



STAFF REPORT

Agenda Title: Zoning Ordinance Amendment

Staff Contact: Adrienne Isenhower

Meeting Date: August 16, 2022

Summary:

Proposed zoning text amendments to Section 54-10: *Definitions* and Sections 54-145 through 54-149 and 54-154 through 54-155: *Uses, District Regulations and Considerations*.

Background:

As a result of continued review of subdivision and development standards, staff continues to identify sections in need of improvement.

Staff Analysis:

The current zoning ordinance refers to lot width standards as the “measurement at the building line”; however, it fails to define building line or lot width. While a reasonable interpretation of building line would equate to the front building setback, the current language could be more clear.

To achieve improved clarity, staff recommends replacing the phrase “minimum lot width at the building line” found in the standards for each zoning district (Sections 54-145 through 149 and 54-154 through 155) to “minimum lot width”. Additionally, the recommendation is to add the definition of “lot width” to the Section 54-10. This definition would read:

Lot width means the distance between the side lines of a lot measured at the front building setback line.

Review by Other Bodies:

The Town of Woodfin Planning Board reviewed the proposed zoning text amendment at their regular meeting on August 2, 2022. The Board unanimously recommended approval of the proposed amendment, 5:0.

Staff Recommendation:

Staff concurs with the Town of Woodfin Planning Board and recommends approval of the proposed text amendment.

Suggested Motion:

I move to approve the proposed zoning text amendments and find that the request is reasonable, is in the public interest, is consistent with the town’s comprehensive plan, and meets the needs of the community in that the proposed amendment will: 1) provide greater clarity and predictability in regard to development requirements thereby promoting economic development, and 2) advance public health, safety, and welfare by ensuring orderly development in the Town of Woodfin.

Attachments:

- (1) Zoning text mark-ups
- (2) Planning board consistency statement
- (3) Ordinance

Sec. 54-10. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory use or structure means a use or detached structure subordinate to the principal use of a structure or land and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

Agriculture and horticulture (any form) means the use of land for agricultural purposes including farming, silviculture, viticulture, fish culture, animal and poultry husbandry and/or horticultural purposes including the growing and production for income of fruits, vegetables, flowers, nursery stock, or ornamental plants.

Air conditioning and heating equipment manufacturing means companies in this industry manufacture residential, commercial, and industrial heating, ventilation, air conditioning and refrigeration (HVACR) equipment. Industry revenue includes miscellaneous receipts for the resale of products without further manufacturing, contract work done for others on respective items and acknowledgements for repair, scrap and refuse sales. Automotive units are excluded from this industry.

Alcohol and alcohol beverage manufacturing means a manufacturer engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or malt beverage.

Alley means a special public right-of-way affording only secondary access to abutting properties.

Amusement, recreational and sporting goods manufacturing means processing, fabrication, assembly, treatment and packaging of amusement, recreational and sporting goods products and incidental storage, sales and distribution of such products.

Animal hospitals means any building or portion of a building designed or used for the care, observation, or treatment of domestic animals.

Assembly halls, coliseums, armories, ballrooms, and similar structures means a building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

Auction sales means any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

Automobile parts supplies, retail means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation.

Automobile repair garages means any building structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, or oil change and lubrication painting, tire service and sales, or installation of CB radios, car alarms, stereo equipment, or cellular telephones.

Automobile sales (new and used) means storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales includes motor vehicles retail or wholesale sales.

Automobile wrecking and junking yards means any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind incapable of being operated and not currently licensed are placed, located, or found.

Bakeries, manufacturing means a place for prepping, cooking, baking, and selling of products intended for off premise distribution.

Bakeries, retail means a place for preparing, cooking, baking, and selling of products on the premises.

Banks and other financial institutions means a financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Barber and beauty shop means any establishment where cosmetology services are provided including hair care, nail care and skin care on a regular basis for compensation.

Boat and trailer repairs and manufacturing means a facility, including a boat repair garage or boat storage yard where boats are repaired and stored until repairs are completed.

Bowling alleys and skating rinks means an establishment that provides indoor facilities for the sport of ten-pin or duck-pin bowling or participant skating, with customary accessory uses such as snack bars.

Buffer strip shall consist of a planted strip at least ten feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than 20 feet apart and not less than one row of dense shrubs, spaced no more than five feet apart.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building frontage means the linear length of only that portion of a building used by an individual tenant in a multiple tenant development and which faces a public street or alley.

Building setback line means a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. If the property line extends into a roadway or highway itself, then the setback line shall be measured from the edge of the traveled way (which is the edge of the road or the actual area that vehicles travel upon) when computing setback requirements on lots abutting highways.

Canopy means a permanent attached structure which projects from and is supported by a building, which serves as a cover providing shelter or decoration and which extends beyond the building.

Car wash means the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Churches means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

Clubs and lodges (nonprofit) means any person(s), partnership, association, corporation, or other group whose activities are conducted for civic or humanitarian motives and not for the gain of any private individual or group and may include, but shall not be limited to, social service, welfare, education, civic, fraternal, or cultural activities.

Common plan of development means a construction or land disturbing activity is part of a larger common plan of development if it is completed in one or more of the following ways: in separate stages; in separate phases; or in combination with other construction activities. It is identified by the documentation (including, but not limited to, a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, plats, blueprints, marketing plans, contracts, permit application, zoning request, or computer design) or physical demarcation (including, but not limited to, boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot; it can include one operator or many operators.

Contractors' offices means any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Channel means those flood lands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

Customary incidental home occupations means any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there are no retail sales or display on the premises and no person not a resident of the premises is employed by the following home occupations: lawyer, physician, optometrist, dentist, osteopath, and chiropractor. Provided further that no mechanical equipment is installed or used except such as normally used for domestic or professional purpose, and that not over 25 percent of the total floor space of any structure is used for home occupations.

Dry cleaning and laundry pickup stations means an establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up but where laundering or cleaning is done elsewhere.

Dwelling means a building that contains one or two dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, detached means a dwelling entirely surrounded by open space on the same lot.

Dwelling, multiple-family means a dwelling containing three or more dwelling units.

Dwelling, single-family means a dwelling containing one dwelling unit either attached, semi-attached, or detached.

Dwelling unit means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, eating, sleeping, eating, cooking and sanitation.

Eave line means the extension of a roof line beyond the vertical wall of a building.

Efficiency means a dwelling unit consisting of one principal room with no separate sleeping rooms.

Erect means to construct, build, raise, assemble, install, place, locate, relocate, affix, attach, display, alter, use, create, paint, draw, illuminate or in any other way bring into being or establish.

Facade means building sides including parapet and wing wall.

Familial relationship, close means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Farm machinery, sales, and repairs means establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and process pertaining to farming and ranching.

Feed and seed stores means a retail store selling primarily agricultural products, including the bulk storage of fertilizers and related agrichemicals.

Florist means a retail business whose principal activity is the selling of plants which are not grown on the site and conducting business within an enclosed building.

Funeral homes and mortuaries means a building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral supplies funeral urns, and other related funeral supplies; (e) facilities for cremation where funeral home is permitted, a funeral chapel shall also be permitted.

Game and amusement rooms, including pool halls means a place or facility where pinball or other similar electronic games are played for amusement only. Shall not be construed to include gambling devices prohibited by law.

Grade means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Gross floor area means the total floor area of all buildings in a project including basements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. Gross floor area excludes separate service facilities outside the main building such as boiler rooms and maintenance rooms.

Group development means a group of two or more principal structures built on a single lot, tract, or parcel of land not subdivided into the customary streets and lots and which will not be subdivided, and designed for occupancy by separate families, businesses, or other enterprises. Examples would be:

- (1) Cluster-type subdivisions;
- (2) Row houses;
- (3) Apartment courts;
- (4) Housing projects;
- (5) School and hospital campuses;
- (6) Shopping centers; and
- (7) Industrial parks.

Height (building) means the average maximum vertical height measured at a minimum of three equidistant points from finished grade to the highest point on the building along each building elevation. Chimneys, ventilators, antennas, skylights, tanks, bulkheads, or solar panels shall not be considered part of the height of the building if they do not extend more than four feet above the specific height limit. Domes, towers, or spires which are the integral part of churches or religious buildings shall not be subject to these limitations, provided that such features shall in no way be used for living purposes.

Hotels, inns and motels means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service, related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

Jewelry repair and pawn shops means any place of business which is regularly engaged in the business of making pawns but does not include a financial institution or any business that regularly loans money or any other thing of value on stocks, bonds, or other securities.

Junkyard means a lot, land, or structure or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and/or salvaging of machinery or vehicles not in operating condition and for the sale of parts thereof.

Kennel means the boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/ or for commercial gain.

Kindergarten or day nursery means any day care center which receives children between the ages of two and six years and which is established and professionally operated primarily for educational purposes to meet the development needs of the children served.

Launderette and laundromat means a facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

Libraries, museums and art galleries means a room or building for exhibiting, or an institution in charge of, a collection of books, artistic, historical, or scientific objects.

Lot means a parcel of land occupied or intended for occupancy for a building together with its accessory building. For the purposes for this chapter, the term "lot" means any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are to be erected.

Lot, corner means a lot abutting two or more streets at their intersection, provided that the corner of such intersection has an angel of 135 degrees or less, measured on the lot side.

Lot coverage means the area under a roof and enclosed by the exterior permanent walls.

Lot width means the distance between the side lines of a lot measured at the front building setback line.

Manufactured home means a transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings.

Manufactured home park means any parcel of land under one ownership that has been planned and improved for the placement of two or more mobile homes for rental purposes for non-transient use.

Meat market means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medical and dental clinics means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, other health care professionals, or similar professions.

Metal fabricating plants means the assembly of metal parts including blacksmith and welding shops, sheet metal shops, machine shops, that produce metal duct work, tanks, towers cabinets, and enclosures, metal doors and gates, and similar products.

Mini storage warehouses means the operation of warehousing and storage wherein the storage capacity of individual units is less than 1,000 square feet of floor area and individual keys are provided to lock each unit during the term of a rental agreement.

Multiple-tenant development means 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 mall areas).

Newspaper office means a publication, printed on newsprint, intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest. The events and news of general interest. The term "newspaper" does not include magazines, trade publications or journals, credit bulletins, and advertising inserts, circulars, directories, maps, racing programs, reprints, newspaper clipping and mailing services or listings, publications that include an updating or revision service, or books or pocket editions of books.

Noncommercial parks, playgrounds, and community centers (public and private) means a place, structure, area, or facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community. Also includes clubs, lodges, golf courses, swimming pools and fishing lakes.

Nonconforming lot means a lot that lawfully existed prior to the enactment of the requirements of this chapter, but which does not meet the minimum lot size or lot width requirements of the zoning district in which it is located.

Nonconforming structure means any structure, by virtue of the use to which it is put, which does not comply with the use provisions of this chapter for the district in which it is located.

Nonconforming use means any land lawfully used or occupied at the time of September 16, 1973 which does not conform to the regulations of this chapter or amendments thereto pertaining to uses.

Offices (business, professionals, and public) means administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with public, provided that no merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

Outdoor recreation means recreational uses conducted almost wholly outdoors, including golf driving ranges, go-cart track, riding stables, miniature golf, firing ranges, water parks, amusement parks, and similar uses.

Paper products manufacturing means the manufacturing of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper etc.

Parapet means that portion of a building wall that rises above the roofline.

Parking space means a graded and surfaced area of at least nine feet wide and 19 feet long, either enclosed or open, for the parking of a motor vehicle, having adequate ingress or egress to a public street or alley.

Permanently affixed means anchored to a foundation.

Photographic studios and camera supply stores means a facility primarily engaged in the retail sale, lease, and service of photography equipment and supplies, including limited on-site processing or development.

Plastic products manufacturing means the manufacturing of rubber products including rubber footwear; mechanical rubber goods; heels and soles; flooring; and rubber sundries from natural, synthetic, or reclaimed rubber. Also includes establishments engaged in molding primary plastics for the trade and manufacturing miscellaneous finished plastics products; fiberglass manufacturing; and fiberglass application services.

Printing and reproduction establishments means a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Public and private elementary schools means a public or private schools offering instruction at the elementary school level in the branches of learning and study required to be taught in schools within the state.

Public safety facilities means a government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

Public works and public utility facilities means any improvement facility or service, together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy, or similar essential services.

Radio and television station means establishments primarily engaged in the provision of broadcasting and other information relay services accomplished using electronic and telephonic mechanisms excluded are facilities classified as major utility services or broadcasting or communication towers typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

Restaurants means any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. Also includes drive-in restaurants.

Retail establishment means a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser, where products include but are not limited to clothing, fabric, shoes, varieties, notions, drugs, hardware, furniture, appliances, floor coverings, paints, antiques, art goods, jewelry, gifts, music, toys, sporting goods, books and stationary, magazines, candy, tobacco, pets, hobbies, and crafts.

Sawmills means a facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Service stations means any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Setback line means a line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

Single tenant means a single business establishment, activity or use.

Site plan means a scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision, and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

Skirting means as related to manufactured homes, skirting shall be of noncombustible material or material that will not support combustion. Skirting material shall be durable and suitable for exterior exposures. Any wood framing used to support the skirting shall be of approved moisture resistant treated wood. Skirting manufactured specifically for this purpose shall be installed in accordance with the manufacturer's specifications.

Small electric and appliance repair shops means establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Soffit means the underside of a structural component such as an arch, beam or cornice.

Street frontage means that portion of a lot abutting a publicly-maintained street or alley.

Structure means any erection or construction, such as buildings, towers, mast poles, booms, signs, decorations, carports, machinery, and equipment excluding utility lines and appurtenances.

Taxicab business means a service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing, and fueling taxicabs or vans.

Temporary health care structure means a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).

Theatres, indoor means a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Trademark means a name, symbol, or other device identifying a product which is officially registered and legally restricted to the use by its owner.

Truck stop means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews.

Use means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Utilities means public, quasi-public or private facilities such as water well water and sewage pumping stations, water storage tanks, power and communications transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, gas regulation stations, sewage disposal plants, sludge incinerators, warehouses, shops, and storage yards.

Vision clearance means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highway or streets with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street, or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurements from their intersection as specified in this chapter.

Warehouse means a building used primarily for the storage of goods and materials.

Wholesale establishments means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies this is not considered a general commercial use.

Yard means a space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky, except where encroachments and accessory buildings are expressly permitted.

Yard, front means an open, unoccupied space on the same lot with a principal building, extending a full width of the lot and situated between the street or property line and the front line of the building projected to the side lot lines of the lot.

Yard, rear means an open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lot lines of the lot.

Yard, side means an open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line extending from the rear line of the front yard to the front line of the rear yard.

(Ord. of 5-18-2021; Ord. of 1-18-2022; Ord. of 2-15-2022(2))

Sec. 54-145. R-43 Residential District.

- (a) *Purpose.* This district, characterized by steep slopes, is intended to be a quiet, low-density neighborhood consisting of single-family residences along with limited home occupations and limited private and public community uses. It is expected that public water and sewer facilities may not be available to each lot.
- (b) *Uses.* The chart below indicates the uses generally permitted in the R-43 zoning district. Also see Appendix A. Permitted Uses Table.

Permitted by Right	Special Uses
Any form of agriculture or horticulture, including the sale of products on the property where produced	Churches and their customary related uses
Customary incidental home occupation	Public safety facilities such as fire and police stations and rescue squad headquarters
Noncommercial, public or private parks, playgrounds, community centers, clubs and lodges, golf courses, swimming pools and fishing lakes	Public works and public utility facilities such as transformer stations, pumping stations, water towers and telephone exchanges
Public elementary schools and private schools having curricula approximately the same as ordinarily given in public schools	
Residential: Single-family	

- (c) *Dimensional requirements.* Within the R-43 Residential District, as shown on the zoning map, the following dimensional requirements per dwelling unit shall be complied with:

Min. Yard Requirements		Setbacks		
Min. Lot Size (sq. ft).	Min. Lot Width at Building Line (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
43,000	100	30	15	20% mean lot depth, or 30

(Ord. of 5-18-2021)

Sec. 54-146. R-21 Residential District.

- (a) *Purpose.* This district is intended to be a quiet, low density neighborhood consisting of single-family residences and limited home occupations and limited private and public community uses. It is expected that public water and sewer facilities will be available to each lot, providing a healthful environment.
- (b) *Uses.* The chart below indicates the uses generally permitted in the R-21 zoning district. Also see Appendix A. Permitted Uses Table.

Permitted Uses	Special Uses
Any form of agriculture or horticulture, including the sale of products on the property where produced	Churches and their customary related uses
Customary incidental home occupation	Public safety facilities such as fire and police stations and rescue squad headquarters

Noncommercial, public or private parks, playgrounds, community centers, clubs and lodges, golf courses, swimming pools and fishing lakes	Public works and public utility facilities such as transformer stations, pumping stations, water towers and telephone exchanges
Public elementary schools and private schools having curricula approximately the same as ordinarily given in public schools	Rest and convalescent homes
Residential: Single-family dwelling	

- (c) *Dimensional requirements.* Within the R-21 Residential District, as shown on the zoning map, the following dimensional requirements per dwelling unit shall be complied with:

Min. Yard Requirements		Setbacks (feet)			
Lot Size (sq. ft).	Min. Lot Width at Building Line (feet)	Front	Side	Side-Abutting Street/Right-of-Way	Rear (whichever is less)
21,000	90	30	15	20	20% mean lot depth, or 30

(Ord. of 5-18-2021; Ord. of 1-18-2022)

Sec. 54-147. R-10 Residential District.

- (a) *Purpose.* The R-10 Residential District is intended to be a quiet medium density residential district in which the principal use of the land is for residential purposes, with provisions for limited group residential areas and limited private and public community uses. It is expected that public water and sewer facilities will be available to each lot.
- (b) *Uses.* The chart below indicates the uses generally permitted in the R-10 zoning district. Also see Appendix A. Permitted Uses Chart.

Permitted Uses	Special Uses
Any form of agriculture or horticulture, including the sale of products on the property where produced	Churches and their customary related uses
Customary incidental home occupation	Group Development
Noncommercial, public or private parks, playgrounds, community centers, clubs and lodges, golf courses, swimming pools and fishing lakes	Kindergartens and day nurseries
Public elementary schools and private schools having curricula approximately the same as ordinarily given in public schools	Public safety facilities such as fire and police stations and rescue squad headquarters
Residential: Single-family dwelling	Public works and public utility facilities such as transformer stations, pumping stations, water towers and telephone exchanges
Residential: Two-family dwelling	Rest and convalescent homes
Residential: Multi-family dwelling	
Residential: Class A double wide mobile homes	

- (c) *Dimensional requirements.* Within the R-10 Residential District, as shown on the zoning map, the following dimensional requirements per dwelling unit shall be complied with:

# of units	Min. Yard Requirements		Setbacks (feet)		
	Lot Size (sq. ft.)	Min. Lot Width at Building Line (feet)	Front	Side	Rear (whichever is less)
First unit	10,000	70	25	10 (15 if abutting street)	20% mean lot depth or 30 feet
Second unit	6,000	90	25	20	20% mean lot depth or 30 feet
Three units or more	4,500 (each add. unit; max. 8 units)	100	25	25	20% mean lot depth or 30 feet

(Ord. of 5-18-2021; Ord. of 1-18-2022)

Sec. 54-148. R-7 Residential District.

- (a) *Purpose.* The R-7 Residential District is established as a district where two-family and multifamily dwellings will be permitted along with single-family dwellings. It is expected that public water and sewerage facilities will be available to each lot in such districts.
- (b) *Uses.* The chart below indicates the uses generally permitted in the R-7 zoning district. Also see Appendix A. Permitted Uses Chart.

Permitted Uses	Special Uses
Any form of agriculture or horticulture, including the sale of products on the property where produced	Churches and their customary related uses
Customary incidental home occupations	Group Development
Noncommercial, public or private parks, playgrounds, community centers, clubs and lodges, golf courses, swimming pools and fishing lakes	Kindergartens and day nurseries
Office supplies and equipment, sales and service	Public safety facilities such as fire and police stations and rescue squad headquarters
Public elementary schools and private schools having curricula approximately the same as ordinarily given in public schools	Public works and public utility facilities such as transformer stations, pumping stations, water towers and telephone exchanges
Residential: Single-family dwelling	Rest and convalescent homes
Residential: Two-family dwelling	
Residential: Multi-family dwelling	
Residential: Class A double-wide mobile homes	

- (c) *Dimensional requirements* Within the R-7 Residential District, as shown on the zoning map, the following dimensional requirements per dwelling unit shall be complied with:

# of units	Min. Yard Requirements	Setbacks (feet)
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	Lot Size (sq. ft.)	Min. Lot Width at Building Line (feet)	Front	Side	Rear
First unit	7,000	50	20	10	20% mean lot depth or 30 feet
Second unit	6,000	80	20	20	20% mean lot depth or 30 feet
Three units or more	5,000	100	20	25	20% mean lot depth or 30 feet

(Ord. of 5-18-2021; Ord. of 1-18-2022)

Sec. 54-149. Transitional District.

- (a) *Purpose.* The Transitional District serves as a transition between residential and commercial land uses. Within this district, dwellings and businesses have an equal priority and are encouraged to coexist. Commercial uses should primarily serve the neighborhood or local community rather than the region. Square footage limitations ensure that the scale of overall development is kept moderate. It is expected that properties within this district will have above average access to roads and that public water and sewer are available.
- (b) *Uses.* The chart below indicates the uses generally permitted in the Transitional Zoning District. Also see Appendix A. Permitted Uses Table.

Permitted Uses (Residential)	Permitted Uses (Commercial)	
Single-Family Dwellings	Banks	Medical and dental clinics
Two-Family Dwellings	Barber and beauty shops	Office supplies and equipment sales
Multi-Family Dwellings	Bicycle sales and service	Business, professional and public offices with no outside storage of materials or equipment
	Catalog sales	Opticians
Special Uses	Clothing stores	Photos and camera sales and service
Churches	Crafts retail and supplies	Physical culture, such as dance studios, martial arts, bodybuilding and aerobics facilities
Group Developments	Dairy bars or ice cream shops	Public Safety Facilities
	Floral shops	Public works and public utilities facilities
	Electronics retail stores	Grocery stores and specialty food shops
	Kindergartens	Restaurants without drive thru facilities
	Libraries and museums	Radio and TV repair
	Medical and dental clinics	Shoe sales
	Office supplies and equipment sales	Tailors and dressmaking

	Business, professional and public offices with no outside storage of materials or equipment	
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- (c) *Access requirements.* Adjacent residential land uses and adjacent residential zoning districts shall be protected from excessive traffic generated by uses within this district. All commercial developments permitted within this district must place their entrances and exits in the front yard of their lot. Entrances and exits from parking areas shall not be provided alongside and rear lot lines.
- (d) *Buffer strip.* All commercial developments in the Transitional District shall establish a buffer strip along property lines that abut adjacent residential land uses and adjacent residential zoning districts. A solid, opaque privacy fence eight feet in height may be used in place of vegetative buffers.
- (e) *Dimensional requirements.* Within the Transitional District, as shown on the zoning map, the following dimensional requirements per dwelling unit shall be complied with:

# of units	Min Yard Requirements		Setbacks (feet)		
	Lot Size (sq. ft.)	Min. Lot Width at Building Line (feet)	Front	Side	Rear
First unit	7,000	50	20	10	20% mean lot depth or 30 feet
Second unit	6,000	80	20	20	20% mean lot depth or 30 feet
Three units or more	5,000	100	20	25	20% mean lot depth or 30 feet
Density: Maximum residential density is eight dwelling units per acre.					

- (f) *Parking.* C-S parking requirements. 75 percent of the parking must be provided in the side or rear of the structure.
- (g) *Drive thru facilities.* Drive thru facilities are prohibited for all approved uses.
- (h) *Hours of operation.* Hours of operation for any business or service provided on the site are limited to 7:00 a.m. to 11:30 p.m. All illuminated signs shall be limited to these hours of operation.
- i. *Outside storage of materials or equipment.* Outside storage of materials or equipment is prohibited. Materials and equipment may be stored in approved accessory buildings.

(Ord. of 5-18-2021; Ord. of 1-18-2022)

Sec. 54-154. L-I Light Industrial District.

- (a) *Purpose.* The L-I Light Industrial District is established as a district in which the principal use of land is for light industrial and warehousing uses which normally seek locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.
- (b) *Uses.* The chart below indicates the uses generally permitted in the L-I Industrial District.

<i>Permitted Uses</i>

Alcohol and alcohol beverage manufacturing	Industrial trade schools and research laboratories
Amusement, recreation and sporting goods manufacturing	Insulation materials and wall board manufacturing
Any form of agriculture or horticulture, including the sale of products on the property where produced	Kennels
Apparel and clothing manufacturing, including hosiery	Launderette and laundromats
Assembly halls, coliseums, armories, ballrooms, and similar structures	Leather products, including luggage and shoe manufacturing
Auction sales, except livestock	Libraries, museums and art galleries
Automobile parts and supplies, retail	Locksmiths and gunsmiths
Automobile parts and accessories manufacturing	Manufactured home display area
Automobile repair garages, but excluding body works and open storage of wrecked cars	Meat markets, retail only, excluding the killing or dressing of any flesh or fowl
Automobile sales, new and uses	Medical and dental clinics
Bakeries and other establishment manufacturing prepared food products for wholesale distribution	Miniature golf
Bakeries, retail	Mini storage warehouses
Bedding and carpet manufacturing and cleaning establishments	Musical instrument manufacturing
Belting and brake lining manufacturing	Newspaper offices
Boat and trailer repairs and manufacturing	Noncommercial public or private parks, playgrounds, community centers, clubs and lodges, golf courses, swimming pools and fishing lakes
Boat and trailer sales	Offices, business, professional and public
Bottling works	Paper products manufacturing
Bowling alleys and skating rinks	Plastic products manufacturing
Business colleges, barber and beauty colleges and schools, music and dance studios	Plumbing and heating supply houses
Business machines manufacturing	Precision instruments manufacturing
Cabinet, caskets and woodworking	Printing and reproduction establishments
Car wash	Printing, engraving and publishing establishments
Clubs and lodges, fraternities, sororities, and social, civic, and other similar organizations operating on a nonprofit basis	Printing plants
Coffee, tea and spices processing	Public and private elementary schools
Contractors offices with interior storage of materials	Public works and utility facilities, excluding service and storage yards
Drugs, medicines and cosmetics manufacturing	Radio and television stations
Dry cleaning and laundry plants	Radio and television repair shops
Electrical appliances and electronic equipment manufacturing	Restaurants, including drive-in restaurants
Electrical wholesale supply house and repair shops	Sheet metal, roofing, plumbing, heating and refrigeration shops
Exterminators	Textile and cordage manufacturing
Felt and sandpaper manufacturing	Theatres, indoor
Freezer lockers and ice plants	Trailer manufacturing
Funeral homes and mortuaries	Truck stop

Furniture manufacturing	Warehousing, except for the storage of dangerous or offensive items such as uncured hides and explosives
Furriers and fur storage	Wholesale establishments
Glass, ceramic and tile manufacturing	Wholesale storage of gasoline and oil products, including bottled gas and oxygen
Hardware and housewares manufacturing	Window and door manufacturing
Hotels, motels and inns	
<i>Special Uses</i>	
Animal hospitals	Group development
Automobile repair garages, including body works and open storage of wrecked cars	Industrial supplies and equipment, sales and service
Building materials storage and sales yards	Kindergartens and day nurseries
Churches and their customary related uses	Public safety facilities such as fire and police stations and rescue squad headquarters
Contractors' offices with storage yards	Public works and public utilities facilities
Farm machinery, sales and repairs	Public works and public utility facilities such as transformer stations, pumping stations, water towers and telephone exchanges
Feed and seed stores	Rest and convalescent homes
Game and amusement rooms, including pool halls	Service stations

- (c) *Dimensional Requirements.* Within the L-I Industrial District, as shown on the zoning map, the following dimensional requirements per dwelling unit shall be complied with:

Min. Yard Requirements		Setbacks (feet)		
Lot Size (acres)	<u>Min. Lot Width at Building Line (feet)</u>	Front	Side	Side (from each principle building)
One	200	50	15	25
Coverage	The total ground area covered by the principal building and accessory buildings shall not exceed 40 percent of the total lot area.			
Buffering	A densely planted and maintained buffer strip shall be planted on any side or rear yard which abuts a residential area. Such a buffer need not extend nearer to a street right-of-way line than the established building line of the adjoining lot. No buffer shall be required on any side or rear yard which abuts a public street.			

(Ord. of 5-18-2021)

Sec. 54-155. H-I Heavy Industrial Districts.

- (a) *Purpose.* The H-I Heavy Industrial District is designed to accommodate all but the most obnoxious industries. However, it is expected that industries permitted here by right, as well as those special uses, will minimize their emission of smoke, dust, fumes, glare, noise and vibrations.
- (b) *Uses.* The chart below indicates the uses generally permitted in the H-I Industrial District.

<i>Permitted Uses</i>

Air conditioning and heating equipment manufacturing	Furniture manufacturing
Alcohol and alcohol beverage manufacturing	Furriers and fur storage
Amusement, recreation and sporting goods manufacturing	Glass, ceramic and tile manufacturing
Any form of agriculture or horticulture, including the sale of products on the property where produced	Hardware and housewares manufacturing
Apparel and clothing manufacturing, including hosiery	Insulation materials and wall board manufacturing
Apple packing sheds	Kennels
Assembly halls, coliseums, armories, ballrooms, and similar structures	Leather products, including luggage and shoe manufacturing
Auction sales, except livestock	Manufactured home display area
Automobile parts and supplies, retail	Metal fabricating plants, including boiler and tank works
Automobile parts and accessories manufacturing	Mini storage warehouses
Automobile repair garages, but excluding body works and open storage of wrecked cars	Musical instrument manufacturing
Automobile repair garages, including body works and open storage of wrecked cars	Noncommercial public or private parks, playgrounds, community centers, clubs and lodges, golf courses, swimming pools and fishing lakes
Automobile sales, new and uses	Offices, business, professional and public
Bakeries and other establishment manufacturing prepared food products for wholesale distribution	Outdoor recreation uses such as go-cart track and riding stables
Bedding and carpet manufacturing and cleaning establishments	Paper products manufacturing
Belting and brake lining manufacturing	Plastic products manufacturing
Boat and trailer repairs and manufacturing	Planting works
Boat and trailer sales	Plumbing and heating supply houses
Bottling works	Pottery, porcelain, or vitreous china manufacturing
Bowling alleys and skating rinks	Precision instruments manufacturing
Business machines manufacturing	Printing and reproduction establishments
Cabinet, caskets and woodworking	Printing, engraving and publishing establishments
Car wash	Printing plants
Carbon and battery products manufacturing	Radio and television stations
Clubs and lodges, fraternities, sororities, and social, civic, and other similar organizations operating on a nonprofit basis	Restaurants, including drive-in restaurants
Coffee, tea and spices processing	Sawmills, planing mills, pallet and basket factories
Contractors offices with interior storage of materials	Service stations
Drugs, medicines and cosmetics manufacturing	Sheet metal, roofing, plumbing, heating and refrigeration shops
Dry cleaning and laundry plants	Textile and cordage manufacturing
Electrical appliances and electronic equipment manufacturing	Trailer manufacturing
Exterminators	Truck stop
Felt and sandpaper manufacturing	Warehousing, except for the storage of dangerous or offensive items such as uncured hides and explosives
Fertilizer manufacturing and sales	Wholesale establishments

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(Supp. No. 2)

Flour and feed mills	Wholesale storage of gasoline and oil products, including bottled gas and oxygen
Freezer lockers and ice plants	Window and door manufacturing
<i>Special Uses</i>	
Animal Hospitals	Group development
Automobile wrecking and junkyards	Industrial supplies and equipment, sales and service
Building materials storage and sales yards	Kindergartens and day nurseries
Churches and their customary related uses	Public safety facilities such as fire and police stations and rescue squad headquarters
Contractors' offices with storage yards	Public works and public utilities facilities
Farm machinery, sales and repairs	Public works and public utility facilities such as transformer stations, pumping stations, water towers and telephone exchanges
Feed and seed stores	

- (c) *Dimensional requirements.* Within the H-I Industrial District, as shown on the zoning map, the following dimensional requirements per dwelling unit shall be complied with:

Min. Yard Requirements		Setbacks (feet)		
Lot Size (acres)	Min. Lot Width at Building Line (feet)	Front	Side	Side (from each principal building)
One	200	50	20	25
Setback from Residential Districts and Right-of-Way	No building shall be less than 50 feet from the right-of-way line of the street or highway. Where the rear of a lot abuts a residential district, there shall be a 50-foot rear yard clearance and where a lot abuts a side yard of a lot zoned residential there shall be a side yard clearance of at least 40 feet.			
Buffering	A densely planted and maintained buffer strip shall be planted on any side or rear yard which abuts a residential area. Such a buffer need not extend nearer to a street right-of-way line than the established building line of the adjoining lot. No buffer shall be required on any side or rear yard which abuts a public street.			

(Ord. of 5-18-2021)



**ORDINANCE AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES OF THE
TOWN OF WOODFIN TO AMEND THE ZONING CODE**

Ordinance: 2022-0802

Passed _____

WHEREAS, the Town of Woodfin has the authority pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district; and

WHEREAS, the Town of Woodfin Board of Commissioners may amend said regulations and district classifications from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town initiated a recommendation to amend Section 54-10, Sections 54-145 through 54-149 and Sections 54-154 through 54-155 of the Zoning Code; and

WHEREAS, the public hearing for this text amendment has been noticed in compliance with the North Carolina General Statutes; and

WHEREAS, the Woodfin Planning Board reviewed this text amendment recommendation at its August 2, 2022, public meeting and voted 5-0 to find the amendment a reasonable request considering the potential benefits to development of the Town of Woodfin and surrounding community; and

WHEREAS, the Woodfin Board of Commissioners held the public hearing on August 16, 2022, and, after hearing such, made the following required findings:

The text amendment is consistent with the comprehensive plan in the following ways:

1. Provides greater clarity and predictability in regard to development requirements thereby promoting economic development; and
2. Advances public health, safety, and welfare by ensuring orderly development in the Town of Woodfin.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Woodfin, that Section 54-10, Sections 54-145 through 54-149 and Sections 54-154 through 54-155 of the Zoning Code are hereby amended as follows:

Section 1.

- a. Amend **Sec. 54-10. Definitions.** by adding the following definition, to be inserted alphabetically:

Lot width means the distance between the side lines of a lot measured at the front building setback line.

- b. Amend **Sec. 54-145 through 54-149 and Sections 54-154 through 54-155. Uses, District Regulations and Considerations** by removing the language depicted below from the minimum yard requirements of the corresponding zoning districts.

Min. Lot Size (sq. ft).	Min. Lot Width at Building Line (feet)	Front Setback (feet)	Side Setback (feet)	Rear Setback (feet)
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Section 2: If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

Section 3: This Ordinance shall be effective on this, the 16th day of August 2022.

Attest:

M. Jerry Vebaun, Mayor

Town Clerk

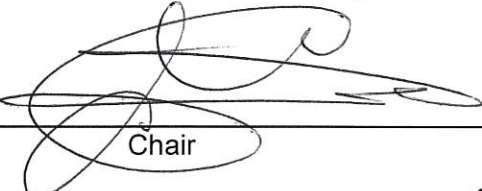


**WRITTEN STATEMENT OF THE
TOWN OF WOODFIN PLANNING BOARD TO
TOWN OF WOODFIN BOARD OF COMMISSIONERS**

Having reviewed the **Text Amendments** of the Town of Woodfin Code of Ordinances for amendments to the following sections of the zoning ordinance: Section 54-10. Definitions, Sections 54-145 through 54-149 and 54-154 through 54-155. Uses, District Regulations and Considerations, and having considered information from the planning staff of the Town of Woodfin and comments from other persons, pursuant to 160D-604(d), the Town of Woodfin Planning Board hereby adopts on of the following motions, effective August 2, 2022:

- (A) Motion to adopt the following resolution: RESOLVED, that the Town of Woodfin Planning Board finds the proposed text amendment is consistent with the Town of Woodfin comprehensive plan. The following reasons and other matters were considered in the deliberations of the Town of Woodfin Planning Board with respect to this motion:
1. The proposed text amendment is reasonable considering the potential benefits to development of the Town of Woodfin and surrounding community; and
 2. The proposed text amendment advances the public health, safety, and welfare of the Town of Woodfin.

- (B) _____ Motion to adopt the following resolution: RESOLVED, that the Town of Woodfin Planning Board hereby finds that the proposed text amendments are not consistent with the Town of Woodfin comprehensive plan.



Chair

8/2/2022

Date

