



**Town of Weaverville  
Planning and Zoning Board**

**On November 1, 2016, Town Council tasked the Planning and Zoning Board and staff with working on the concept of implementing a Table of Uses within the Town's Zoning Ordinance.**

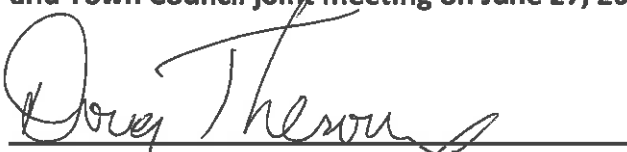
**To that end the Planning and Zoning Board has been diligently working on this project. Through 11 meetings, consisting of approximately 18 hours of time spent in session (and not including regular matters coming before the Board or time spent outside of meetings), the Planning and Zoning Board has had many hours of thoughtful discussion and deliberation.**

**The Planning and Zoning Board is now proud to present Town Council with a set of draft concept documents. In a unanimous vote taken on June 6, 2017, the Planning and Zoning Board recommends the attached set of concept documents for Town Council's preliminary review. This set of concept documents consists of the following:**

**Table of Uses  
Definitions  
Additional Standards**

**It is the Planning and Zoning Board's ultimate hope that this concept will be incorporated into amendments to the Town Code that will serve to make the zoning provisions within the Town easier to understand, implement and abide by and to ensure that the zoning provisions are both scripted and enforced in accordance with North Carolina law.**

**The Planning and Zoning Board and staff look forward to explaining the concept that has been developed and kicking off discussions on this important project at the Planning and Zoning Board and Town Council joint meeting on June 27, 2017, at 6 pm at the Fire Department Training Room.**

  
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**Doug Theroux**  
**Chairman, Planning and Zoning Board**

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**TABLE OF USES PROPOSED, Last Revised 6.7.17**

C=Conditional Zoning, P=Permitted, PS=Permitted with Standards, "-"= Not Permitted

USES	R-1	R-2	R-3	R-12	C-1	C-2	I-1
<b>Residential</b>							
Dwelling - Single Family	P	P	P	-	-	-	-
Dwelling - Duplex	-	P	P	P	-	-	-
Dwelling - Multifamily (four or less units/building)	-	P	P	P	-	-	-
Dwelling - Multifamily (more than four units/building)	-	-	C	C	-	-	-
Dwelling - Secondary	PS	PS	PS	-	-	-	-
Family Care Home (six or fewer residents)	P	P	P	-	-	-	-
Child Care Home (six or fewer children)	P	P	P	-	-	-	-
Home Occupation	PS	PS	PS	PS	-	-	-
Manufactured Home	-	-	PS	-	-	-	-
Manufactured Home Park	-	-	-	-	-	-	-
Recreational Vehicle	-	-	-	-	-	-	-
Recreational Vehicle Park, Campground	-	-	-	-	-	C	C
Boarding House	P	P	P	-	-	-	-
Hotel, Motel, Inn	-	-	-	-	C	C	C
<b>Office / Service</b>							
Animal Services, Veterinary Clinic	-	-	-	-	P	P	P
Automated Teller Machines	-	-	-	P	P	P	P
Automobile Services, Gas Station	-	-	-	-	P	P	P
Automobile Services, Repair	-	-	-	-	PS	PS	PS
Banks, Credit Unions, Financial Services	-	-	-	-	PS	P	P
Child Care Center ( six or more)	-	-	-	-	C	PS	PS
Community Service Organization	-	-	-	-	-	P	P
Equipment Rental (Exterior Storage)	-	-	-	-	-	-	P
Equipment Rental (Interior Storage)	-	-	-	-	-	P	P
Funeral Home	-	-	-	-	P	P	P
Group Care Facility (more than six residents)	-	-	-	-	C	P	P
Government Services	C	C	C	C	C	P	P
Kennels	-	-	-	-	-	PS	PS
Medical Services - Clinic, Urgent Care Center, Hospital	-	-	-	-	-	P	P
Medical Services - Doctor Office	-	-	-	-	P	P	P

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Personal Services	-	-	-	-	-	-	-	-	P	P	P
Post Office	-	-	-	-	-	-	-	-	P	P	P
Professional Services	-	-	-	-	-	-	-	-	P	P	P
Studio - Art, Dance Martial Arts, Music	-	-	-	-	-	-	-	-	P	P	P
<b>Retail / Restaurants</b>											
Accessory Retail	-	-	-	-	-	-	-	-	P	P	P
Alcoholic Beverage Sales Store	-	-	-	-	-	-	-	-	P	P	P
Auto / Mechanical Parts Store	-	-	-	-	-	-	-	-	P	P	P
Bar / Tavern / Night Club	-	-	-	-	-	-	-	-	P	P	P
Drive-Thru Retail / Restaurant	-	-	-	-	-	-	-	-	-	P	P
General Retail (Under 10,000 sq. ft.)	-	-	-	-	-	-	-	-	P	P	P
General Retail (10,000 - 24,999 sq. ft.)	-	-	-	-	-	-	-	-	PS	PS	PS
General Retail (25,000 sq. ft. or more)	-	-	-	-	-	-	-	-	C	C	C
Multi-tenant Development (Under 25,000 sq. ft.)	-	-	-	-	-	-	-	-	C	PS	PS
Multi-tenant Development (25,000 sq. ft. or more)	-	-	-	-	-	-	-	-	C	C	C
Pawn Shop	-	-	-	-	-	-	-	-	-	P	P
Restaurant	-	-	-	-	-	-	-	-	P	P	P
Vehicle / Heavy Equipment Sales - Indoor	-	-	-	-	-	-	-	-	P	P	P
Vehicle / Heavy Equipment Sales - Outdoor	-	-	-	-	-	-	-	-	-	P	P
<b>Entertainment / Recreation</b>											
Amusements - Indoor	-	-	-	-	-	-	-	-	P	P	P
Amusements - Outdoor	-	-	-	-	-	-	-	-	-	P	P
Cultural or Community Facility	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P
Recreation Facilities - Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P
Recreation Facilities - Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Theater - Motion Picture	-	-	-	-	-	-	-	-	-	P	P
<b>Manufacturing / Wholesale / Storage</b>											
Manufacturing, Heavy	-	-	-	-	-	-	-	-	-	-	P
Manufacturing, Light	-	-	-	-	-	-	-	-	-	P	P
Manufacturing, Neighborhood	-	-	-	-	-	-	-	-	P	P	P
Metal Product Fabrication, Machine or Welding Shop, Auto Body Shop	-	-	-	-	-	-	-	-	-	-	P
Mini-Warehouses	-	-	-	-	-	-	-	-	-	PS	PS
Outdoor Storage Yard	-	-	-	-	-	-	-	-	-	-	C
Warehousing and Distribution - Exterior Storage	-	-	-	-	-	-	-	-	-	-	P

Warehousing and Distribution - Interior Storage	-	-	-	-	-	-	-	-	-	-	-	P	P
<b>Civic / Institutional</b>													
Cemeteries	-	-	-	-	-	-	-	-	-	-	-	-	C
Public Safety Facilities	C	C	C	C	C	C	C	C	C	C	C	P	P
Religious Institutions	C	C	C	C	C	C	C	C	C	C	C	C	C
Schools	C	C	C	C	C	C	C	C	C	C	C	C	C
<b>Utilities</b>													
Wireless Telecommunication Facility - Stealth	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecommunication Facility - Tower	-	-	-	-	-	-	-	-	-	-	-	PS	PS
<b>Miscellaneous Uses</b>													
Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	-	C
Agriculture - Commercial	-	-	-	-	-	-	-	-	-	-	PS	PS	PS
Agriculture - Neighborhood	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Crematories	-	-	-	-	-	-	-	-	-	-	-	-	C
Event Center	-	-	-	-	-	-	-	-	-	-	C	C	C
Gaming Terminals												PS	PS
Mixed-Use Building or Structure	-	-	-	-	-	-	-	-	-	-	C	C	-
Noxious Uses	-	-	-	-	-	-	-	-	-	-	-	-	C
<b>Temporary Uses</b>													
Farmers Market	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Mobile Food Vendor	-	-	-	-	-	-	-	-	-	-	-	PS	PS
Temporary Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS



**Proposed Table of Uses**  
**Last Revised 6.7.17**

**Definitions:**

*Accessory retail* - The on-premises, retail sale of products directly to customers, where the retail use is incidental to a primary use conducted upon the same premises. Examples include but are not limited to the following: a furniture manufacturer who operates a show floor for the display and sales of furniture produced by the manufacturer; a bicycle manufacturer who operates a floor for the display and sales of bicycles produced by the manufacturer; a brewery or distillery who operates a tasting room for the sampling and sales of beer or spirituous liquors produced within the brewery or distillery.

*Accessory use* - A use of a nature customarily subordinate or incidental to, and located on the same lot as, the principal use of any structure or property.

*Adult establishment* – any establishment, adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined in N.C. General Statute, § 14.210.10 or any successor thereto.

*Agriculture – Commercial* - any establishment used for commercial purposes as defined in N.C. General Statute, § 106-581.1 or any successor thereto.

*Agriculture – Neighborhood* – parcel of land which is used for the cultivation of the soil for production of crops, including but not limited to fruits, vegetables, flowers and ornamental plants for noncommercial purposes. Livestock may also be permitted under this use provided that the additional standards established herein are also met.

*Alcoholic beverage sales store* - The retail sales of beer, wine, and/or other alcoholic beverages for off-premise consumption as a primary use.

*Amusements, indoor* - Establishments providing commercial recreation activities completely within an enclosed structure. Such uses include but are not limited to pool halls, arcades, skating rinks, roller rinks, bowling alleys and facilities designed to accommodate live

performances of the arts. Gaming terminals, as defined herein are expressly prohibited from consideration under the definition of amusements, indoor.

*Amusements, outdoor* - Establishments that provide commercial recreation activities primarily outdoors. Such uses include but are not limited to miniature golf establishments, go-cart facilities, theme parks, carnivals, fairgrounds, midways, paintball parks, water rides and facilities designed to accommodate live performances of the arts.

*Animal services, Veterinary Clinic* - Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals. These services may include but are not limited to the testing and medical treatment of animals and the overnight interior boarding of animals that is necessary for, or accessory to, such testing and treatment; grooming. This term does not include "kennels."

*Automated teller machines* - Computerized, self-service machines used by banking customers for financial institutions without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

*Auto/mechanical parts sales* - Establishments selling new, used, or rebuilt automotive or mechanical parts and accessories. Examples include but are not limited to parts and supply stores, automotive stereo stores, speed shops, truck cap stores, tires and tube shops, and similar shops for other types of motorized or mechanical equipment.

*Automobile services - gas station* - An establishment that primarily retails automotive fuels. Gas stations include structures that are specialized for selling gasoline with storage tanks, often underground or hidden. Bays for car washes may also be included but any establishment offering repair services as defined by automobile services – repair are not allowed under this category of use.

*Automobile services - repair* – An establishment that provides repair and maintenance of automobiles. These may or may not include facilities for lubricating, washing, or otherwise servicing automobiles, but may not include the painting thereof by any means. This classification shall not include convenience stores which do not dispense motor fuels. Gas stations as defined by automobile services – gas station may be permitted in conjunction with this use. This use does not include automobile body shop as such use shall be classified as Metal Product Fabrication, Machine or Welding Shop, Automobile Body Shop as defined herein.

*Banks, credit unions, financial services institutions* - Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions include, but are not limited to, credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment banking, securities, brokerages and insurance-related services. Pawnshops shall not be considered under this definition.

*Bar/tavern/nightclub* - A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. This term includes but is not limited to bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. It may also include beer brewing as part of a microbrewery and other beverage tasting facilities. Entertainment including live music, and/or dancing, comedy, etc. may also be included.

*Boarding house* - Any dwelling in which three or more persons, either individually or as families, are housed or lodged for hire, with or without meals. A boarding house shall be managed or operated by a person or family who resides on the premises. A "rooming house" and a "bed and breakfast" establishment shall be deemed a boarding house. If such an establishment is not managed by a person who resides on the premises, it shall be considered as a hotel or motel, hereinafter defined.

*Cemetery* - A parcel of land used for interment of the dead in the ground or in mausoleums.

*Child care center* - An individual, agency, or organization providing supervision or care on a regular basis for children who are not legal wards or foster children of the supervising adults. Child day care centers are designed to accommodate six or more children at a time and are not an accessory to residential use. A child care center operating in conjunction with a religious institution or school shall be considered an accessory use of such a religious institution.

*Child Care Home* - Care or supervision provided on a regular basis, as an accessory use within a primary dwelling, by a resident of the dwelling for not more than six children who are not legal wards or foster children of the supervising adult.

*Community service organization* - A public or quasi-public establishment providing social and/or rehabilitation services, serving persons with social or personal problems requiring

special assistance. This term includes but is not limited to counseling centers, welfare offices, job counseling and training centers, vocational rehabilitation agencies, and community improvement and neighborhood redevelopment but does not include any services providing on-site residential or accommodation services.

*Crematory:* A structure where the technical process of using intense heat and flame to reduce human remains and bone fragments to ashes.

*Cultural or community facility* - Facilities designed to promote cultural advancement and serve the community. Examples include but are not limited to non-profit civic or fraternal organizations, museums, libraries, and community centers.

*Drive-thru retail/restaurants* - A facility where food and other products may be purchased by motorists without leaving their vehicles. Examples include but are not limited to fast-food restaurants, drive-through coffee, dairy products, photo stores, and pharmacies.

*Dwelling—Duplex:* A building containing two residential dwelling units designed to have two families living independently of each other, each unit having a separate entrance from the outside or through a common vestibules.

*Dwelling—Multifamily (four or less units/building):* A building containing more than one but less than five residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings include but are not limited to duplexes, triplexes, fourplexes, townhouses and condos.

*Dwelling—Multifamily (more than four units/building):* A building containing more than four residential dwelling units. Each unit has a separate entrance from the outside or through a common vestibule. These structures may include fourplexes, apartments, townhouses and condos.

*Dwelling – Secondary:* A dwelling unit not exceeding 800 square feet of gross floor space and located on a lot with an existing single family dwelling. No more than one such dwelling shall be situated on any lot and shall not be considered as an accessory use herein defined.

*Dwelling—Single-family:* A free standing building designed to accommodate one dwelling unit.

*Dwelling Unit:* A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.



*Equipment rental*, - Establishments renting or leasing equipment including but not limited to a) office machinery and equipment, such as computers, office furniture, copiers, or fax machines; b) heavy equipment (without operators) used for construction, mining, or forestry, such as bulldozers, earthmoving equipment, etc.; c) other non-consumer machinery and equipment, such as manufacturing equipment and metalworking; d) telecommunications, motion picture, or theatrical equipment; e) institutional (i.e. public building) furniture; and f) agricultural equipment without operators. Such establishments displaying equipment to be rented entirely within a structure, at all times, shall be considered equipment rental, interior storage. Such establishments displaying equipment to be rented on the exterior of the structure shall be considered equipment rental, exterior storage.

*Event Center*: Any assembly, conference, or convention center used for the purpose of accommodating a number of individuals for a special event or purpose. Such a facility used for this purpose may have, including but not limited to, accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities and meeting rooms.

*Farmers Market* - A food market at which local farmers sell items, including but not limited to fruit and vegetables and often meat, cheese, and bakery products at a location other than that where the products are produced.

*Family care home* - A home with support and supervisory personnel providing room and board, personal care and rehabilitation services in a family environment for not more than six resident handicapped persons.

*Funeral home* - A building used for the activity of preparation of deceased human beings for burial and such activity is the primary use of the premises. Secondary uses may include the display of the deceased, consummation of rituals connected therewith before or after burial or other disposition of the body, the storage of funeral vehicles and funeral supplies necessary for the preparation of the dead for burial, and for the sale of caskets, urns, and other funeral supplies. Funeral homes which also operate a crematory are subject to additional regulations as defined herein under crematory.

*Gaming terminal*. Electronic machines, including, but not limited to, computers and gaming terminals, where one may play games including, but not limited to, sweepstakes, lotteries, games and/or games of chance where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not value of such distribution is determined by electronic games played or by predetermined odds which have a finite pool of winners. This term includes, but is not limited to, internet cafes, internet sweepstakes, or cybercafés.

Gaming terminal operations do not include operations associated with the official N.C. State Education Lottery or any nonprofit operation that is otherwise lawful under state law including but not limited to church or civic organization fundraisers, nor shall it include arcade games of skill.

*General retail* - A use category allowing premises to be available for the commercial sale of merchandise and prepared foods. Such use category does not include manufacturing.

*Government services* - This term includes federal, state, and local government agencies that administer, oversee, and manage public programs and have executive, legislative, and/or judicial authority. This term does not include Public Safety Facilities as defined herein.

*Group care facilities* - A facility that provides resident services to more than six individuals, at least one of whom is unrelated to the others. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are being provided services in the group care facility to meet their needs. This category includes, but is not limited to, uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes.

*Home Occupation* - Any use conducted entirely within a dwelling and which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the residential character of the dwelling. No more than one employee, other than family members residing on the premises, shall be employed in connection with the home occupation. No mechanical or electrical equipment shall be installed or used except such equipment as is normally used for domestic purposes and not over 25 percent of the total floor space of any residential structure shall be used for such home occupation. Commercial sale of merchandise shall not be permitted in conjunction with a home occupation. Home occupations include child care homes as defined herein.

*Hotel, motel, inn* - Establishments providing lodging and short-term accommodations for travelers. They may offer a wide range of services including overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included.

*Kennel* – A structure intended to be used for the breeding, sale, training, accommodation or overnight boarding of small domestic animals that are owned by someone other than the owner of the property on which the structure is located. This term shall include animal shelters of any kind regardless of who

owns the animals within the shelter. This term does not include veterinary clinics or other animal services in which the overnight interior boarding of animals is necessary for, or accessory to, the testing, treatment and general or specialized healthcare of animals.

*Manufactured home* - A structure, designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities including the plumbing, heating, air conditioning and electrical systems and which is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis.

*Manufactured home park* - Any premises where manufactured or mobile homes are parked for living and sleeping purposes, or any premises used or set apart for the purpose of supplying to the public parking space for travel trailers for living and sleeping purposes, and which include any buildings, structures, vehicles or enclosures used or intended for use as part of such park.

*Manufacturing, heavy* - A use that involves or requires the use or storage of any hazardous materials or substances as determined by the Fire Marshall, or that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. The operation of such a facility may be continuous (24 hours a day/seven days per week) and is not required to completely confine noise, odor, dust, glare, smoke and fumes of such operation within an enclosed building. An outdoor storage yard may be permitted in conjunction with a heavy manufacturing operation.

*Manufacturing, light* - A use that involves or requires the use or storage of any hazardous materials, as determined by the Fire Marshall, that is used for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity. Facilities are typically designed to look and generate impacts like a typical office building, but rely on special power, water, or waste disposal systems for operation. Noise, odor, dust, glare, smoke and fumes of each operation must be completely confined within an enclosed building.

*Manufacturing, neighborhood* - The assembly, fabrication, production or processing of goods and materials using processes that ordinarily do not create noise, odors, glare, smoke, fumes or health or safety hazards outside of a building which is visually undifferentiated from an office building. This term includes but is not limited to medical and testing laboratories but does not include more intensive uses that require frequent deliveries by trucks with more than two axles.

*Medical services - clinic, urgent care center, hospital* - Facilities that provide ambulatory or outpatient health care, including but not limited to, emergency medical clinics, outpatient family planning services, and blood and organ banks. Any type of *hospital*; facility operated in connection with a *hospital* such as a clinic, including mental health clinics; nursing, convalescent, or rehabilitative facility; public health center; or any facility of a local health department. The term "*hospital facility*" also includes related facilities such as laboratories, outpatient departments, housing and training facilities for nurses and other health care professionals, central service facilities operated in connection with hospitals, and all equipment necessary for its operation.

*Medical services - professional office* - An office of a member of a recognized profession maintained for the conduct of that profession and licensed by the State of North Carolina, including, but not limited to, the offices of chiropractors, doctors, dentists and psychologists or other counselors.

*Metal products fabrication, machine or welding shop, automobile body shop* - An establishment engaged in the production and/or assembly of metal parts, including but not limited to, the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these include, but are not limited to, blacksmith and welding shops; automobile body shops; plating, stripping, and coating shops; sheet metal shops; machine shops; boiler shops; metal casting. An outdoor storage yard may be permitted in conjunction with metal products manufacturing, machine and welding shop but not an automobile body shop.

*Mini-warehouses* - A building containing separate enclosed storage spaces the sizes of which may vary, which are leased or rented on an individual basis.

*Mixed-use building or development* - A multi-story building or structure which may accommodate both commercial and residential uses. A group of mixed-use buildings or structures can be combined to form a mixed-use development. The uses permitted within the mixed-use building or development shall be determined by the regulations applicable to the zoning district in which the property is located.

*Mobile Food Vendor* – Any mobile food unit, pushcart or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption of food and beverages. The

sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.

*Multi-tenant development* – A development in which there exists a number of individual and/or separate establishments and in which there are appurtenant shared facilities such as parking areas or pedestrian ways including but not limited to shopping or office centers. This definition shall not include multi-family residential developments.

*Noxious Uses* – Any structure used for the generation, production, or treatment facilities including but not limited to power plants, water and sewage plants, and landfills or recycling facilities. Outdoor firing ranges, junk yards or salvage yards, rendering plants and slaughterhouses, asphalt or concrete plants or any extractive industry shall also be considered noxious uses.

*Outdoor storage yard* - Open storage of various materials, including but not limited to, motor vehicles outside of a structure as a principal use.

*Pawnshop* – A business in which a pawnbroker, or one who engages in the business of lending money on the security of pledged goods and who may also purchase merchandise for resale from dealers and traders, whether licensed pursuant to Article 45 of Chapter 66 of the NC General Statutes or not, regularly conducts business which includes, but is not limited to making loans on pledges of tangible personal property; dealing in bullion stocks; purchasing merchandise for resale from dealers, traders and wholesale suppliers; and/or any other pawn or pawn transactions.

*Personal services* - An establishment primarily engaged in providing services that are generally related to the care of a person. Such personal services include, but are not limited to hair salons and barbershops, massage and bodywork therapists, spas, and tanning salons. Personal services shall not include any use which may be defined as an adult establishment.

*Post office* - Establishments conducting operations of the National Postal Service.

*Professional services* - Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others. Such services include, but are not limited to, legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services, real estate services; and offices operating in

conjunction with a wholesale establishment without warehousing on the property. Investment banking, securities, brokerages and insurance-related services are defined under banking, credit unions and financial services institutions. Medical services such as physician's and dentist's offices are defined as Medical Services – Doctor Office.

*Public safety facility* - A facility operated for the purpose providing public safety. This term includes but is not limited to fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters. This term does not include Government Services as defined herein.

*Recreation facilities, indoor* - Uses or structures for active recreation including but not limited to gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

*Recreation facilities, outdoor* - Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, pools and golf courses, and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

*Recreational vehicle* - A vehicular-type unit which is primarily designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, or travel use.

*Recreational vehicle park, campground* - Establishments accommodating campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles. Facilities and services include cabins, washrooms, food services, recreational facilities and equipment, and organized recreational activities.

*Religious institution* - Any facility such as a church, temple, monastery, synagogue, or mosque used by a non-profit organization for worship and, if applicable customary related uses include but are not limited to education (pre-schools, religious education, etc.), recreation (gymnasiums, activity rooms, ball fields, etc.), housing (rectory, parsonage, elderly or disabled housing, etc.) and accessory uses such as cemeteries, mausoleums, soup kitchens, and bookstores and child care centers. Accessory uses operating in conjunction with a religious institution may be permitted only on the same parcel as the religious institution or on a contiguous parcel to the primary use.

*Restaurant* - A retail business selling ready-to-eat food and/or beverages for on or off-premise consumption. Customers may be served from an ordering counter (i.e. cafeteria or limited service restaurant), at their tables (full-service restaurant), and at exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter (snack and/or nonalcoholic bars). Mobile Food Vendors, as defined herein, shall not be considered a restaurant.

*School* - A public or private institution offering a curriculum of education authorized by the State of North Carolina giving regular instruction at the primary and/or secondary level. This definition includes but is not limited to kindergartens, elementary schools, junior high schools, middle schools, high schools and charter schools but does not include day care facilities, individual instruction, or classes in a specialized subject. Indoor and outdoor recreational facilities shall be considered an accessory use when operated in conjunction with a school.

*Studio for art, dance, martial arts, music* - Small facilities which provide individual and/or group instruction and training in the arts, including martial arts. This term also includes the processing of photographs produced only by users of the studio facilities, yoga and similar instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

*Temporary structure*: A structure intended to serve a specific event and to be removed upon the completion of that event. This term includes, but is not limited to, bleachers, perimeter fencing, vendor tents/canopies, judging stands, trailers, portable toilets, sound/video equipment, stages, platforms, and other impermanent devices, which do not involve grading or landform alteration for installation, and which are not permanently affixed to the ground.

*Temporary use*: An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.

*Theater, Motion Picture* - A specialized facility designed for the interior showing of movies or motion pictures on a projection screen. This category includes but is not limited to cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

*Vehicle/heavy equipment sales—Indoor* - Establishments which may have indoor showrooms for selling vehicles or heavy equipment. This term includes, without limitation, dealers for compact automobiles and light trucks, buses, trucks, bicycles, motorcycles, mopeds, ATV's and boat and marine craft.

*Vehicle/heavy equipment sales —Outdoor* - Establishments which may have indoor showrooms or open lots for selling vehicles or heavy equipment. This term includes but is not limited to dealers for compact automobiles and light trucks, buses, trucks, bicycles, motorcycles, mopeds, ATV's and boat and marine craft.

*Warehousing and Distribution* - Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Such facilities with indoor storage shall be considered Warehousing and Distribution with Interior Storage. Such facilities with outdoor storage shall be considered Warehousing and Distribution with Interior Storage. Warehousing and Distribution without warehousing of any kind shall be considered Professional Services as defined herein.

*Wireless telecommunication facility, stealth* - Equipment that designed to be unobtrusive in its appearance including but not limited to the co-location of antennas on existing tower facilities, and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

*Wireless telecommunication facility, tower* - Equipment constructed in accordance with Section 332(c)(7) of the Telecommunications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes but is not limited to antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.





## Proposed Table of Uses

### **Agriculture - Commercial, permitted with standards C-1, C-2, I-1**

#### **Definition:**

*Agriculture – Commercial* - any establishment used for commercial purposes as defined in N.C. General Statute, § 106-581.1 or any successor thereto.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Agriculture – Commercial permitted with standards (C-1, C-2, I-1)

- A. This section does not limit regulation under this part with respect to the use of a farm property for non-farm purposes.
- B. Livestock and poultry operations shall meet the following requirements:
  1. Enclosures shall be maintained such that the animals are prohibited from exiting the property on which the animals are kept.
  2. Composting or animal feeding areas shall be located at least 50 feet from any property line or stream or river as identified on the Buncombe County geographic information system.
  3. A minimum setback of fifty feet shall be established for any structure used for agriculture – commercial purposes where abutting a residential zoning district. Fencing shall not be included as an agriculture – commercial structure for this requirement.
  4. Any lot used to maintain livestock shall be a minimum of five acres in size. Livestock does not include fowl for this requirement.
  5. On lots greater than five acres in size use to maintain livestock, no more than two animals per acre shall be allowed.
- C. The keeping of swine is expressly prohibited.



## Proposed Table of Uses

### **Agriculture - Neighborhood, permitted with standards in all zoning districts**

#### **Definition:**

Agriculture – Neighborhood – parcel of land which is used for the cultivation of the soil for production of crops, including but not limited to fruits, vegetables, flowers and ornamental plants for noncommercial purposes. Livestock may also be permitted under this use provided that the additional standards established herein are met.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Agriculture – Neighborhood permitted with standards in all zoning districts

- A. The keeping of livestock shall meet the following requirements:
  1. Enclosures shall be maintained such that the animals are prohibited from exiting the property on which the animals are kept.
  2. Animal feeding areas shall be located at least 50 feet from any property line or stream or river as identified on the Buncombe County geographic information system.
  3. A minimum setback of 50 feet shall be established for any structure used for agriculture – neighborhood purposes where abutting a residential zoning district. Fencing shall not be included as an agriculture – neighborhood structure for this requirement.
  4. Any lot used to maintain livestock shall be a minimum of two acres in size and on such lot no more than one animal per acre shall be allowed. Livestock does not include fowl for this requirement.
- B. The keeping of fowl, including but not limited to chickens, shall meet the following requirements:
  1. Enclosures and coops shall be maintained such that the animals are prohibited from exiting the property on which the animals are kept and may only be placed in the side or rear yard of a primary residence. Said enclosures and coops shall be kept in a clean condition.

2. The keeping of fowl shall not be permitted on any parcel of land which does not meet the minimum lot area required by the table of dimensional standards for the zoning district in which the property is located.
  3. No more than two fowl may be kept per 1/8 acre should the minimum lot area be found in compliance.
  4. The keeping of fowl shall not be permitted on any parcel of land on which there exists a dwelling – multifamily residential use as defined herein.
  5. The keeping of roosters is expressly prohibited.
- C. This section shall not apply to domesticated animals, including but not limited to, dogs and cats.
- D. Agriculture – neighborhood uses shall be clearly incidental to an existing primary structure used for residential purposes.
- E. The keeping of swine is expressly prohibited.



## Proposed Table of Uses

### **Automobile Services, Repair, Permitted with Standards in C-1, C-2, I-1**

#### **Definition:**

*Automobile services - repair* – An establishment that provides repair and maintenance of automobiles. These may or may not include facilities for lubricating, washing, or otherwise servicing automobiles, but may not include the painting thereof by any means. This classification shall not include convenience stores which do not dispense motor fuels. Gas stations as defined by automobile services – gas station may be permitted in conjunction with this use. This use does not include automobile body shop as such use shall be classified as Metal Product Fabrication, Machine or Welding Shop, Automobile Body Shop as defined herein.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Automobile Services, Repair permitted with standards (C-1, C-2, I-1)

- A. All buildings shall be located at least 40 feet from any street right-of-way line.
- B. Gasoline pumps and other appliances shall be located at least 15 feet from any right-of-way line.
- C. All service or any other activity shall be conducted entirely on the premises.
- D. All repair work, if any, shall be conducted within a completely enclosed building.
- E. Open storage of wrecked or inoperable vehicles shall not be permitted.



## Proposed Table of Uses

### **Banks, Credit Unions, Financial Services, permitted with standards in C-1**

#### **Definition:**

*Banks, credit unions, financial services institutions* - Establishments that engage in financial transactions that create, liquidate, or change ownership of financial services. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions include, but are not limited to, credit agencies, trust companies, holding companies, lending and thrift institutions, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment banking, securities, brokerages and insurance-related services. Pawnshops shall not be considered under this definition.

#### **Additional Standards**

Chapter 36 Article V Additional Use Standards

Banks, Credit Unions, Financial Services permitted with standards (C-1)

- A. Drive-through stacking lanes, windows, and associated equipment shall not be permitted within 50 feet of a residential district or residential use.
- B. Drive-through windows and services shall be located and accessed only at the rear or side of the building and shall not be located between the principal structure and a public or private street. Service lanes shall not be located between the building and the street.
- C. Drive-through service lanes shall provide a minimum of six stacking spaces per lane on site for banking-with drive-through facilities. Each stacking space shall be a minimum of 9 feet by 18 feet.
- D. The drive-through shall be limited to a maximum of two service lanes and one additional lane for an automated teller machine (ATM).
- E. Speaker box sounds from the drive-through lane shall not unreasonably disturb the peace and quiet of abutting residential property.



## Proposed Table of Uses

**Child Care Center permitted as a conditional zoning district in C-1 and permitted with standards in C-2 and I-1**

### **Definition:**

*Child care center* - An individual, agency, or organization providing supervision or care on a regular basis for children who are not legal wards or foster children of the supervising adults. Child day care centers are designed to accommodate six or more children at a time and are not an accessory to residential use. A child care center operating in conjunction with a religious institution or school shall be considered an accessory use of such a religious institution.

### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Child Care Center permitted with standards (C-2, I-1)

- A. Child care centers shall provide at least 100 square feet of outdoor play area for each child.
- B. The outdoor play area shall be surrounded by a fence not less than four feet in height.
- C. The child care center shall meet all requirements of the State of North Carolina for child care centers.
- D. Child care centers shall provide locations for pick-up/drop off areas for safe access to the center for children and parents and which do not impede traffic on public or private roads.



## Proposed Table of Uses

### **Cultural or Community Facility, permitted with standards in R-1, R-2, R-3, R-12**

#### **Definition:**

*Cultural or community facility* - Facilities designed to promote cultural advancement and serve the community. Examples include but are not limited to non-profit civic or fraternal organizations, museums, libraries, and community centers.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Cultural or Community Facility permitted with standards (R-1, R-2, R-3, R-12)

- A. Off-street parking shall be provided at one space for each two hundred square feet within the principal assembly space.
- B. Where the lot abuts a residential district, a ten foot buffer shall be provided as defined in section 36-5 of this chapter and said buffer may be placed within the setbacks established by the zoning district applicable to the property.
- C. Signage shall be limited to one wall mounted or attached sign and shall not exceed 10% of the total surface area on which the sign is located. Said signage may be illuminated but must be shielded in a fashion to prevent light trespass and to brighten only the surface of the sign.



## Proposed Table of Uses

### Dwelling – Secondary, Permitted with Standards in R-1, R-2, and R-3

#### Definition:

*Dwelling – Secondary:* A dwelling unit not exceeding 800 square feet of gross floor space, shall be located on a lot with an existing single family dwelling and shall not be considered as an accessory use herein defined.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Dwelling – Secondary permitted with standards (R-1, R-2, R-3, R-12)

- A. Secondary dwelling units shall be accessory and subordinate to the primary living quarters.
- B. No more than one secondary dwelling unit is permitted on any lot.
- C. A secondary dwelling unit may only be located within a side or rear yard and within the setback established by the applicable zoning district.
- D. No secondary structure shall exceed two stories in height.
- E. Secondary dwelling units may be created as an independent structure, an addition to an existing primary structure, or a second story within detached garages.
- F. The gross floor space of a secondary dwelling unit shall not exceed 800 square feet. The ground floor area of an attached garage shall not be calculated as part of the total square footage of any secondary dwelling that is built as the second story of a detached garage; provided, such ground floor garage area shall not be converted into a dwelling space.
- G. At least one off street parking space shall be provided.
- H. Properties with multifamily dwellings as defined herein shall not be permitted a secondary dwelling.





## Proposed Table of Uses

### Farmers Market, Permitted with Standards in all districts

#### Definition:

*Farmers Market* - A food market at which local farmers sell items, including but not limited to fruit and vegetables and often meat, cheese, and bakery products at a location other than that where the products are produced.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Farmers Market permitted with standards in R-1, R-2, R-3, R-12, C-1, C-2, I-1

- A. Vendors may offer seasonal horticultural, agricultural, aquacultural or forest products, including but not limited to raw fruits, vegetable, perennials, annuals bulbs, dried flowers, Christmas trees, and similar products.
- B. Vendors may offer value-added horticultural, agricultural, aquacultural or forest products which were produced by the vendor, including but not limited to baked goods, meat, dairy, honey, cider, preserves, relishes, jams, jellies and similar products.
- C. Vendors may offer hand-made crafts and works of art which were produced by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation.
- D. Vendors may offer food items prepared by the vendor; provided, however, that such products shall not exceed 25 percent of all products sold within the venue on any given day of operation, and provided that the vendor shall comply with all applicable requirements of the director of public health and the North Carolina Department of Agriculture.
- E. The sale of live animals is prohibited.
- F. Off street parking shall be provided in order to maintain the safe flow of traffic in the immediate vicinity.
- G. Farmers Markets operating within the R-1, R-2, R-3 or R-12 Zoning Districts shall only be conducted on property owned by the Town of Weaverville. Additionally, these Farmers Markets may not operate more than one day per week and for no longer than eight hours on such day.



## Proposed Table of Uses

### Gaming Terminal, permitted with standards C-2, I-1

#### Definition:

*Gaming terminal.* Electronic machines, including, but not limited to, computers and gaming terminals, where one may play games including, but not limited to, sweepstakes, lotteries, games and/or games of chance where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether or not value of such distribution is determined by electronic games played or by predetermined odds which have a finite pool of winners. This term includes, but is not limited to, internet cafes, internet sweepstakes, or cybercafés. Gaming terminal operations do not include operations associated with the official N.C. State Education Lottery or any nonprofit operation that is otherwise lawful under state law including but not limited to church or civic organization fundraisers, nor shall it include arcade games of skill.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Gaming Terminal permitted with standards (C-2, I-1)

- A. There is a limit of two gaming terminals per business location.
- B. No person under the age of 18 shall be permitted to use the gaming terminals.
- C. The gaming terminals must not be prohibited by state or federal law and shall be subject to a municipal zoning permit which must be renewed annually on a fiscal year calendar. In addition to the zoning permit there shall be a fee charged per machine as determined in the municipal schedule of fees adopted annually by Town Council.
- D. During Hours of operation, gaming terminals shall be open for direct, unobstructed access by all law and code enforcement personnel.



## Proposed Table of Uses

### **General Retail (10,000-24,999 sq. ft.), permitted with standards in C-1, C-2, I-1**

#### **Definition:**

*General retail* - A use category allowing premises to be available for the commercial sale of merchandise and prepared foods. Such use category does not include manufacturing.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

General Retail (10,000-24,999 sq. ft.) permitted with standards (C-1, C-2, I-1)

- A. Such a development shall abut an existing major thoroughfare maintained by the North Carolina Department of Transportation or the Town of Weaverville and shall have direct access thereto.
- B. Points of ingress and egress shall be located a sufficient distance from road intersections to minimize traffic hazard, inconvenience and congestion. Additionally, each development shall have a minimum of two such points of ingress and egress to facilitate the safe flow of traffic.
- C. Parking and loading spaces shall be provided as established by Chapter 36, Article VII.
- D. Such facilities with a drive-thru window are subject to additional regulations as defined by drive-thru retail / restaurant.



## Proposed Table of Uses

### Home Occupation, Permitted with Standards in R-1, R-2, R-3 and R-12

#### Definition:

*Home Occupation* - Any use conducted entirely within a dwelling and which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the residential character of the dwelling. No more than one employee, other than family members residing on the premises, shall be employed in connection with the home occupation. No mechanical or electrical equipment shall be installed or used except such equipment as is normally used for domestic or professional purposes and not over 25 percent of the total floor space of any residential structure shall be used for such home occupation. Commercial sale of merchandise shall not be permitted in conjunction with a home occupation.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Home Occupations permitted with standards (R-1, R-2, R-3, R-12)

- A. Home occupations shall be clearly incidental to the residential use of a dwelling and shall not change the residential character of the dwelling or the neighborhood.
- B. Home occupations shall be contained entirely within the interior of the dwelling or accessory structure. Home occupations within a dwelling shall not occupy more than 25 percent of the gross floor area of the dwelling. Should a home occupation occur within an accessory structure, said use shall not exceed 25% of the aggregate square footage of both the dwelling unit and accessory structure.
- C. Only noncommercial vehicles are permitted in conjunction with a home occupation.
- D. Business or product identification signs shall not be permitted.



## Proposed Table of Uses

### **Kennels, Permitted with Standards in C-2, I-1**

#### **Definition:**

*Kennel* – A structure intended to be used for the breeding, sale, training, accommodation or overnight boarding of small domestic animals that are owned by someone other than the owner of the property on which the structure is located. This term shall include animal shelters of any kind regardless of who owns the animals within the shelter. This term does not include veterinary clinics or other animal services in which the overnight interior boarding of animals is necessary for, or accessory to, the testing, treatment and general or specialized healthcare of animals.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Kennels permitted with standards (C-2, I-1)

- A. Outside runs, holding pens, exercise areas or other open air type enclosures or shelters, which are maintained in order to prevent the escape of animals, shall be located at least 200 feet from any dwelling, other than the property of the owner on which the structure is located, and at least 50 feet from adjoining property lines.
- B. Kennels shall be located in the side or rear yard area of any principal structure and must be on the same parcel of land.



## Proposed Table of Uses

### Manufactured Home, Permitted with Standards in R-3

#### Definition:

*Manufactured home* - A structure, designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities including the plumbing, heating, air conditioning and electrical systems and which is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Manufactured Home permitted with standards (R-3)

- A. No new manufactured home shall be permitted within floodways and nonencroachment areas as determined by the Floodplain Administrator of Buncombe County.
- B. Each new manufactured home shall be placed on an individual lot.
- C. A manufactured home must be built to or exceed the Manufactured Home Construction Safety Standards as developed by the Housing and Urban Development Code of June 15, 1976.



## Proposed Table of Uses

### Mobile Food Vendors, Permitted with Standards in C-1, C-2, I-1

#### Definition:

*Mobile Food Vendor* – Any mobile food unit, pushcart or motor vehicle, including all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle, which is purposed for the sale for consumption of food and beverages.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Mobile Food Vendors permitted with standards (C-1, C-2, I-1)

- A. No waste, wastewater or grease shall be distributed into the sanitary sewer system, stormwater system, or other public spaces.
- B. Mobile food vendors shall be situated at least ten feet from all property lines and any road right-of-way, shall not encroach onto any street or sidewalk and shall not obstruct any loading zone or handicapped parking space. This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property.
- C. Mobile food vendors shall be located at least 200 feet from any residential structure located within the R-1, R-2 or R-3 Zoning District.
- D. Mobile food vendors shall not be located within ten feet of any fire hydrant.
- E. Hours of operation shall be limited to 7am to 10pm. This requirement shall not apply to special events approved by the Town which take place on public streets, sidewalks or parking lots or any other public property. Such hours may be established in conjunction with the special event.
- F. Each mobile food vendor shall supply at least one receptacle for waste which must be emptied regularly and removed upon conclusion of hours of operation. Municipal waste receptacles shall not be used.
- G. In addition to signage displayed directly on the vehicle, one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or 8 square feet of surface area. Such a sign shall be placed within ten feet of the mobile food unit or vehicle and must be removed when outside hours of operation.

- H. The sale of alcoholic beverages shall not be permitted by any mobile food vender absent the issuance of the requisite special event permit.
- I. Such a use is also subject to standards of the Buncombe County Health Department as it relates to the permitting, inspection and grading of all regulated food service establishments.





## Proposed Table of Uses

### **Multi-tenant development (under 25,000 sq. ft.), permitted with standards in C-2, I-1**

#### **Definition:**

*Multi-tenant development* – A development in which there exists a number of individual and/or separate activities and in which there are appurtenant shared facilities such as parking areas or pedestrian ways including but not limited to shopping or office centers.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Multi-tenant development (under 25,000 sq. ft.) permitted with standards (C-2, I-1)

- A. Such a development shall abut an existing major thoroughfare maintained by the North Carolina Department of Transportation or the Town of Weaverville and shall have direct access thereto.
- B. Points of ingress and egress shall be located a sufficient distance from road intersections to minimize traffic hazard, inconvenience and congestion. Additionally, each development shall have a minimum of two such points of ingress and egress to facilitate the safe flow of traffic.
- C. Parking and loading spaces shall be provided as established by Chapter 36, Article VII.
- D. Such facilities with a drive-thru window are subject to additional regulations as defined by drive-thru retail / restaurant.



## Proposed Table of Uses

### Recreational Facilities - Indoor, permitted with standards in R-1, R-2, R-3, R-12

#### Definition:

*Recreation facilities, indoor* - Uses or structures for active recreation including but not limited to gymnasiums, natatoriums, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. This definition is inclusive of both non-profit and for-profit operations.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Recreational facilities - indoor permitted with standards (R-1, R-2, R-3, R-12)

- A. Such facilities operating in conjunction with a single family home which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the residential character of the dwelling shall be permitted as an accessory use or structure of the dwelling unit.
- B. Such facilities operating in conjunction with a school or religious institution as defined herein shall be permitted as an accessory use operating in conjunction with same.
- C. Such facilities operating in conjunction with a Conditional Zoning District, Special Use Permit, Major Subdivision or any other residential development within a residentially zoned district shall be allowed if presently in use or approved with the adoption process for each of the aforementioned forms of development.



## Proposed Table of Uses

### Recreational Facilities - Outdoor, permitted with standards in R-1, R-2, R-3, R-12, C-1, C-2, I-1

#### Definition:

*Recreation facilities, outdoor* - Parks and other open space used for active or passive recreation such as ball fields, playgrounds, greenway trails, tennis courts, pools and golf courses, and their customary accessory uses including, but not limited to, maintenance sheds, clubhouses, restrooms, and picnic shelters. This definition is inclusive of both non-profit and for-profit operations.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Recreational facilities - outdoor permitted with standards (R-1, R-2, R-3, R-12, C-1, C-2, I-1)

- A. Lighting fixtures for outdoor recreational facilities shall be mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site. Lights shall be turned off at the conclusion of any activity.
- B. Such facilities operating in conjunction with a single family home which use is clearly incidental and secondary to the use of the dwelling for residential purposes and which use does not change the residential character of the dwelling shall be permitted as an accessory use or structure of the dwelling unit.
- C. Such facilities operating in conjunction with a school or religious institution as defined herein shall be permitted as an accessory use operating in conjunction with same.
- D. Such facilities operating in conjunction with a Conditional Zoning District, Special Use Permit, Major Subdivision or any other residential development within a residentially zoned district shall be allowed if presently in use at the adoption of this ordinance or approved with the adoption process for each of the aforementioned forms of development.



## Proposed Table of Uses

### Temporary Use, permitted with standards in R-1, R-2, R-3, R-12, C-1, C-2, I-1

#### Definition:

*Temporary use:* An activity or use of land which, having met certain requirements and conditions, may be permitted for a period of limited duration, and which may utilize "temporary structures" for the duration of the event.

#### Additional Standards:

Chapter 36 Article V Additional Use Standards

Temporary Uses permitted with standards (R-1, R-2, R-3, R-12, C-1, C-2, I-1)

- A. Temporary uses or structures may be permitted summarily in conjunction with a Special Event Permit issued by the Town Manager as described by Section 16-6 Special Events.
- B. Construction offices and storage containers or facilities may be permitted provided the structure(s) are placed within the setbacks established by the applicable zoning district and a sunset date is established at which the structure(s) shall be removed from the property. Such structure(s) shall be directly related to the development of a lot and shall be permitted via a zoning permit obtained from the Zoning Administrator.
- C. Temporary vendors may be permitted only one structure which may not exceed 1,500 square feet. Temporary vendors operating in the parking lot associated with a primary use must not cause nonconformity with the parking requirements of this chapter. Temporary vendors may only operate in zoning districts in which general retail is also permitted. Those conducting yard sales on a property where they currently reside shall not be considered temporary vendors.



## Proposed Table of Uses

**Wireless Communication Facility - Stealth, permitted with standards in R-1, R-2, R-3, R-12, C-1, C-2, I-1**

**Definition:**

*Wireless telecommunication facility, stealth* - Equipment that is designed to be unobtrusive in its appearance including but not limited to the co-location of antennas on existing tower facilities, and the placement of equipment on flagpoles, buildings, silos, water tanks, pole signs, lighting standards, steeples, billboards and electric transmission towers.

**Additional Standards:**

Chapter 36 Article V Additional Use Standards

Wireless Communication Facility – Stealth permitted with standards (R-1, R-2, R-3, R-12, C-1, C-2, I-1)

- A. Stealth wireless communication facilities shall be designed and installed in a manner to make them unobtrusive. All facilities shall be mounted so that the wireless service facilities do not extend beyond the top of the building or structure on which they are mounted.
- B. Facilities shall be designed to blend in with the existing structure or buildings with similar colors or other techniques as appropriate.



## Proposed Table of Uses

### **Wireless Communication Facility - Tower , permitted with standards in C-2, I-1**

#### **Definition:**

*Wireless telecommunication facility, tower* - Equipment constructed in accordance with Section 332(c)(7) of the Telecommunications Act at a single location by a private business user, governmental user, or commercial wireless service provider to transmit, receive, or relay electromagnetic signals (including microwave). Such facility includes but is not limited to antennas or antenna arrays, wireless telecommunication towers, support structures, transmitters, receivers, base stations, combiners, amplifiers, repeaters, filters, or other electronic equipment; together with all associated cabling, wiring, equipment enclosures, and other improvements.

#### **Additional Standards:**

Chapter 36 Article V Additional Use Standards

Wireless Communication Facility – Tower permitted with standards (C-2, I-1)

- A. Wireless communication towers as defined herein are subject to the requirements of Chapter 36, Article XIV Telecommunication Facilities.