the thoroughfare setback requirements as provided herein to the Board of Adjustment for a special use permit to these regulations. The Board of Adjustment may grant the special exception in accordance with the procedures contained in Section 5.12.

7.6.3 USO URBAN STANDARDS OVERLAY DISTRICT

The Urban Standards Overlay (USO) district contains a number of design and subdivision standards that apply primarily to non-residential uses on properties located in USO district. Subsections H and J also apply to residential uses within the USO district.

A. PARKING LOT CONNECTIONS

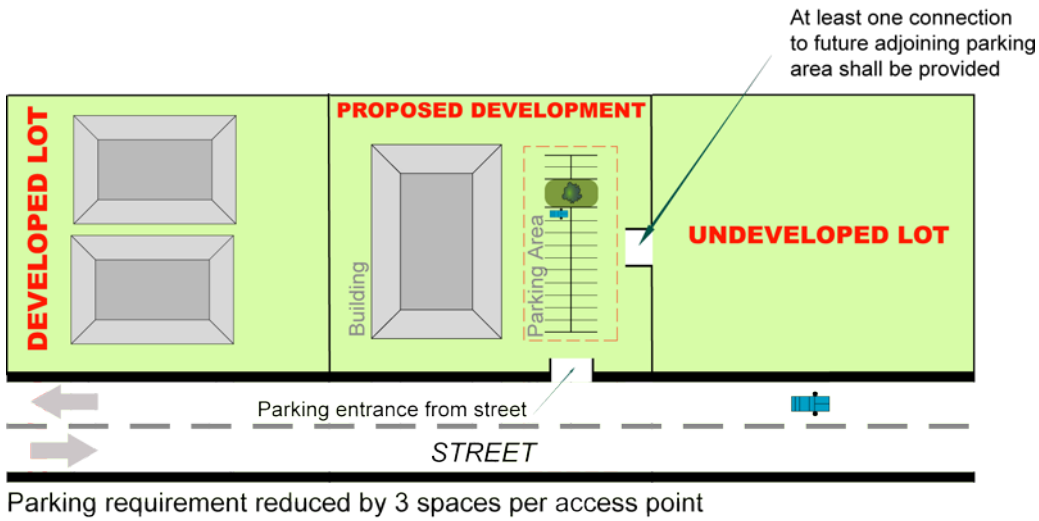
(NOTE: These requirements shall also apply in the CH Overlay district) **(NOTE:**

The following provisions regarding parking lot connections shall NOT be applicable to lots in the CBD, I-1, I-2, I-3 or I-U zoning districts, irrespective of whether they are in the USO or CH Overlay Districts.)

Parking lots for commercial or office uses (but not for industrial uses) that lie in an applicable Commercial or Office zoning district and which contain more than fifty (50) off-street parking spaces shall be designed to inter-connect with an undeveloped adjoining lot in such zoning district. At least one (1) future access point to such parking lot from the undeveloped adjoining lot shall be provided. The Administrator may require additional access points, when in his opinion; such additional access point would serve to benefit traffic flow and the safety of pedestrians and motorists using the street. The location of the access point shall be determined by the developer of the property in question and shall be subject to the Administrator's approval. The total number of required off-street parking spaces for all parking lots meeting the requirements of this section shall be reduced by three (3) parking spaces per access point for the lot being developed. The Administrator shall have the authority to waive or modify the requirements of this section upon finding that there is no practical way to create a shared driveway with an adjoining undeveloped lot.

Figure 7.6.3-1 below illustrates how this requirement is to be implemented.

Figure 7.6.3-1



B. BUILDING MATERIALS (NOTE: These regulations are also applicable in the CH and SH Overlay districts)

1. Seventy-five (75) percent of the area of any non-residential building face (excluding industrial uses not in the I-U zoning district) including doors and windows shall be finished with one (1) or more of the materials listed below, subject to applicable building code requirements. This shall apply to any side of the building that is visible from an adjacent public street. (**NOTE:** The Administrator shall have the authority to approve building materials not specifically listed but similar in appearance and texture to those herein listed.)



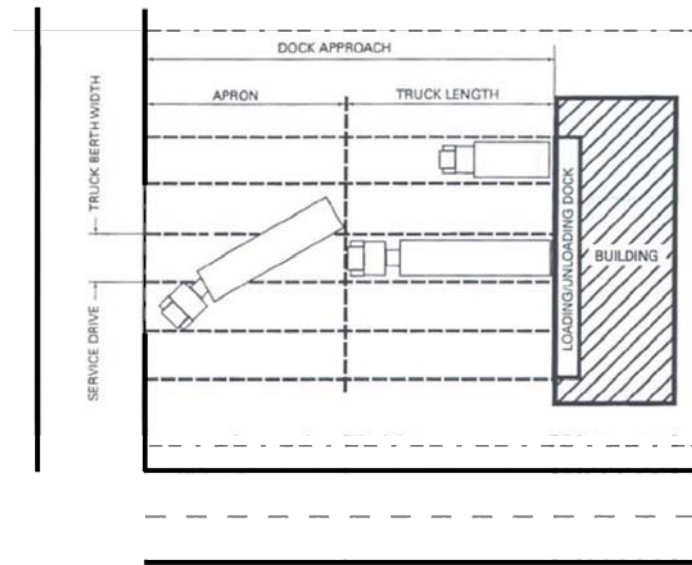
- a. Brick, brick veneer or polystyrene faced with real brick veneers and field applied jointing.
- b. Decorative CMU (concrete masonry unit) concrete block.
- c. Pre-cast or field-poured tilt concrete panels with texture (such as exposed aggregate) and/or architectural detailing.
- d. Stone, stone veneer, lath applied stone and cultured stone.

- e. Flush architectural metal panels or other metal panels with architectural detailing, but not including sheet metal panels of "R" or similar corrugated and/or ribbed configuration or appearance.
 - f. Stucco with architectural detailing or artificial stucco (EPS/expanded polystyrene/"Drivet®") with architectural detailing.
 - g. Glass, plastic "glass," e.g., "Plexiglas®" and translucent fiberglass panels.
 - h. Doors, windows and other fenestration along with their casings.
 - i. Wood and wood materials designed and intended for use as exterior finish material.
- 2. Trim and similar architectural detailing shall be composed of any code-approved materials (any material may be painted; however, paint and similar coatings themselves are not considered a finish material for the purpose of this list.)
 - 3. Portions of the roof that are visible from an adjacent public street shall not have a shiny surface appearance similar to aluminized or galvanized metal; however, anodized or baked-on paint metal roofs shall be allowed.

C. LOCATION OF OFF-STREET LOADING AREAS (NOTE: These regulations are also applicable in the SH and CH Overlay Districts)

All off-street loading berths shall be located between the building and rear lot line of the property, and/or shall be screened from the view of an adjacent public street and abutting properties. The Administrator shall have the authority to waive or modify this provision upon making a determination that:

- (i) location of the berths in such location would impede pedestrian safety; and
- (ii) that due to the location of the building and the lot size and shape, the location of the berths in such location would be impractical.



D. BUILDING COLORS

NOTE: The following provisions regarding building colors shall be applicable ONLY within the UMU, TMU and CBD zoning districts and in portions of the GP Overlay District.

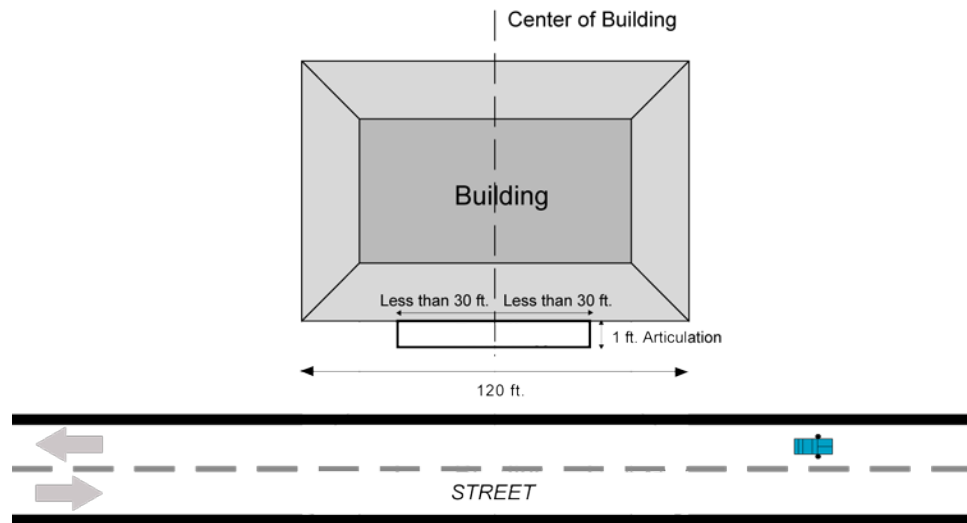
1. In addition to the building material standards contained in Subsection B, buildings in the applicable general zoning districts within the Urban Standards Overlay District shall meet the following standards regarding building façade colors. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity or metallic colors shall not be allowed except for accent purposes. The use of fluorescent, day glow, or neon colors shall be prohibited as a predominate wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features. Color samples shall be provided to the Administrator at the time of site plan review and prior to any renovations, remodeling, facelifts, and repainting, along with a description of how and where each color will be used. Colored renderings are encouraged, but shall not be a substitute for this requirement.
2. This prohibition shall not apply to any wall or freestanding signage for the use.

E. BUILDING ARTICULATION (NOTE: These provisions do not apply to industrial uses except in the I-U zoning.)

Facades greater than one hundred (100) feet in linear length shall be articulated with recesses or projections, which total at least twenty-five (25) percent of that façade. Recesses or projections shall be a minimum of one (1) foot. No uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet. Refer to Figure 7.6.3-2 below for an illustration of this requirement.



Figure 7.6.3-2



F. ENTRANCE ORIENTATION

NOTE: These provisions do not apply to industrial uses except in the I-U zoning.

NOTE: The following provisions regarding entrance orientation shall be applicable ONLY within the UMU, TMU and CBD zoning districts.

NOTE: These provisions apply only to principal buildings constructed or physically expanded after the effective date of this Ordinance

For all principal buildings whose exterior facades that face or are visible from a public street are altered after the effective date of this Ordinance, such buildings shall install a pedestrian entryway opening onto at least one adjoining public street. Corner entrances shall comply with this requirement. Access from the adjoining public sidewalk, street right-of-way or driveway to the principal structure shall be provided through an improved surface.

G. ROOFTOP EQUIPMENT

A parapet or an enclosure consisting of materials that meet the building material requirements of Subsection B herein shall conceal rooftop and HVAC equipment on all buildings visible from a public road, except I-85. This requirement shall not apply to any equipment required by to be located on the roof by either the State Building Code or the County Health Department. The Administrator shall have the authority to waive or modify these requirements based on site-specific conditions, including but not limited to: topography, lot

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size or site configuration that would make adherence to this requirement impractical, or to comply with State Building Code or County Health Department requirements.

H. SIDEWALKS

Refer to Section 9.18.

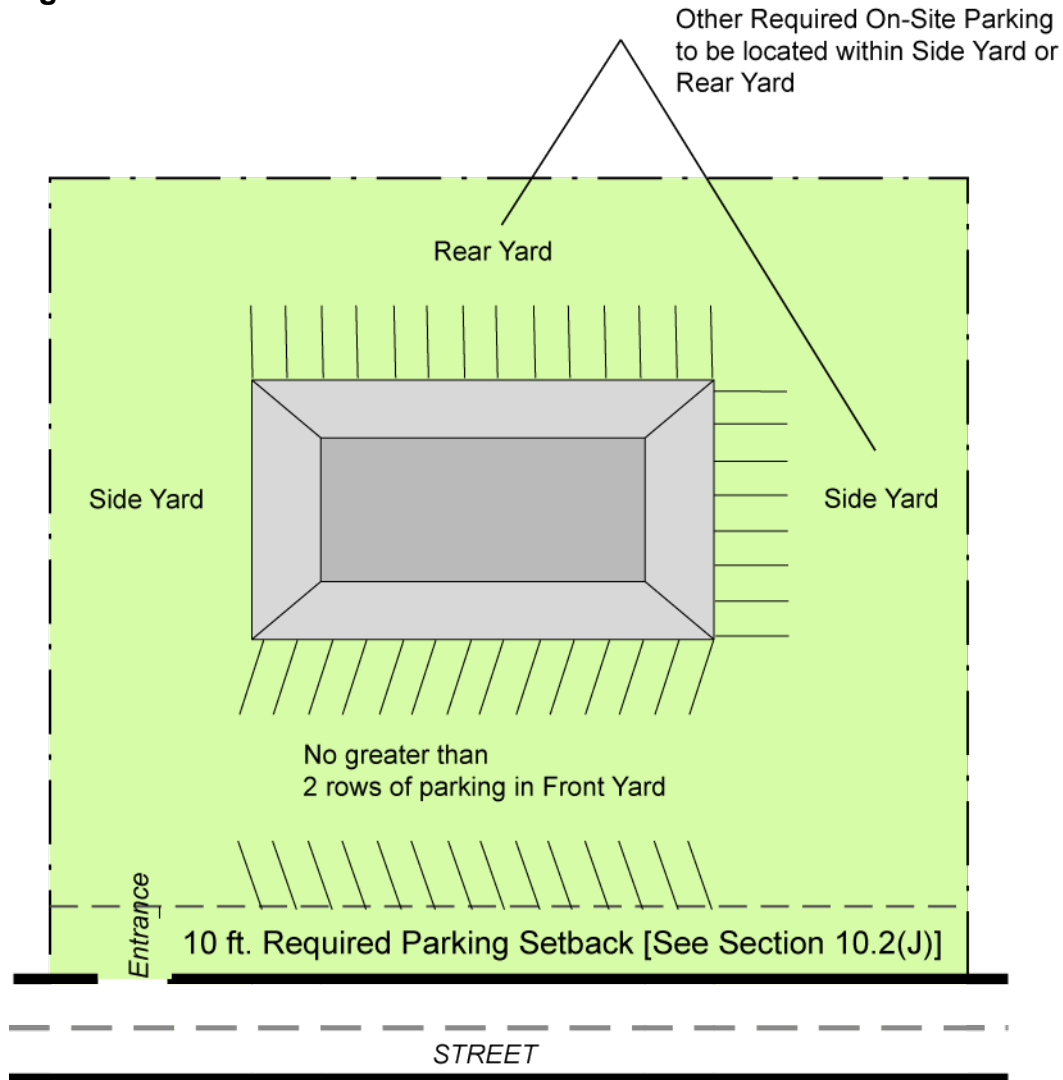
This also applies to residential uses.



I. OFF-STREET PARKING IN THE FRONT YARD

No greater than two (2) rows of off-street parking shall be provided in the front yard of the lot except for single- and two-family dwellings and individual manufactured homes not located within a manufactured home park. Refer to Figure 7.6.3-3 below for an illustration of this requirement. This requirement does not apply to industrial uses. Notwithstanding, for multi-family uses, and for uses located within the TND Center component of a TND, no off-street parking shall be allowed within the front yard.

Figure 7.6.3-3



Out parcels which are situated at the perimeter of any shopping center or similar planned multi-tenant development shall also adhere to this rule.

J. STREET TREES

Refer to Section 9.18.

This also applies to residential uses.

K. CURB / GUTTER

Refer to Section 9.18

This also applies to residential uses.

7.6.4 TD TRADITIONAL DOWNTOWN OVERLAY DISTRICT

A. PERMITTED USES

All permitted principal and accessory uses in the underlying general zoning district, except that the following uses are prohibited, irrespective of the underlying zoning district:

1. Agricultural and equestrian uses.
2. Automobile, boat, light duty truck and motorcycle sales without an indoor showroom.
3. Bus charter service company.
4. Cabinet and woodworking shop.
5. Distribution center, product, greater than 10,000 square feet in size.
6. Farm equipment sales.
7. Florist, wholesale.
8. Fortuneteller.
9. Machine shop.
10. Manufactured home sales.
11. Manufacturing machinery sales and service.
12. Membership warehouse club.
13. Monument sales.
14. Moving and storage facilities.
15. Pest control service.
16. Petroleum jobber.

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17. Recreational vehicle sales.
18. Retailing fixture parts, sales, and service.
19. Roofing repair and installation.
20. Textile machinery sales and service
21. Truck, heavy duty, and self-propelled heavy construction equipment, cranes, and paving equipment sales and service.
22. Adult establishment.
23. Automobile body shop.
24. Automobile wash, class 2.
25. Baseball hitting range.
26. Cemetery/columbarium, principal use.
27. Communication towers of any height, including towers erected as an accessory use to a radio and television studio.
28. Communication tower, combined.
29. Contractor's storage and equipment yard.
30. Home center.
31. Landfill, on-site demolition, accessory use.
32. Mini-warehouse facility.
33. Restaurant, drive-through.
34. Recycling deposit station (principal use).
35. Rental center, class 2.
36. Truck and utility trailer rental facility.
37. Golf course (public or private)
38. Military reserve center.
39. Petroleum distributor.

40. Theater, outdoor movie.

B. PERFORMANCE CRITERIA FOR SPECIFIC USES

1. Restaurant. Fast Food. Permitted in the district provided that such use is allowed in the underlying zoning district. No high intensity colors (such as yellow, red, orange, etc.) metallic colors, or fluorescent colors shall be allowed on any building or architectural element. The use of such colors shall be permitted on business identification signs, provided all other sign requirements herein are adhered to. Furthermore, the use of "franchise architecture" shall not be allowed. For purposes of this section *franchise architecture* shall be defined as a distinct architectural building style and/or elements commonly employed by a fast food franchise that serves to enhance or promote brand identity through visual recognition. This type of architecture has been shown to contribute to the dilution of a unique community identity. Finally, any children's play area provided by the restaurant may not be located in the front or side yard of any lot.
1. Dwelling units. Permitted in the district provided that such use is allowed in the underlying zoning district. The total average size of all residential dwelling units within the same building shall not be less than 500 square feet. Residential dwelling units may be provided on the second or higher floor of any building containing commercial uses, non-profit organizations, or office type uses on the ground floor, provided each unit meets or exceeds all applicable fire safety and minimum housing and/or building codes. Detached multi-family apartment, townhouse, or condominium buildings shall be allowed, subject to the following standards:
 - a. When more than one building is proposed, all buildings shall be oriented parallel toward either a public street, or an interior courtyard. All buildings shall be separated from one another by at least 16 feet.
 - b. Any project containing three or more separate buildings shall provide landscaped common areas totaling not less than ten percent of the lot area, with no individual piece being less than 2,000 square feet in size. Such areas shall be landscaped in a manner similar to a Level 2 buffer, and shall be recreation/open space that is readily usable by residents.
 - c. Parking areas. Parking stalls may be provided under the units, provided that they do not have direct access to a street via a driveway.
 - d. Driveway entrances shall comply with any applicable town

engineering standards to a point ten (10) feet beyond the pavement or to the limit of street right-of-way, whichever is greater.

- e. Minimum driveway widths shall be twelve (12) feet for one-way drives, and twenty (20) feet for two-way drives.

C. BUILDING APPEARANCE STANDARDS, MANDATORY

1. Unless otherwise noted, these requirements shall apply to all new buildings constructed after the date of passage of these standards. Single-family residential dwelling units are exempt from the design requirements herein. In situations where existing buildings need to be repaired, the requirements of this section shall not apply if the repairs are made using identical materials and design. However, all modifications or changes to the design or materials of existing buildings shall be in conformance with the standards herein. For use of wood materials within the downtown fire district, refer to the North Carolina State Building Code.
2. Metal siding, metal cladding, and/or metal architectural panels shall be prohibited within the district for use on the exterior of new or existing buildings. Ornamental metal trim work (i.e., copper sheathing, brass, wrought iron, etc.) and/or architectural details shall be allowed provided the cumulative area of such materials does not exceed 15 percent of the total square footage of the wall onto which it is affixed. These provisions shall not apply to roof surfaces.
3. All buildings shall be clad in one or more of the following: brick, brick veneer, ornamental split-faced concrete block, stucco (synthetic or natural), painted wood siding, stone or simulated stone/marble. Other materials specifically disallowed as primary siding materials include, but are not limited to: aluminum siding, unfinished wood, concrete block (except split-faced block or similar decorative concrete masonry unit [CMU]). Vinyl siding, while not specifically prohibited as a primary siding material, is strongly discouraged. Vinyl and/or aluminum may be used to clad soffets, trim, or windows. Aggregate stone panels may be used provided not more than 30 percent of any wall area is so covered.
4. Any ground floor, street-facing facade of any new building constructed within the district shall have openings (windows and/or doors) equaling or exceeding 20 percent of the total square footage of the ground floor facade wall. For purposes of the design standards herein, the ground floor of a building shall be defined as the area between the street level floor and the ceiling. For new and existing buildings, no openings on any portion of a wall oriented toward a public street shall be covered or blocked with any material so as to

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render the opening functionally obsolete or to cause it to be opaque. Furthermore, no security bars, panels, or curtains, whether retractable or permanent, shall be constructed, erected, or utilized on the exterior portion of any building wall oriented toward a public street. Such devices, if utilized, shall be installed on the interior of the building, (behind windows for example).

5. The height of any new building or any building, whose height is proposed to be altered, shall not deviate by more than three stories (floors) from the average number of stories of all buildings within the same block, on both sides of the street. For purposes of this paragraph, a block shall be defined as all buildings fronting either side of a single street, for the entire length of said street that is between the nearest intersecting roads. This requirement shall be waived for a building situated in a block containing four or fewer existing buildings.
6. Awnings and hanging signs shall be allowed to protrude a maximum of five feet from the building face over a public sidewalk, provided that the bottom edge of the awning or sign leaves at least eight feet of vertical clearance from the sidewalk; and provided that the awning or sign comes no closer than two feet to the street pavement. Entryway canopies shall not be subject to the 5-foot limit described herein; but all other rules shall apply.
7. Any above-grade parking structures must have a retail or service component on the ground floor, for the entire length of the facade abutting or within 20 feet of any public street(s) except where ingress and egress drives are provided. The facade treatments for the retail component(s) shall be subject to the same design requirements detailed herein.
8. Automobile fueling stations shall be required to site the main building as described below, and such building shall be required to adhere to the same design criteria specified herein. Any canopy used to cover the gasoline pumps may be sited within the front, side, or rear yard, provided that a minimum setback of ten (10) feet from all property lines shall be observed. Support columns for canopies must be clad in brick or stucco.
9. Buildings shall be required to maintain a functional public entrance on one or more public streets with a public sidewalk. A public or private parking lot shall not be construed to be a public street for purposes of this section.
10. Any sign for which a sign permit is required shall be only externally illuminated per Section 12.6.

D. BUILDING APPEARANCE STANDARDS, VOLUNTARY

The following standards are not required to be met, but are highly suggested to be followed:

1. All windows should be framed with wood, or finished metal. Windows with true-divided panes are encouraged, however, if snap-in mullions are used, they should be attached to the outside of the glass in order to provide a shadow line. Internal mullions and vinyl-clad windows should be avoided.
2. Entry doors along public streets should be constructed of and framed with wood, or finished metal. Such doors should have glass panes to allow light and visibility. Unfinished metal frames should be avoided. Metal security doors are acceptable for entrances not readily visible from a street.
3. Awnings should be canvass. Mansard style wood awnings, awnings with roof shingles, and all metal awnings should be avoided, with the exception of copper- or bronze-clad awnings.
4. Facade materials and architectural detailing should be similar to those available and typically used prior to 1940, and taking into consideration the dominant architectural themes of the block in which the building is situated.
5. Roof materials should not be of the type that harshly reflects sunlight, causing glare.
6. The floors of multi-story buildings should be articulated on the facade with a horizontal band of contrasting material or architectural detail.
7. Window openings should be framed with wood or brick sills, and an exposed header, head molding or lintel course of masonry.
8. Quoins are encouraged to frame building edges.
9. Bricks and stone materials used in the construction of buildings should be of an appearance or type commonly used in the pre-1940 period.
10. Single buildings housing three or more ground floor retail, service, and/or office establishments should utilize distinctly different, yet complimentary facade treatments for each business to avoid large-scale uniformity of design.
11. Window tinting on ground floor windows should not be excessive.

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Pedestrians should be able to see into a building from the sidewalk in front of the building. Darker tinting may be used on upper floor windows.

12. All building entrances fronting a public street shall be articulated (recessed or protruding) from the main facade line not less than three feet. The facade line shall not be construed to include awnings or canopies attached to the building face.

E. SITE CONSIDERATIONS

1. New buildings may sit back from a public street right-of-way not less than ten (10) feet and not more than 20 feet. Buildings existing at the time of passage of this zoning district may be enlarged to within ten feet of a public street right-of-way. Any addition to such buildings shall not, however, be subject to the 20-foot maximum setback; therefore, compliance with the maximum setback is voluntary in such cases. All other yard requirements shall be as set forth in the underlying zoning district.
2. All parking shall be provided in the side and rear yards behind the front building line; except that any on street parking adjacent to (and on the same side of the street as) the building may count toward fulfilling the parking requirements.
3. Fences shall consist of one or more of the following designs:
 - a. Picket fence, constructed with either wood or vinyl pickets.
 - b. Wrought-iron fences, or brushed aluminum or anodized aluminum fences that mimic the style and appearance of wrought iron.
 - c. Brick, stone, stucco (decorative CMU can be used as an accent material).
 - d. Solid wood panel or similar fences not closer than 50 feet to a public street right-of-way. Any portion of such fence that is shielded from view from all adjoining streets by a building wall may be exempted from the 50-foot requirement.
 - e. Vinyl-coated chain link fences not exceeding six feet in height, and not closer than 75 feet to a public street right-of-way. Any portion of such fence that is shielded from view from all adjoining streets by a building wall may be exempted from the 70-foot requirement.
 - f. Any combination of the above not exceeding six feet in height.

- g. Picket or wrought-iron fences, as described above, may be placed up to the property line if their height does not exceed four feet. Brick, stone or stucco fences, as described above, may be placed up to the property line if their height does not exceed three feet. All other allowed fence types, as described above, may not be placed up to the property line and must be set at least ten feet from any public street right-of-way (or more if so required)

F. ALTERNATIVE DESIGNS

- 1. The Administrator may approve certain alternate designs to those that are herein required where, in his opinion, such deviations may not meet the strict requirements of the TD zoning district, but clearly satisfy its purpose and intent. . No request for alternate design shall be considered unless an application has been filed with the Administrator. The Administrator may approve such alternate design only upon making each of the following findings in the affirmative:
 - a. The proposed design substantially meets the requirements of the TD zoning district.
 - b. The proposed design is in harmony with the general purpose and intent of the TD district and preserves its spirit.
 - c. The public interest will be served at least equally by allowing the alternate design as opposed to not allowing such alternate design.
 - d. The granting of the alternate design will not endanger the public health or safety if approved; and, that it will not substantially injure the value of adjoining properties or other properties within the central business district.
 - e. The applicant has submitted reasons justifying the need for the alternate design and that such need results from the strict application of this section. Such reasons can include building codes, or other law, as opposed to reasons not resulting from the Ordinance or law such as personal hardship, economic hardship, or violation of this section.
- 2. Upon making all such findings in the affirmative the Administrator shall send notice that, unless an appeal to the Board of Adjustment is filed, the alternate design will take effect within 15 days of said notice. Said notice shall be sent, by hand delivery or first class mail, to all

adjoining property owners, the Town Administrator, and any other persons who have filed with the Town, a request to be notified of any alternated designs approved under this section. If the director of planning fails to find all five findings in the affirmative, the director shall send notice along with reason(s) for denial by hand- delivery or certified mail to the applicant. The notice shall state that the applicant shall have up to 30 days from the date the notice is received to file an appeal to the planning commission.

7.6.5 WF WATERFRONT OVERLAY DISTRICT

A. Permitted Uses

All permitted principal and accessory uses in the underlying general zoning district. In addition to the uses permitted in the underlying general zoning district, the following uses shall be permitted by right provided they meet all of the requirements herein established:

1. Piers
2. Moorings and floats
3. Breakwaters
4. Swimming areas
5. Marine Railways
6. Sea walls
7. Boathouses

B. Yard Regulations

The yard regulations for any use within a WF District shall be the same as in the underlying zoning district except as herein provided.

C. Other Regulations

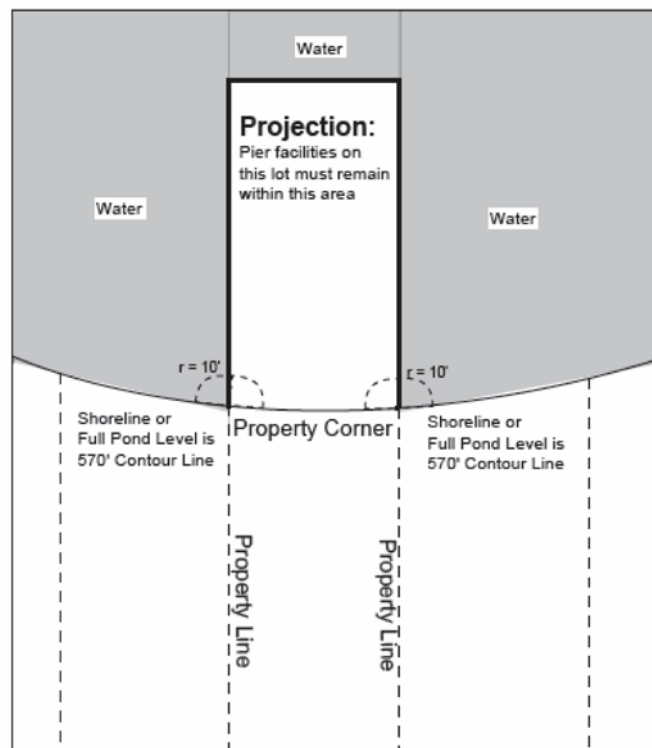
1. STRUCTURE SETBACK

All principal and accessory structures, except for boathouses, piers, sea walls, moorings and floats, walkways, breakwaters and marine railways shall be located at least forty (40) feet landward from the 570-foot contour line.

- a. A pier projection over the water may be established at each of the two property lines on the shoreline. Each projection shall be perpendicular to a line connecting two (2) points on the 570-foot contour line, where a ten (10) foot radius from that property corner intersects the 570-contour line as shown on the following illustration:

Two (2) or more adjoining property owners may apply for a permit for a common pier facility and may use all or any part of the individual area as herein described.

Figure 7.6.4-1



Piers, floats, pilings and buoys and all other appurtenances used to berth a boat at a pier shall not extend over the water more than eighty (80) feet from the shore, except that a pier may extend from the shore for the distance needed to reach a water depth of ten (10) feet below full pond level, but in no event greater than one hundred twenty (120) feet from the shore. When located in a cove, a pier shall not extend more than one-third ($1/3$) the width of the cove as measured from the shore at the point of proposed construction to the closest point on the opposite shore. All piers shall be designed so that the top of the decking will be at least one (1) foot above the water surface when at full pond level.

Any pier serving more than fifty (50) dwelling units must also have a boat launching facility.

All piers and docks must have two (2) white reflectors located at least six (6) inches above the 570-foot contour, on the furthest corners of the extension of the pier into the water, reflecting light parallel to the shoreline in each direction and directly across the lake in line with the shore from each corner. White reflectors must be placed on each side of the pier at intervals of fifteen (15) feet or less, six (6) inches above the water, beginning at its outermost extension into the water, and extending to the 570-contour of the shoreline.

- b. Where, due to unusual property configuration, a pier cannot be constructed within the above-described area, the property owner may apply for and the Board of Adjustment may grant a variance from this requirement. The Board of Adjustment in granting the request must find that the construction of pier facilities on other property affected by the variance would not be preempted.

3. MOORINGS AND FLOATS

Moorings and floats when placed in Lake Wylie or Mountain Island Lake for navigational purposes may only be so placed with the expressed written approval of the Lake Wylie Marine Commission or the North Carolina Wildlife Commission. Moorings and floats placed for the purpose of mooring boats or other legal and authorized floating objects must be separated on every side from any other mooring by a distance of at least fifty (50) feet and must be located to permit unobstructed passage on the Lake of through boats. Moorings and floats may not be anchored in such a manner as to deny or obstruct access to the lake from boat docks, boathouses, or boat launching ramps. In addition, moorings and floats

must conform to the Uniform Waterway Marking System.

4. BREAKWATERS

Breakwaters constructed for the purpose of protecting docks, piers, or other facilities, must be placed to protect the particular facility for its width only and may not offer area protection that might overly obstruct passage on the Lake. Breakwaters must be located and marked so as not to be a hazard to boating at any time.

5. FILLING

All filling operations must be designed by a registered engineer and approved by the U.S. Army Corps of Engineers and Duke Power Company. Fill may not be placed above the 570-foot contour without proper and adequate rip-rapping to prevent the fill material from being eroded into the lake. Fill areas must not obstruct access to the Lake Wylie, be a hazard to passage on the Lake, or a nuisance to adjacent property owners.

6. DREDGING

Dredging may not be conducted in such a way that the dredge spoil is placed back in the Lake reducing water depth in areas outside of the dredged area. All dredging activities must be approved by the U.S. Army Corps of Engineers and Duke Power Company prior to the beginning of any dredging.

7. MARINE RAILWAYS

Marine railways shall have permanent signs complying with the requirements of the North Carolina Wildlife Commission Uniform State Waterway Marking System designating the location of the marine railway. Marine railways shall not extend above the normal or natural lakebed or riverbed more than eighteen (18) inches between a horizontal measurement extending from the full pond level to a water depth of fifteen (15) feet below the full pond level.

8. SIGNS

Signs, other than navigational signs, shall be constructed to be compatible with the adjacent visual qualities of the area in which they are located. Signs shall not unduly obstruct the view of the Lake from any adjacent lakeshore property and may not be placed in the water or within forty (40) horizontal feet of the 570-foot contour. When lighted, signs must have fixed, non-moving, indirect or internal lighting. Off-site advertising signs placed or maintained to be visible from the lake are prohibited.

9. LIGHTING

The Mountain Island Lake or Lake Wylie Marine Commission must approve lighting that offers navigational aid on the Lake, whether public or private. Lights installed for purposes other than navigation may not be moving, flashing or colored other than white except for non-flashing yellow light for insect control. Lights must not inhibit vision in any way and not be so bright that they may cause night blindness for boat operators on the lake.

10. OVERHEAD TRANSMISSION LINES

Overhead transmission lines must be constructed to a minimum height of forty-eight (48) feet above the 570-contour level at all times.

11. PUBLIC AND PRIVATE SWIMMING AREAS

Swimming areas may not be defined in water deeper than fifteen (15) feet and may not extend more than eighty (80) feet from the shoreline. Swimming areas must remain confined within the projection of the side lot lines of the lot on which the area is located and must maintain the side yard requirements of the district within which the lot is located. Public swimming areas must be, and private swimming areas may be, marked and protected in conformance with Division of Environmental Management regulations.

7.6.6 SH SPECIAL HIGHWAY OVERLAY DISTRICT

These districts are located in areas adjacent to or in close proximity of the designated Special Highways. The regulations contained in this zoning district shall be supplemental to those found in the underlying zoning district, except where noted. The location of all SH Districts shall appear on the Zoning Map.

A. Permitted Uses

Uses in the SH district shall be limited to those permitted and special uses listed in the underlying general zoning district. In no case, however, shall any of the following principal uses be allowed to take place in any area located in the SH District:

1. Manufactured Goods, Class 2
2. Automobile Body shop
3. Automobile Repair Shop

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4. Automobile Towing and Wrecker Service
5. Camping and Recreational Vehicle Park
6. Building Materials and Lumber Sales
7. Amusement and Sporting Facility (Outdoor)
8. Junkyards/Salvage Yard
9. Flea Market, Outdoors
10. Commercial Vehicle and Truck Storage
11. Outdoor Storage Yard
12. Animal Kennel
13. Auction Facility, Livestock
14. Farmers Market
15. Manufactured Homes (All Classes)

B. Minimum Lot Size

One (1) acre. If the underlying zoning district requires a greater lot size for any particular use, then the greater lot size requirement shall prevail.

C. Maximum Building Height

None for non-residential uses. This shall have the effect of nullifying the underlying zoning district maximum height regulations for all nonresidential uses in the SH District. Residential uses shall observe the maximum building height for the underlying zoning district

D. Maximum Floor Area Ratio

1. Maximum floor area ratio for all uses shall be in accordance with the following table:

<u>LOT SIZE RANGE</u>	<u>MAXIMUM FLOOR AREA</u>
0.00 – 0.99 acres	0.20
2.00 – 4.99 acres	0.25
5.00 – 9.99 acres	0.30

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10.00 – 19.99 acres	0.35
20.00 + acres	0.40

2. For a shopping center, office park or other multi-tenant development, (excluding industrial parks) the area of the entire group development site shall be used to determine the floor area ratio.

E. YARD REQUIREMENTS

1. MINIMUM FRONT YARD SETBACK- FIFTY (50) FEET, EXCEPT AS FOLLOWS:
 - a. One hundred (100) feet shall be required if the front yard lies adjacent to a Special Highway right-of-way.
 - b. If a frontage road lies between the Special Highway and the principal building, a fifty (50) foot setback from the edge of the right-of-way of the frontage road shall be required.
2. MINIMUM SIDE YARD SETBACK- TWENTY-FIVE (25) FEET, EXCEPT AS FOLLOWS:
 - a. If the side yard lies adjacent to a Special Highway right-of-way, a one hundred (100) foot setback shall be required.
 - b. If the side yard is adjacent to a frontage road which lies between the lot and the Special Highway, a fifty (50) foot setback shall be required from the edge of the right-of-way of the frontage road.
3. MINIMUM REAR YARD SETBACK- FIFTY (50) FEET, EXCEPT AS FOLLOWS:
 - a. If the rear yard lies adjacent to a Special Highway right-of-way, a one hundred (100) feet setback shall be required.
 - b. If a frontage road lies between the principal building and the Special Highway, a fifty (50) foot setback shall be required as measured from the edge of the right-of-way of the frontage road.

F. USAGE OF YARD AND SETBACK AREAS

1. Boundary fences, gates, security stations, flagpoles, outdoor sculptures, fountains and similar works of art and on-premise ground-mounted identification signs are permitted in any required setback area.
2. Off-street parking and/or loading areas shall not be allowed: (i)

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within any portion of any yard which lies within one hundred (100) feet from the edge of a Special Highway right-of-way line; (ii) within any required setback area which is measured from the edge of a frontage road right-of-way; and, (iii) within any required landscaped area.

3. Outdoor storage and/or display of goods, accessory structures and uses and the dispensing of goods and services are permitted under the following conditions:
 - a. Such goods and activities shall not be located or conducted in any required setback area that abuts a frontage road or Special Highway right-of-way.
 - b. All outdoor storage of goods located on the lot shall otherwise be screened from the view of motorists from any Special Highway. Such screening shall generally be in conformance with Section 11.3.2 of this Ordinance except that the screening shall consist of natural plantings only and shall effectively screen said outdoor storage within three (3) years after the certificate of occupancy has been issued.
 - c. The Administrator may waive the requirements for such screening in cases where he determines that due to topography such screening would be impossible to install, would be unusually and unreasonably burdensome upon the developer, or would serve no screening or buffering purpose; provided, however, that in making such waiver the spirit and intent of this Section are met.
4. Driveways and other means of ingress and egress shall be allowed in any required yard or setback area.

G. SIGNS

1. Wall signage shall be allowed per the underlying zoning district.
2. Each non-residential use shall be permitted freestanding identified signs as allowed in Chapter 12 of this Ordinance for the underlying general zoning district except as follows:

Any non-residential principal use is permitted only one (1) ground mounted identifications sign to be located between the principal building and the right-of-way of the Special Highway. Said sign shall be no closer than twenty-five (25) feet from the edge of the right-of-way of the Special Highway (and outside the right-of-way of any frontage road which may lie between the building and the Special Highway) and shall

be limited to a height of ten (10) feet and a sign face area of one hundred (100) square feet. If a frontage road lies between the principal building and the Special Highway and that road provides the main access to the use, then said sign shall also be installed in lieu of any other freestanding identification sign allowed pursuant to Chapter 12 of this Ordinance. In addition, signage per Section 12.5.4H shall be allowed. For purposes of this subsection a shopping center, office park, or similar planned multi-tenant development (including industrial parks) shall be deemed to be one principal use.

3. Advertising signs shall be prohibited.

H. LANDSCAPING

1. In order to provide for a visually appealing landscape as viewed by the motorist from the adjoining Special Highway, special landscaping requirements are required for properties that lie adjacent to or otherwise visible from such Special Highways for all uses except single-family and two-family residential uses.
2. The first one hundred (100) feet of the yard lying between the Special Highway and the principal structure shall be landscaped or otherwise be left as a natural wooded landscape. This area shall run the entire length of the lot on the side where such lot adjoins the right-of-way of the Special Highway and said area shall include all land lying between said right-of-way and a line located one hundred (100) feet away from and running parallel to said right-of-way. Such landscaping shall be in the form of natural plantings (trees, shrubs, planted or naturalized ground cover and/or berm). Part of all of the required landscaped area may also be left as natural wooded areas. In no event shall any portion of the landscaping area (excluding fences gate posts, works of art, permitted signs, walkways, drainage structures, points of ingress and egress, etc. and as otherwise provided in Subsection F consist of impervious surface. No portion of the landscaped area shall exist as bare soil.
3. If a frontage road lies between the principal building and a Special Highway, the first fifty (50) feet of the yard lying between the frontage road right-of-way and the principal building shall be landscaped as provided above. This area shall run the entire length of the lot on the side where such lot adjoins the right-of-way of the road. Said area shall be measured perpendicular to the edge of said road right-of-way and run parallel to the road right-of-way for the length of the lot. A similar fifteen (15) foot landscaped area (as

measured perpendicular and parallel to the edge of the road right-of-way) shall otherwise be required in any front yard which: (i) does not adjoin the Special Highway or (ii) does not lie between the Special Highway and the frontage road.

4. Street yard landscaping shall be provided per Section 11.4. Off-street parking landscaping shall be provided per Section 11.5. All required landscaped areas shall be installed and maintained in accordance with installation and maintenance requirements of Section 11.1.2(E).

I. INGRESS AND EGRESS

1. Direct access onto a Special Highway from any lot located in a SH district shall not be permitted. In addition, no access shall be allowed onto a ramp connecting the Special Highway with an intersecting road. No two (2) points of ingress and egress (as measured at their closest distance) on any lot located in a SH district shall be closer than three hundred (300) feet apart. If a lot has less than three hundred (300) feet of frontage on a road which may be directly accessed, no more than one (1) point of ingress and egress (no more than one (1) driveway) shall be allowed on the same road for each lot, or per principal use if the principal use is located on more than one lot.

Provided however, any retail use engaged significantly in the sale of automotive fuels to the public and having one or more fuel stations located more than ten (10) feet distant from any principal building shall be permitted one (1) additional access point along its total frontage (total frontage includes the total for all streets on which the use fronts) provided said access point is no closer than forty (40) feet from any other access point. Planned multi-tenant projects such as shopping centers, office parks, and industrial parks shall be deemed to be a single principal use. A maximum of two (2) separate points of ingress and egress per lot shall be allowed per road front except under the following conditions:

- a. The lot is five (5) acres or greater in area; and
- b. The development is reviewed under the Special Use Permit or Conditional Zoning process.

Under said conditions, more than two (2) points of ingress and egress per road front per lot may be allowed.

2. Wherever possible, no portion of any point of ingress and egress shall be located closer than two hundred (200) feet from the center line intersection of any two roads. Whenever this distance is not possible due to the lot dimensions or other requirements of this

subsection, the point of ingress and egress shall be located as far as possible from the intersections.

3. Each driveway access (i.e., point of ingress and egress) shall be at least twenty-four (24) feet in width but not greater than thirty-six (36) feet in width, except where required by NCDOT.

J. OFF-STREET PARKING

No more than two (2) rows of parking shall be allowed between the edge of the Special Highway right-of-way line and the nearest portion of the adjacent building [refer to Section 7.6.3(l)]. All such parking shall be located outside of the landscaped area called for in Subsection H above. No greater than four (4) rows of parking shall be allowed on either side of the building. All additional parking shall be placed to the rear of the building away from the Special Highway right-of-way.

K. LOCATION OF OFF-STREET LOADING AREAS

Off-street loading location requirements, as indicated in Section 7.6.3 (C) shall prevail in the SH with the following exceptions:

1. Off-street loading berths shall not be located between the Special Highway and the adjoining building façade.
2. Off-street loading berths shall not be located in such a manner so as to be visible from the Special Highway.

L. BUILDING MATERIALS

The standards of Section 7.6.3(B) shall apply within the SH Overlay District with the following exceptions:

1. The term front façade shall mean the façade that fronts the SH Special Highway.
2. The building material requirements that apply to the “front façade”, as herein described, shall also apply to any other façade that is visible from the SH Special Highway.

7.6.7 CH CORRIDOR HIGHWAY OVERLAY DISTRICT

A. PERMITTED AND SPECIAL USES

Any permitted or special use, with the exception of manufactured homes, allowed in the underlying general zoning district, shall be permitted in the CH District. Manufactured homes shall not be allowed in the CH Corridor Highway Overlay District unless allowed elsewhere in this ordinance. Any special use in

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the underlying zoning district shall be permitted in accordance with the regulations outlined in Section 5.11. All such permitted and special uses shall also meet all requirements of the CH District. With the exception of manufactured homes (which are not allowed in the CH District), in no instance shall the regulations of this overlay district apply to single and two-family dwellings.

B. MAXIMUM FLOOR AREA RATIO

1. For all nonresidential uses, the following maximum floor area ratios shall be observed:

<u>LOT SIZE RANGE</u>	<u>MAXIMUM FLOOR AREA</u>
0.00 – 0.99 acres	0.25
1.00 – 9.99 acres	0.30
10.00 – 19.99 acres	0.35
20.00 + acres	0.40

2. Said floor area ratios shall normally be computed for individual lots. However, in the case of a planned multi-tenant development that contains more than one lot (i.e., a shopping center which contains out parcels or an office park) said floor area ratio shall be applied to the whole development. For industrial parks, however, the floor area ratio shall only be applicable to the individual lots.

C. LANDSCAPING

Street yard landscaping shall be provided per Section 11.4. Off-street parking landscaping shall be provided per Section 11.5.

D. PARKING LOT CONNECTIONS

The provisions of Section 7.6.3(A) shall also apply in the CH Overlay District.

E. BUILDING MATERIALS

The standards of Section 7.6.3(B) shall apply within the CH Overlay District.

F. LOCATION OF OFF-STREET LOADING AREAS

Off-street loading location requirements, as indicated in Section 7.6.3(C) shall apply in the CH overlay district.

G. SETBACK REQUIREMENTS

1. Front Yard Setback- All lots containing principal nonresidential uses shall observe a front setback of at least fifty (50) feet from the edge of the road right-of-way.
2. Side Yard Setback- All structures shall be set back at least twenty-five (25) feet from any side lot line.
3. Rear Yard Setback- All structures shall be set back at least twenty-five (25) feet from any rear lot line.

H. Minimum Lot Width

Any lot having direct access (i.e., a point of ingress and egress) onto a Corridor Highway shall have a minimum lot width measured at the Corridor Highway right-of-way line of two hundred (200) feet.

I. INGRESS AND EGRESS POINTS

Pre-existing ingress/egress points that have been approved by the NCDOT or other appropriate governing body are exempt from the provisions of this section. On any lot or in any planned multi-tenant development which contains more than one (1) lot, no two (2) points of ingress and egress (as measured at their closest distance) onto the same road shall be closer than three hundred (300) feet apart. No more than two (2) separate points of ingress and egress per lot or within a planned multi-tenant development shall be allowed per road front, except were included as conditional for a use which requires a special use permit located on a lot containing five (5) or more areas. Any use engaged significantly in the sale of automotive fuels to the public and having nor more fuel stations located more than ten (10) feet distant from any principal building shall be permitted one (1) additional point of access along its total frontage (total frontage includes the total for all streets on which the use fronts) provided said access point is no closer than forty (40) feet from any other access point.

Wherever possible, no portion of a point of ingress and egress shall be located closer than two hundred (200) feet to the center line intersection of the road upon which the use fronts and intersecting road.

Any driveway serving as a point of ingress and egress shall have a width of no less than twenty-four (24) feet and no greater than thirty-six (36) feet.

7.6.8 RESERVED

7.6.9 MH MOBILE HOME OVERLAY DISTRICT

Said overlay district may only be placed in an underlying Residential (R) District.

A. Allowed Uses

1. All uses permitted in the underlying zoning district
2. Dwelling, Manufactured Home Class A

B. Special Uses

None

C. Yard Regulations

The yard regulations in a MH District shall be the same as in the underlying zoning district. A mobile home in a MH District shall observe the same yard regulations as a single-family detached dwelling.