

§42-38. Waterfront Residential District (WR)

- A. **Purpose.** The Waterfront Residential District (WR) is established to maintain the zoning in place prior to the adoption of this Chapter 42. This district is established for residential development on or adjacent to waterfront property, that which is navigable for small recreational-type boats and watercraft. The district is intended to maintain and promote low-density single-family development and is intended to provide protection of the existing waterfront character and environmental sensitivity, particularly the water quality and any adjacent wetlands. The WR District shall not be extended from the locations designated on the Official Zoning Map, nor shall new WR District areas be designated except where initiated by the Board of Commissioners or *Planning Board*. The WR District may be altered or removed with the completion of *Community Plans*.
- B. **Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §42-63 (Supplemental Requirements). The Conservation Subdivision option shall be available in the WR District. Minimum *lot* sizes shall not apply when using the Conservation Subdivision option and an average density of one (1) unit per 30,000 square feet shall be applied.

Table 2.12. WR Dimensional Requirements			
(1) Minimum <i>Lot</i> Area (sq ft)			30,000
Minimum <i>Lot</i> Area Per Dwelling (Family Unit) (sq ft)			30,000
(3) <i>Yard Setbacks</i> (feet)	<i>Front</i> or <i>ROW</i>	(2) <i>Major Roads</i>	60
		All Others	45
	<i>Side</i>		None
	<i>Rear</i>		25
	Waterfront		None
Maximum Height <i>Principal Structure</i> (feet)			35
Maximum Height <i>Accessory Structure</i> (feet)			15
Maximum Height Boat House (feet) (Measured from <i>Full Pond Elevation</i>)			25

- (1) The minimum *lot* area for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be twice the minimum *lot* area of the district.
- (2) *Major roads* shall include: Interstate 26, US Highway 64, US Highway 25, US Highway 176, NC Highway 280, NC Highway 191, Kanuga/Crab Creek Road (SR 1127), Clear Creek Road (SR 1503), Upward Road (SR 1722), and the Upward Road Connector (SR 1783).
- (3) *Yard setbacks* shall be measured from the centerline of *right-of-way*. Where the *road* is a *major road* and more than two (2) lanes (including parking lanes), the *yard setback* requirements shall be measured and begin at a point on the pavement 12 feet from the edge of the paved *road* abutting the property in subject.

- C. **Permitted Uses.** Within the WR District, the following uses are permitted:

- (1) *Dwelling, single-family, and manufactured homes (multi-section)*, excluding *manufactured homes (singlewide)* and *mobile homes* (See SR 1.4 (*Dwelling, Manufactured/Mobile Home (multi-section/singlewide)*) and SR 1.6 (*Dwelling, Single Family Detached*)).
- (2) Customary Accessory Building (Including garages, storage buildings, pools, tennis courts, boathouses and similar recreational uses). Customary accessory buildings:
 - a. Shall be permitted in *rear yards*, provided that they are located not less than five (5) feet from any property line;
 - b. May be permitted in *side yards*, provided that their placement shall not exceed the minimum *side yard* setback requirement for that district or use;
 - c. Shall not be permitted in *front yards*, except in the following cases:
 1. Where, by definition, more than one (1) *front yard* exists, such as in corner *lots* or *double fronted lots*; or
 2. Where the measurement of a *lot's* perimeter boundary is equal to or exceeds 50 percent of the abutting *road right-of-way*;
 - d. In Subsection c.1. and c.2. above, an accessory building shall not be located closer to the center line of the abutting *road* than is otherwise permitted by this Chapter;
 - e. In these cases only, such determination shall be made by the *Zoning Administrator* on a case-by-case basis. Determinations shall take into account orientation of the *structure* and dwelling, *road* and *driveway* location, topographical features, traffic volume, and visual buffers; and
 - f. In no case shall an accessory building be permitted in any *front, side* or *rear yard* if it exceeds 15 feet in height or if it occupies more than 30 percent of the required yard area; however, height restrictions do not apply on lots of one (1) or more acres. Maximum building height for private boathouses shall be 25 feet measured from the *full pond elevation* (lakes) or *mean sea level* elevation (rivers).
- (3) *Signs* not more than four (4) square feet in area advertising the sale or rental of property on which they are located.
- (4) *Church*, provided that:
 - a. The *structures* are placed not less than 50 feet from any property line;
 - b. They are located with access to a street, as shall be determined by the *Zoning Administrator*; and
 - c. There is a planted buffer strip along the side and rear property lines, except where such lines run parallel and contiguous with streets, streambeds, lakes and railroad tracks. (See also SR 5.3 (Cemetery/Mausoleum/Columbarium (excluding crematoriums)))
- (5) *Church* bulletin boards not exceeding 12 square feet in area.

- (6) *Utility Substation* (See SR 9.13 (*Utility Substation*)).
- (7) *Communications Facilities, Category 1* (See SR 9.3 (*Communications Facilities, Category 1*)).
- (8) *Family Care Home* (See SR 1.8 (*Family Care Home*)).
- (9) Solar Panels (See SR 2.11 (Solar Panels)).

D. **Permitted with a Special Use Permit.** Within the WR District, the following uses are permitted with a *special use* permit provided that the conditions listed below be met. This *special use* permit shall be issued in accordance with §42-356 (Special Use Permits):

- (1) *Park* (See SR 4.16 (*Park*)).
- (2) Tennis Club (See SR 4.24 (*Swim and Tennis Club*)).
- (3) Racquet Club.
- (4) *Golf Course* (See SR 4.7 (*Golf Course and/or Country Club*)).
- (5) *Camp* (See SR 4.3 (*Camp*)).
- (6) Customary Incidental Home Occupation (permitted as accessory uses in a residence). Customary incidental home occupations include, but are not limited to: construction, and the practice of such professions as insurance, medicine, artistry, architecture, and accounting. Customary incidental home occupations must:
 - a. Be conducted entirely within a dwelling;
 - b. Be carried on by the occupants thereof;
 - c. Be clearly incidental and secondary to the use of the dwelling for residential purposes;
 - d. Not change the character thereof;
 - e. Not install or use mechanical equipment except such as is normally used for domestic or professional purposes;
 - f. Not have over 25 percent of the total floor space of any *structure* in use for a home occupation; and
 - g. Not be conducted in any accessory building.
- (7) *Communication Facilities, Category 2* where such towers are limited to: (1) monopole towers, and (2) a height no greater than 100 feet (See also SR 9.3 (*Communication Facilities, Category 2*)).
- (8) Wind Mill/Turbine, Accessory \leq 40 ft (See SR 3.16).
- (9) Wind Mill/Turbine, Accessory $>$ 40 ft (See SR 3.17).