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## **CHAPTER 3 - SUPPLEMENTAL USE STANDARDS**

### **3.1 Applicability.**

There are certain uses that exist which may be constructed, continued, and/or expanded provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility so that different uses may be located in proximity to one another without adverse effects to either. When uses are listed in the Use Matrices in Chapter 2 as Uses Permitted with Additional Standards (PS) or uses requiring Special Use Permits (SUP) they shall comply with the additional criteria set forth in this chapter for that use in addition to other applicable criteria contained in this ordinance.

#### **3.1.2 Uses Permitted with Additional Standards (PS).**

- A. Permitted uses with special requirements are uses permitted by right, provided that the specific standards set forth in this article are met.
- B. The specified standards are intended to insure that these uses fit the vision of the land development districts in which they are permitted, and that these uses are compatible with other development permitted within the districts.

#### **3.1.3 Special Use Permit Applications (SUP).**

- A. Special Uses are uses which are generally compatible with other land uses permitted in a land development district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the town as a whole, require individual consideration in their location, design, configuration, and/or operation at the particular location proposed.
- B. All Special Uses shall at a minimum meet the standards for the land development district in which they are located and the specific standards set forth in this article for that use.
- C. Individual consideration of the use may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety and welfare.
- D. Approval procedures for Special Use Permits are found in Section 15.10.

#### **3.1.4 Conflict with Other Regulations.**

- A. If there is a conflict between the standards set forth in this chapter and any other requirements of this ordinance, the standards of this ordinance shall control except as set forth below.
- B. The land development district in which a particular use is permitted is controlled by the use listings found for the individual districts. In the event of any inconsistency between this article and the use listings for the districts, the use listings found in Chapter 2 shall control.

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## 3.2 Supplemental Use Standards—Residential.

### 3.2.1 Dwelling—Accessory.

- A. **Number:** Only one accessory dwelling is permitted per lot.
- B. **Other Applicable Laws:** Accessory dwellings must comply with all applicable local, state and federal laws.
- C. **Placement on the Lot:** A detached accessory dwelling shall be sited to the rear of the principal building. If the lot exceeds two (2) acres in size the accessory dwelling may be sited to the side of the principal building.
- D. **Yard Requirements:** The accessory dwelling shall meet all yard requirements as established for principal uses within the land development district in which it is located.
- E. **Compatibility.**
  - 1. The accessory dwelling shall meet all applicable design standards for the land development district in which it is located in accordance with Chapter 5.
  - 2. The accessory dwelling shall be clearly subordinate (size, etc.) to the main structure.
  - 3. The exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, and roofing appearance.
- F. **Manufactured Housing, Campers, Recreational Vehicles, Etc. Prohibited For Use:** Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.

### 3.2.2 Family Care Home (6 or fewer residents).

Family Care Homes shall be certified by the State of North Carolina—Division of Health Service Regulation.

### 3.2.3 Halfway Houses.

No such use may be located within a half mile (2,640 feet) of another such use measured as a straight line on a map.

### 3.2.4 Home Occupation.

- A. **General Standards.**
  - 1. The home occupation shall be clearly incidental and secondary to residential occupancy.
  - 2. The use shall be carried on entirely within an enclosed structure on the premises.
  - 3. The home occupation shall be operated by a resident of the dwelling.
  - 4. A maximum of twenty-five (25) percent of the gross floor area of the dwelling unit may be used for the home occupation.
  - 5. A maximum of two (2) full-time equivalent non-residents of the dwelling may be employed on the premises.
- B. **Exterior Appearance.**
  - 1. The use shall not change the residential character of the dwelling.
  - 2. Storage of goods and materials associated with the home occupation must be completely within an enclosed structure.
  - 3. Parking must be provided so as not to create hazards or street congestion.

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4. Only one (1) vehicle principally used in connection with the home occupation shall be parked or stored on the premises.
  5. No display of goods, products, services or other advertising (except permitted signage as set forth in Chapter 11, Signs) shall be visible from outside of the dwelling.
  6. No generation of dust, odors, noise, vibration or electrical interference or fluctuation shall be perceptible beyond the property line.

### **3.2.5 Live-Work Units.**

Construction shall meet requirements of the International Residential Code, and the following:

- A. Non-residential use areas shall meet accessibility requirements of the North Carolina Accessibility Code (including site access and parking).
- B. The maximum total size of Live-Work unit is 3,000 square feet and three stories in height.
- C. The work area shall occupy 50% or less of the total unit.
- D. The same tenant shall occupy the work area and living area.

### **3.2.6 Manufactured Homes and Manufactured Home Parks.**

- A. **See Section 5.9 for Design Guidelines for Manufactured Homes on Individual lots.**
  1. In the Dellwood Residential Medium Density District (D-RM), Manufactured Homes on Individual Lots shall only be permitted west of Russ Avenue outside of the Mixed-Use Overlay.
- B. **General Manufactured Home Park Requirements.**
  1. No manufactured home park shall be approved for a site less than three (3) contiguous acres under single ownership or control.
  2. The maximum allowable density in the manufactured home park shall be eight (8) dwelling units per buildable acre (land area excluding floodways, wetlands, and slope in excess of twenty (20%) percent).
  3. The manufactured home park shall be buffered from all adjacent property with a Type C Buffer Yard (8.5.2.C).
  4. At least two (2) trees shall be planted (or retained) in the park per dwelling unit. These trees shall be in addition to those required to meet the landscape requirements contained in Chapter 8 Landscaping and consistent with Section 3.2.6.
  5. The operator/manager of a manufactured home park shall designate and enforce underpinning of all manufactured homes in the community.
  6. All streets within a manufactured home park shall comply with the standards set forth in Chapter 6.
  7. An acceptable plan for the collection and disposal of garbage shall be included in the site plan for the manufactured home park.
  8. Civic space shall be provided in accordance with Chapter 7.
  9. Individual units shall be located and set so that water does not collect under units.

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C. **Manufactured Home Space Requirements.**

1. Each manufactured home shall be located at least twenty (20) feet from any other manufactured home or structure within the park, excluding storage buildings for use with the individual home. Each home shall be at least thirty-five (35) feet from any property line. If the property abuts a public street, the setback shall be forty (40) feet. Each home shall be setback at least ten (10) feet from the edge of any traveled way within the park.
2. There shall be front and rear steps and/or decks for each manufactured home and a deck/entry transition area at the front door of a minimum of 6' by 6'.
3. Each manufactured home space shall have a permanent site number sign that is clearly visible from the street running in front of the home.
4. A minimum of two (2) parking spaces shall be provided for each manufactured home.
5. A visitor parking area, consisting of one (1) space for each five (5) manufactured home units located within the park, shall be provided. This parking area does not have to be paved.

**3.2.7 Residential Care Facilities (More than 6 residents).**

- A. **Buffering:** Residential care facilities must be buffered from adjacent residentially zoned property with a Type C buffer in accordance with Section 8.5.2.C.
- B. **Licensing:** Prior to the submission of an application for a certificate of land development standards compliance, an owner/operator of a residential care facility shall have received a license from the State of North Carolina for such a facility.
- C. **Number of Units:** Unless located and having access on a Main Street or higher order street, no residential care facility shall contain more than fifteen (15) units.
- D. **Maximum Density:** The maximum gross density for shall not exceed the number of units per acre requirement for the district in which the development is located. Each dwelling in a duplex, townhouse, garden apartment, apartment building, and every four (4) beds in a residential personal care unit and each six (6) beds in a skilled care nursing facility shall constitute one (1) dwelling unit for the purposes of calculating the density.
- E. **Development Standards.**
  1. To the extent practicable, the community shall provide access connectivity (vehicular and pedestrian) to adjacent neighborhoods.
  2. All utilities shall be placed underground.
  3. Where a community adjoins a residential district, with or without an intervening street or alley, to the maximum extent reasonably practicable, residential uses within the community shall be located adjacent to the residential district, and non-residential uses and signs shall be located and oriented away from the residential district.
- F. **Accessory Uses:** The following accessory uses are permitted: congregate dining facilities, recreational and social facilities, health care facilities and similar service, gift shops, snack shops, banks and barber/beauty shops for residents.

(Ord. No. O-21-17 , § 1, 11-28-2017; Ord. No. O-04-18 , 4-10-2018; Ord. No. O-25-18 , § 1, 11-27-2018; Ord. No. O-27-18 , 11-27-2018)

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### 3.3 Supplemental Use Standards—Lodging.

#### 3.3.1 Bed and Breakfast Homes (Up to 4 rooms).

A. **Owners/Employees.**

1. The owners or managers of a bed and breakfast home shall reside on the premises.
2. No more than two (2) persons not in residence on the premises shall be employed in connection with the bed and breakfast home.

B. **Structure/Rooms.**

1. A structure used for a bed and breakfast home shall appear residential in nature.
2. The maximum number of rented rooms shall not exceed four (4) rooms.
3. No cooking facilities shall be provided in the guest rooms.

C. **Activities.**

1. Activities and functions at the bed and breakfast home shall be provided for overnight guests only and shall be limited to breakfast and an afternoon and/or evening refreshment.
2. In addition to the functions for overnight guests, the bed and breakfast home may have four (4) private parties, receptions or similar contracted activities per year. A temporary use permit (see Section 15.4) must be obtained for each such event. In no way is this provision meant to restrict the owner/manager's use of their home for personal entertaining.

#### 3.3.2 Boarding House.

A. **Owner/Manager:** The owners or manager of the boarding house shall reside on the premises.

B. **Structure/Rooms:**

1. A structure used for a boarding house shall appear residential in nature.
2. No cooking facilities shall be provided in the guest rooms.

C. **Parking:** Parking shall be buffered completely from all adjacent properties and the street as provided in Section 8.6.1.

#### 3.3.3 Inn (Up to 30 Rooms).

A. **Development Standards:** Inns shall be buffered from any adjoining residentially zoned property in accordance with Section 8.4.

B. **Owners/Employees:** An owner/manager of an inn shall reside on the property.

C. **Parcel Size:** Each inn constructed in a residential district shall be on a lot which is no less than five (5) acres in size. The size limit is waived if the principal building is on the National Register of Historic Places either individually or as a contributing building within a district, is designated as a Local Historic Landmark by the Board of Aldermen, or is on the inventory of historic properties maintained by the Historic Preservation Commission.

D. **Number of Rooms:** Inns shall provide no more than thirty (30) rooms for lodging; however, inns on properties of less than five (5) acres shall provide no more than twenty (20) rooms for lodging.

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- E. **Activities:**
    - 1. **Special Events:** Inns may have parties, receptions, or other similar contracted activity provided that these take place on no more than twelve (12) days within a one (1) year period; and that such events take place on no more than three (3) consecutive days. A temporary use permit (see Section 15.4) must be obtained for each such event.
    - 2. **Meals Open to non-Overnight Guests:** In addition to the special events above, the inn may also have up to one (1) meal per month open to non-overnight guests.
    - 3. **Personal, non-commercial use of the inn by the resident owner or manager is not subject to the limitations of this section.**
  - F. **Open Space:** Every inn located in a residential district must maintain at least fifty percent (50%) of the development for common open space.
  - G. **Building Setbacks:** All buildings shall be located no closer than fifty (50) feet from the rear and side property lines.

### 3.4 Supplemental Use Standards—Office/Service.

#### 3.4.1 Child/Adult Day Care Center (More than 8 Persons).

- A. **Compliance with Regulations:**
  - 1. All state and local regulations must be met.
  - 2. A copy of the N.C. State license issued to the facility shall be available for inspection.
- B. **Access:** Adequate access to and from the site, as well as adequate off-street space must be provided for the pickup and discharge of children or adults.
- C. **Buffering:** Child and adult care centers shall be buffered from adjoining residentially zoned property with a Type C buffer in accordance with Section 8.4.2.C.

#### 3.4.2 Civic/Social/Fraternal Organizations.

Civic, social and fraternal organizations shall be buffered from adjoining residentially zoned property with a Type C buffer in accordance with Section 8.4.2.C.

#### 3.4.3 Drive Thru Service.

- A. No drive-thru window or building may be located within 100 feet of the building of any existing residence.
- B. Drive-thru windows and services shall be located and accessed only at the rear of a building. If such a facility is rendered impractical due to extreme topography then it may be located to the side. For properties that front along Main Street are excluded from this topographic exception. (CBD only)
- C. Drive-thru windows and services shall be located and accessed only at the side or rear of a building. (All other permitted Districts)
- D. Vehicle storage/stacking areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street.

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### 3.4.4 Kennels, Outdoor.

- A. **Confinement of Animals:** Outdoor pens and runs are prohibited except by Special Use Permit (SUP).
- B. **General Standards:**
  - 1. Any building or pen housing animals shall be located a minimum of one hundred fifty (150) feet from any residentially zoned or developed property.
  - 2. Areas used for exercising or training of animals shall be securely fenced to prevent the animals from straying.
- C. **Disposal of Waste:**
  - 1. All animal refuse and food shall be kept in airtight containers and disposed of on a regular basis.
  - 2. Animal wastes shall not be stored within one hundred and fifty (150) feet of any property line or surface waters unless located indoors.
- D. **Buffering:** All such outdoor kennels and similar animal shelters shall be buffered from any adjoining residentially zoned property with a Type A buffer in accordance with Section 8.4.2.A.

### 3.5 Supplemental Use Standards—Commercial.

#### 3.5.1 Adult Establishment.

- A. **Purpose:**
  - 1. The Board of Aldermen of the Town of Waynesville finds that it is necessary to set forth the appropriate special requirements by which adult establishments may be established within the Town's zoning jurisdiction.
  - 2. Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious or recreational uses.
  - 3. Studies have shown that lower property values and increased crime rates tend to accompany and are brought about by the concentration of adult establishments.
  - 4. The Board of Aldermen finds that the regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in the Town of Waynesville.
  - 5. It is not the intent of the Board of Aldermen in adopting this section to suppress any activities protected by the First Amendment, but rather to enact a content neutral standard that addresses the secondary effects that adult establishments have on the Town.
- B. **Location:**
  - 1. No adult establishment shall be located within one thousand three hundred and twenty feet (1,320) of another adult establishment.
  - 2. No adult establishment shall be located within one thousand three hundred and twenty (1,320) feet of: a church, synagogue or regular place of worship; a public or private elementary or secondary school; a public library; a public park or playground; a licensed child care center; or an entertainment business that is oriented primarily toward children.

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3. No adult establishment shall be located within one hundred (100) feet of Russ Avenue, from Frazier Street to Walnut Street, measured from the right-of-way.
  4. For the purposes of this section, measurement shall be made in a straight line, from the nearest property line on which an adult establishment is located to the nearest property line of the premises of any use listed above.
- C. **Signs and Displays:** No sexually oriented printed material, slide, video, photograph, written text, live show, or other sexually oriented visual display shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music or sounds be heard from outside the walls of the establishment.
- D. **Hours of Operation:** No adult establishment, except an adult motel, may remain open at any time between the hours of one o'clock (1:00) a.m. and eight o'clock (8:00) a.m. on weekdays and Saturdays, and one o'clock (1:00) a.m. and twelve (12:00) p.m. on Sundays.

### 3.5.2 Auto Parts Sales.

No service or outdoor storage is permitted except that which is associated with normal retail establishments.

### 3.5.3 Bar/Tavern/Night Club.

No such facility shall be located within 300 feet of the property line of any lot containing a church or school or any residential district. These standards shall not apply for such uses located in Business Districts (BD) or Regional Mixed-Use Districts (RMX).

### 3.5.4 Drive Thru Commercial.

- A. No drive-thru window or building may be located within 100 feet of any existing residence.
- B. Drive-thru windows and services shall be located and accessed only at the rear of a building. If such a facility is rendered impractical due to extreme topography then it may be located to the side. Properties that front along Main Street are excluded from this topographic exception. (CBD only).
- C. Drive-thru windows and services shall be located and accessed only at the side or rear of a building. (All other permitted Districts).
- D. Vehicle storage/stacking areas for drive-thru uses shall be located outside of and physically separated from the right-of-way of any street.

### 3.5.5 Gas/Fueling Station.

- A. **Canopies/Pumps:**
  1. Must be located to the side or rear of the principal building (exception: RC Districts).
  2. Must be located within one hundred (100) feet of the entrance of the principal building (exception: RC Districts).
  3. Pump canopies must be located at least fifty (50) feet from any interior side or rear property line that adjoins residentially developed property.
  4. Must be buffered from adjoining residential uses with a Type B Buffer in accordance with Section 8.4.2.B.
- B. **Principal Buildings:** A principal building is required and shall be a minimum of two thousand (2,000) square feet (exception: RC Districts).
- C. **Lighting:** All lighting must be shielded to direct light and glare only onto the lot or parcel where the gas/fueling station is located and shall be in accordance with Section 10.3.2.B.2.



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### 3.5.6 General Commercial—Greater than 100,000 sq. ft.

Traffic Study Required: Development greater than 100,000 square feet in Gross Floor Area shall require the submission of a Traffic Impact Analysis in accordance with Section 16.10. The improvements recommended by the Study shall be constructed by the applicant as a condition of approval.

### 3.5.7 Outside Storage.

- A. All outdoor storage shall be screened by a Type C buffer in accordance with Section 8.4.2.C.
- B. No storage areas will be permitted to encroach in any required stream buffer.

### 3.5.8 Vehicle and Heavy Equipment Sales/ Rental (includes Automobiles, Boats, Recreation Vehicles, Motorcycles and Trucks).

- A. **Outdoor Storage Prohibited for Certain Items:** Outdoor storage of boats, RVs, heavy trucks, semi-trailer and heavy equipment is not permitted.
- B. **Landscaping Required:** All parking areas for the display of vehicles for sale must comply with the Parking Lot Landscaping standards of Section 8.6.1.
- C. **Screening:** Outdoor storage of vehicles not covered by subsection A above must maintain a Type A buffer (See Section 8.4.2.A) around the vehicular parking/storage area where it abuts neighboring residential properties.
- D. **Buffers:** Outdoor storage of vehicles not covered by subsection A shall not encroach into floodways, stream buffers or required building setbacks.

### 3.5.9 Vehicle Services—Minor Maintenance/Repair/Wash.

- A. **Outside Storage of Vehicles for Repair and/or Parts:**
  - 1. Screening: All outdoor storage shall be screened by a Type A buffer in accordance with Section 8.4.2.A.
  - 2. No storage areas will be permitted to encroach in any required stream buffer.
- B. **Vehicle Washes (Free Standing):**
  - 1. Buildings and accessory uses shall not be less than seventy-five (75) feet from any interior side or rear property line that adjoins residentially zoned property.
  - 2. Car and light truck washes shall be screened from any adjoining residential lot by a Type A buffer in accordance with Section 8.4.2.A.
  - 3. Vehicle bays shall be set perpendicular to the street or otherwise screened from direct view by landscaping.

### 3.5.10 Vehicle Services—Major Repair/Body Work.

- A. **Outdoor Storage Prohibited for Certain Items:** Outdoor storage of appliances, electronics, parts, equipment and other items is not permitted.
- B. **Screening:** Outdoor storage, repair and service operations must maintain a Type A buffer (See Section 8.4.2.A) around all areas of operations and storage.
- C. **Buffers:** Outdoor storage, repair and service operations shall not encroach into floodways, stream buffers or required building setbacks.

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### 3.5.11 Video Gaming or Video Gaming Parlor.

- A. Wherever legal video gaming is provided within a use or is provided as a stand alone use, a Type B Buffer Requirement or a 6' privacy fence or wall between the use and any residential or mixed use district (RL, RM, NR, UR, NC) (See LDS Section 8.4).
- B. Parking must be provided for "All Other Commercial Uses" in accordance with LDs Section 9.2.1 Parking Use Category.
- C. Video Gaming within a bar or where alcohol is served shall have to be approved by SUP of the Town Planning Board.

( Ord. No. O-01-15 , § 3, 1-27-2015; Ord. No. O-22-17 , § 3, 11-28-2017; Ord. No. O-28-18 , § 3, 11-27-20)

## 3.6 Supplemental Use Standards—Entertainment/Recreation.

### 3.6.1 Recreation Facilities, Indoor.

- A. All such structures shall be subject to Design Review as Civic/Monument Buildings in accordance with Section 5.5.1.
- B. Facilities may not have a restaurant or bar use except upon issuance of a Special Use Permit (SUP).

### 3.6.2 Recreation Facilities, Outdoor.

- A. **Screening:** Athletic fields, country clubs, golf courses, driving ranges, common area recreation facilities and similar facilities shall be screened from adjoining residentially zoned property in accordance with Section 8.4.
- B. **Access:** Primary access to all athletic fields shall be from a collector or higher order street only.
- C. **Lighting:** Lighting shall be provided in accordance with Section 10.3.4.
- D. **Setback from Homes:** Common area recreation facilities shall be buffered from dwelling units (both within and outside of the development) as set forth in accordance with Section 8.4.
- E. **Connectivity to Surrounding Neighborhoods:** Outdoor recreation facilities shall be connected to adjacent neighborhoods to the extend practical via street connections, driveways, and/or pedestrian/bicycle paths.
- F. **Operational Standards:**
  - 1. Lights and loudspeaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.
  - 2. Facility usage is limited to indoor activities before 6:00 a.m. or after 10:00 p.m. unless special permission is received from the Administrator.
  - 3. No equipment, machinery or mechanical device of any kind (other than customary HVAC systems) may be operated within two hundred (200) feet of any residentially zoned property except as needed for routine maintenance of the grounds or facility.
  - 4. Adequate provisions shall be made for the disposal of waste products and the control of noise associated with the recreational industry.
  - 5. All exterior lighting shall be shielded such that light is not directed toward adjacent residential property.

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### 3.6.3 Riding Stable.

- A. **Size of Lot:** Riding stables may only occur on a lot exceeding three (3) acres in size.
- B. **Number of Animals:** Not more than one (1) animal unit shall be kept, maintained or stabled per six thousand (6,000) square feet of land.
- C. **Distance from Dwelling Unit:**
  - 1. All animals shall be fenced so that they are not closer than fifty (50) feet from a dwelling unit on adjacent property.
  - 2. Any building housing animals shall be located a minimum of one hundred (100) feet from a dwelling unit on adjacent property.
  - 3. These provisions shall not apply if a dwelling unit is constructed so as to encroach upon an existing riding stable. However, an existing riding stable may not expand towards a newly established residential use.
- D. **Operation Standards:**
  - 1. Animal wastes shall not be stored any closer than one hundred and fifty (150) feet from any property line or surface waters.
  - 2. Areas used for the riding stable shall be securely fenced.
  - 3. No chain link fencing is permitted.
- E. **Buffering:** Buildings associated with riding stables must be buffered from adjacent residentially zoned property with a Type B buffer as set forth in Section 8.4.2.B.

### 3.6.4 Shooting Range, Outdoor.

- A. An outdoor shooting range must be governmentally owned and operated.
- B. **Buffering:** Outdoor shooting ranges shall be buffered from adjoining properties with a Type A buffer as set forth in Section 8.4.2.A.
- C. **Location:** Outdoor shooting ranges shall be located no closer than ¼ mile to any church, school or dwelling.

### 3.6.5 Theater, Outdoor.

- A. **Buffering/Location:**
  - 1. Outdoor theaters shall be buffered from adjoining residential uses with a Type A buffer as set forth in Section 8.4.2.A.
  - 2. The performance and audience areas for any outdoor theater shall be located a minimum of fifty (50) feet from any adjacent residentially zoned property.
- B. **Access:** Primary access to all outdoor theaters shall be to a collector or higher order street.
- C. **Operation Standards:**
  - 1. Reserved.
  - 2. Lights shall be shielded and positioned so as not to shine onto adjacent properties.
  - 3. Lights and loud speaker systems shall not be operated before 8:00 a.m. or after midnight.

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### 3.7 Supplemental Use Standards—Civic/Institutional.

#### 3.7.1 Cemetery.

- A. **Minimum Lot Size:** A minimum of three (3) contiguous acres shall be required to establish a cemetery, columbarium or mausoleum not located on the same tract of land as a church.
- B. **Minimum Yard Requirements:**
  - 1. The minimum yard required for all structures, excluding gatehouse, is fifty (50) feet from any exterior property line. Gatehouses shall be excluded from any minimum yard requirement.
  - 2. The minimum yard required for mausoleums and columbariums adjacent to a street shall be equal to a principal building front yard in the district.
  - 3. The minimum yard required for any grave or burial plot is fifty (50) feet from any exterior property line. This requirement does not apply where the adjacent property contains an existing cemetery.
  - 4. The minimum yard required for any grave or burial plot adjacent to a street shall be equal to a principal building front yard in the district provided that where graves or burial plots are adjacent to streets and closer than 50 feet a low planted screen in accordance with 8.6.1 shall be provided between the street and the cemetery.

#### 3.7.2 Correctional Institution.

- A. **Buffering:** Correctional institutions shall be buffered from adjoining residentially zoned property with a Type A buffer as set forth in Section 8.4.2.A.

#### 3.7.3 Schools—Elementary and Secondary.

- A. **Buffering:** Schools must be buffered from adjacent residentially zoned property with a Type B buffer as set forth in Section 8.4.2.B.
- B. **Site Design/Access:**
  - 1. Parking and active recreation areas shall not be located within the required yards.
  - 2. Primary access shall be provided from thoroughfare and collector streets. Local residential streets shall not be used for primary access.
  - 3. Connectivity (vehicular and pedestrian) to surrounding residential areas is encouraged.

### 3.8 Supplemental Use Standards—Industrial.

#### 3.8.1 Freight Hauling/Truck Terminals.

- A. **Access to State Thoroughfare Required:** All such facilities shall take primary access to their facility from a state thoroughfare (minor thoroughfare or higher order) and shall not necessitate travel through any neighborhoods.
- B. **Traffic Impact Analysis Required:** A TIA in accordance with Section 6.10 shall be required. Any deficiencies noted in the analysis shall be mitigated by the applicant prior to the issuance of a certificate of occupancy.
- C. As part of the Special Use Permit, the applicant shall provide suitable mitigation to prevent the trespass of any extra-ordinary noise, odor, dust, light or similar nuisances onto adjacent parcels with the exception of those parcels zoned CI.

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### 3.8.2 Mini-Warehouses.

#### All Business Districts (BD):

- A. **Entrances:** Separate entrances to individual storage units from outside the building are not permitted.
- B. **Uses Permitted:**
  - 1. It shall be unlawful for any owner, operator or lessee of any self-storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
  - 2. No portion of any self-storage warehouse shall be used, on a temporary or permanent basis, as a dwelling.

#### Other Districts:

- A. **Lighting:** Lighting must be deflected, shaded and focused away from any adjoining residentially zoned property.
- B. **Uses Permitted:**
  - 1. It shall be unlawful for any owner, operator or lessee of any self-storage warehouse or portion thereof to offer for sale, or to sell any item of personal property or to conduct any type of commercial activity of any kind whatsoever other than leasing of the storage units.
  - 2. No portion of any self-storage warehouse shall be used, on a temporary or permanent basis, as a dwelling.
  - 3. Repair of stored items is not permitted on the self-storage warehouse property.
- C. **Outside Storage:** No outside storage shall be permitted except the storage of recreational vehicles.

### 3.8.3 Recycling Collection Stations.

- A. **Yard Requirements:**
  - 1. Recycling collection stations shall meet the minimum yard requirements for the district in which they are located or the following requirements, whichever are greater:
    - a. Front—25 feet
    - b. Side—10 feet
    - c. Rear—20 feet
- B. **Recycling Materials:** All recyclable material must be contained within a defined area or structure and shall not be allowed to spill out into adjacent areas. The recycling collection area shall be kept clean with no accumulation of trash and debris permitted.
- C. **Yard Requirements:** All aspects of the materials recovery facility operation shall be no closer than fifty (50) feet to adjacent property lines.
- D. **Buffering:** Material recovery facilities shall be screened from the street and from adjacent properties with a Type A buffer as set forth in Section 8.4.2.A.

### 3.8.4 Storage—Outdoor Storage Yard.

All outdoor storage areas shall be enclosed by an opaque fence or wall and screened from the street right-of-way with a Type A buffer as set forth in Section 8.4.2.A.

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### 3.9 Supplemental Use Standards—Agricultural.

#### 3.9.1 Animal Production.

- A. **Size of Lot:** Animal production may only occur on a lot exceeding two (2) acres in size.
- B. **Number of Animals:** Not more than one (1) animal unit shall be kept, maintained or stabled per six thousand (6,000) square feet of land.
- C. **Distance from Dwelling Unit:** All animals shall be fenced so that they are no closer than one-hundred (100) feet from a dwelling unit on an adjacent property. This provision shall not apply if a dwelling unit is constructed so as to encroach upon an existing animal production use. However, an existing animal production use may not expand towards a newly established residential use.

#### 3.9.2 Forestry and Logging.

- A. **Purpose.** This section is adopted for the purpose of regulating tree removal, including forestry, logging, and clear cutting to insure that such activities do not create adverse impacts to neighboring properties, waterways or roadways.
- B. **Exemptions.** The following activities are exempt from the standards of this section:
  - 1. Removal of dead trees and hazard trees (trees in danger of falling due to disease, damage, or position relative to streets, buildings, power lines, etc.)
  - 2. Activities occurring on sites of less than 1 acre.
  - 3. Forestry activities taking place on property within the State Forestry Present-Use Property Tax Program being done in accordance with a Forestry Management Plan prepared by a qualified professional.
  - 4. Removal of trees under six inches in diameter at breast height (dbh), except as provided in (C) below.
  - 5. Tree removal activities being done in accordance with an approved development plan for which a Land Development Permit has been issued by the Town of Waynesville.
- C. **General Requirements:**
  - 1. A Land Development Permit shall be obtained for the proposed tree removal activities prior to the start of such activities, including road construction and site preparation.
  - 2. A detailed description in writing of the planned tree removal activities, and post removal stabilization of the site shall be submitted to the Administrator.
  - 3. A site plan showing property boundaries, existing structures and utilities, limits of clearing, perennial streams, contour lines at a 5' interval, erosion control measures, internal roads and proposed site access shall be submitted to the Administrator.
  - 4. A copy of a valid Erosion Control Permit issued by the NC Department of Natural Resources for all land disturbing activities associated with the tree removal shall be submitted to the Administrator.
  - 5. Off-site access roads shall be approved by the Administrator as safe and suitable for vehicular traffic associated with tree removal activities. A financial guarantee in an amount equal to 125% of the estimated cost of re-grading and/or resurfacing affected roadways may be required at the discretion of the Administrator.

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6. An undisturbed buffer of a minimum of 30' from the centerline and a maximum of 25' from the top of bank of any perennial streams shall be maintained.
  7. An undisturbed buffer of a minimum of 50' shall be maintained from all exterior property lines and street rights-of-way.
  8. Unless the cleared area is to be immediately replanted for lawn, pasture or reforestation, small pole timber (4" to 8" dbh) shall be preserved to the maximum extent practical in order to restore a continuous tree canopy as quickly as possible.
  9. Protected buffer areas shall be marked by the applicant and approved in the field by the Administrator prior to the start of any tree removal activities.
  10. Tree removal activities involving the use of machinery or power equipment shall be limited to the hours of hour after sunrise to sunset.
- D. **Ordinance Standards to be Adhered to:** All forestry and logging operations shall comply with the standards in Chapter 12, specifically, but not limited to 12.4 (Sedimentation and Erosion Control) and 12.5 (Stormwater Management).

### **3.10 Supplemental Use Standards—Infrastructure.**

#### **3.10.1 Wireless Communication Facility, Micro.**

A. **General Standards:**

1. A micro wireless facility shall be considered an accessory use.
2. Placement of a micro wireless facility on a non-conforming structure shall not be considered to be an expansion of the non-conforming structure. Placement of a micro facility on a non-conforming use shall not be considered to be an expansion of the non-conforming use.

B. **Development/Design Standards:**

1. A micro wireless facility shall be located on existing buildings, poles or other existing support structures.
2. A micro facility may be located on buildings and structures provided that the interior wall or ceiling immediately adjacent to the facility is not designated residential space.
3. A micro facility shall be the same color as the existing building, pole or support structure on which it is proposed to be located. Stealth facilities are required.
4. Micro facilities shall comply with the height limitation specified for all land development districts except that such facilities may exceed the height limitation by six (6) feet if placed on an existing structure. Micro facilities may extend up to six (6) feet above a structure.
5. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a micro facility other than as required by FCC regulations regarding registration of communications devices or other applicable laws.
6. No micro facility shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the FAA, FCC or the town.

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C. **Discontinuance:**

1. Discontinued micro facilities shall be reported immediately by the service provider to the Administrator. Discontinued facilities shall be decommissioned and removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. The Administrator may approve an extension of an additional six (6) months if good cause is demonstrated by the facility owner.
2. The provider erecting a micro facility, must have a draft lease agreement with the landholder, or separate equivalent documentation, that specifies if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder.

**3.10.2 Wireless Communication Facility, Mini.**

A. **General Standards:**

1. A mini wireless facility shall be considered an accessory use.
2. Placement of a mini wireless facility on a non-conforming structure shall not be considered to be an expansion of the non-conforming structure. Placement of a mini facility on a non-conforming use shall not be considered to be an expansion of the non-conforming use.

B. **Development/Design Standards:**

1. A mini wireless facility shall be located on existing buildings, poles or other existing support structures.
2. A mini facility may be located on buildings and structures provided that the interior wall or ceiling immediately adjacent to the facility is not designated residential space.
3. A mini facility shall be the same color as the existing building, pole or support structure on which it is proposed to be located. Stealth facilities are required.
4. Mini facilities shall comply with the height limitation specified for all land development districts except that such facilities may exceed the height limitation by six (6) feet if placed on an existing structure. Mini facilities may extend up to six (6) feet above a structure.
5. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a mini facility other than as required by FCC regulations regarding registration of communications devices or other applicable laws.
6. No mini facility shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the FAA, FCC or the town.

C. **Discontinuance:**

1. Discontinued mini facilities shall be reported immediately by the service provider to the Administrator. Discontinued facilities shall be decommissioned and removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. The Administrator may approve an extension of an additional six (6) months if good cause is demonstrated by the facility owner.
2. The provider erecting a mini facility, must have a draft lease agreement with the landholder, or separate equivalent documentation, that specifies if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder.



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### **3.10.3 Wireless Communication Facility, Macro.**

#### **A. General Standards:**

1. A macro facility shall be considered an accessory use.
2. Placement of a macro facility on a non-conforming structure shall not be considered to be an expansion of the non-conforming structure. Placement of a macro facility on a non-conforming use shall not be considered to be an expansion of the non-conforming use.

#### **B. Development/Design Standards:**

1. A macro wireless facility must have a minimum setback of twenty (20) feet from any adjacent residentially zoned parcel.
2. A macro facility may be located on buildings and structures provided that the immediate interior wall or ceiling adjacent to the facility is not a designated residential space.
3. A macro facility shall be the same color as the existing building, pole or support structure on which it is proposed to be located. Stealth facilities are required.
4. Macro facilities shall comply with the height limitation specified for all land development districts except that such facilities may exceed the height of existing structures by as much as fifteen (15) feet above the existing structure. Macro facilities may not extend more than fifteen (15) feet above their supporting structure.
5. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a macro facility other than as required by FCC regulations regarding registration of communications devices or other applicable laws.
6. No macro facility shall have affixed or attached to it in any way except during time of repair or installation, any lights, reflectors, flashers, day-time strobes or steady night time light or other illumination devices, except as required by the FAA, FCC or the town.

#### **C. Discontinuance:**

1. Discontinued macro facilities shall be reported immediately by the service provider to the Administrator. Discontinued facilities shall be decommissioned and removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. The Administrator may approve an extension of an additional six (6) months if good cause is demonstrated by the facility owner.
2. The provider erecting a macro facility, must have a draft lease agreement with the landholder, or separate equivalent documentation, that specifies if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder.

### **3.10.4 Monopole Wireless Communication Tower.**

#### **A. General Requirements:**

1. All monopole communications towers must comply with FCC and FAA guidelines. The communications tower owner shall provide the town each year with a copy of any FCC and FAA licenses required.
2. Monopole communications towers may be considered either a principal or an accessory use. A different existing use or structure on the same lot shall not preclude the installation.

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**B. Location/Site Design:**

1. Monopole wireless communications towers may only be located above an elevation of three thousand five hundred (3,500) feet or on property owned by the Town of Waynesville or Haywood County.
2. Monopole wireless communications towers may only be located on a lot one (1) acre or greater in size, except within the CI District.
3. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the land development district to the extent consistent with the function of the communications equipment. Monopole towers shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical.
4. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
5. Minimum yard requirements shall be in accordance with the yard requirements set forth in the development standards for the land development district in which the location of the tower is proposed, provided that all buffering requirements can be met. Additionally, monopole towers must set back from any property in a residentially zoned district a distance equivalent to the height of the tower being erected or one hundred (100) feet whichever is greater.
6. Monopole wireless communications towers shall be landscaped with a buffer of plant materials that effectively screens the view of tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
7. Accessory equipment facilities used to house wireless communications equipment should be located within buildings or placed underground when possible. When they cannot be located within buildings, equipment shelters or cabinets shall be fenced, screened and landscaped to screen views from adjacent properties. Accessory equipment facilities located on the roof of buildings shall be enclosed so as to be shielded from view. Accessory equipment facilities may not be enclosed with exposed metal surfaces.
8. Security fencing, if used, shall be painted or coated with a non-reflective color.
9. Proposed ingress and egress to the tower shall produce the least disturbance for adjoining uses as is practicable.

**C. Design of Tower:**

1. The use of colors and facility designs shall be compatible with the surroundings (buildings, vegetation, etc.) or the surroundings likely to exist in the area and should prevent the facility from dominating the area in which it is located.
2. The use of stealth design technology is required.
3. The maximum height allowed for a monopole tower is one hundred eighty (180) feet.
4. Macro facilities are the largest attached wireless communications facilities allowed on a monopole tower.
5. Antennas may not extend more than fifteen (15) feet above any monopole tower.

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6. Towers shall not be artificially lit unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that will cause the least disturbance to surrounding views.
  7. Security lighting for equipment shelters or cabinets and other on-ground accessory equipment is also permitted, as long as it is appropriately down-shielded to keep light within the boundaries of the site.
  8. No equipment shall be operated so as to produce noise levels above forty-five (45) dB as measured from the nearest adjacent, residentially zoned property. Operation of a back-up power generator in the event of power failure, or the testing of a back-up generator between 8:00 a.m. and 9:00 p.m. are exempt from this standard.
  9. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower or attached antenna other than as required by FCC regulations regarding tower registration or other applicable law.

**D. Collocation:**

1. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Adjustment that no existing tower, structure or alternative technology, that does not require the use of towers or structures, can reasonably accommodate the applicant's proposed tower or antenna.
2. Applicants and permittees shall make a good faith effort to share wireless communications, structures, facilities and sites where reasonable and appropriate. Such good faith shall include sharing technical information and application information to evaluate the feasibility of collocation. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the town may require a third party technical study at the expense of either or both the applicant and permittee.

**E. Discontinuance:**

1. Discontinued monopole communications towers shall be reported immediately by the service provider to the Administrator. Discontinued facilities shall be decommissioned and removed by the facility owner within six (6) months of the date it ceases to be operational or if the facility falls into disrepair. The Administrator may approve an extension of an additional six (6) months if good cause is demonstrated by the facility owner.
2. The provider erecting a mini monopole communications tower, must have a draft lease agreement with the landholder, or separate equivalent documentation, that specifies if the provider fails to remove the facility upon six (6) months of its discontinued use, the responsibility for removal falls upon the landholder.
3. A performance bond shall be filed for 1.25 times the estimated cost of removal of all towers and accessory equipment structures that are approved. The amount of the bond shall be determined by a removal company. For every year following approval, the bond shall increase by an inflation factor based upon the Consumer Price Index (CPI).

**3.10.5 Radio and Television Broadcasting Services (Except Towers).**

A Special Use Permit (SUP) in accordance with Section 15.10 shall be required.

**3.10.6 Utilities—Class 3.**

A Special Use Permit (SUP) in accordance with Section 15.10 shall be required.

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### **3.10.7 Type IV Parking - Additional 1st Layer Parking.**

Additional parking may be permitted in the 1st layer provided that one (1) or more of the following conditions is present:

- A. Existing site topography creates a substantial grade separation from the road(s) upon which the site fronts.
- B. Additional parking in Layer 1 makes the proposed development fit better with existing development patterns on and off site, particularly with regard to connections with existing parking areas and driveway access.
- C. A "courtyard" parking arrangement is proposed with a centralized parking area bordered by multiple buildings.
- D. The project involves redevelopment of an existing building.
- E. The function of the proposed development requires additional Layer 1 parking.

( Ord. No. O-02-18 , § 2, 3-13-2018; Ord. No. O-26-18 , § 2, 11-27-2018)