

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-3: Zoning Districts

30-3.A. General Provisions

30-3.A.1. Types of Zoning Districts

Land within the City is generally classified by this Ordinance to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable conditional zoning districts in accordance with Section 30-2.C.4, Conditional Rezoning, or to one of several planned development zoning districts in accordance with Section 30-2.C.3, Planned Development. Land within any base, conditional, or planned development zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development zoning district.

Effective on: 11/18/2013

30-3.A.2. Compliance with District Standards

No land within the City shall be developed except in accordance with the zoning district regulations of this article and all other regulations of this Ordinance, including but not limited to, [Article 4: Use Standards](#), [Article 5: Development Standards](#), and [Article 6: Subdivisions](#).

Effective on: 11/18/2013

30-3.A.3. Compliance Relative to Utility or Transportation Right-of-way

When an existing Right-of-Way or new Right-of-Way (ROW) essential to public service levels (such as a widened roadway or high tension transmission line) precludes compliance with maximum district setback standards, the City Manager may authorize development to begin at the nearest reasonable building line.

(Ord. No. S2012-025, § 14, 11-13-2012)

Effective on: 11/18/2013

30-3.B. Base Zoning Districts Established

30-3.B.1. General

Table 30-3.B.1, Base Zoning Districts Established, sets out the base zoning districts established by this Ordinance. Base zoning districts are grouped into Special, Residential, and Business districts.

DISTRICT ABBREVIATION	DISTRICT NAME
SPECIAL DISTRICTS	
CD	Conservation
AR	Agricultural-Residential
MA	Military / Airport
RESIDENTIAL DISTRICTS	
SF-15	Single-Family Residential 15
SF-10	Single-Family Residential 10
SF-6	Single-Family Residential 6
MR-5	Mixed Residential 5

MH	Manufactured Home
BUSINESS DISTRICTS	
OI	Office and Institutional
NC	Neighborhood Commercial
LC	Limited Commercial
CC	Community Commercial
MU	Mixed-Use
DT	Downtown
BP	Business Park
LI	Light Industrial
HI	Heavy Industrial

a. Classification of Base Zoning Districts

Land shall be classified or reclassified into a base zoning district only in accordance with the procedures and requirements set forth in Section 30-2.C.1, Map Amendment (Rezoning).

b. Relationship to Overlay Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. If the standards governing a base zoning district expressly conflict with those governing an overlay zoning district, the standards governing the overlay zoning district shall control.

c. Organization of Base Zoning District Regulations

Sections 30-3.C through 30-3.E set out the general purposes of each group of base zoning districts and contain subsections that set out the specific purpose, bulk, and dimensional standards for each individual base zoning district. These subsections have a common structure consisting of a purpose statement, applicable dimensional standards, a photograph showing a hypothetical preferred building form for the district, a graphic depiction of hypothetical street layout and lot patterns, and a hypothetical graphic depiction of the district's bulk and dimensional standards as applied to typical lot patterns and building forms. The building form photographs and lot pattern diagrams are for illustrative purposes only, and may not be consistent with all the dimensional requirements. In these cases, the dimensional requirements text of this Ordinance shall control. Article 30-4: Use Standards, includes Table 30-4.A, Use Table, a summary use table specifying permitted, special, and allowable uses for each of the base zoning districts and references any standards specific to individual uses.

(Ord. No. S2012-024, § 2, 11-13-2012)

Effective on: 11/18/2013

30-3.B.2. Zero Lot Line Applicability

In addition to traditional development, this Ordinance also allows zero lot line development in the agricultural, residential and business districts to provide flexibility in lot layout for greater development efficiency and density and/or in addressing site constraints. The zero lot line standards are allowed in the districts identified in Section 30-3.B.2.a, Applicability and subject to meeting certain conditions. Zero lot line development is subject to review and approval of a Major Site Plan (see Section 30-2.C.5). Zero lot line development on a tract or site smaller than three acres also requires a Special Use Permit (see Section 30-2.C.7). Zero lot line development is subject to all applicable use standards (Article 30-4), subdivision requirements (Article 30-6), and applicable design and development standards (Article 30-5).

a. Applicability

1. Districts

Zero lot line development is allowed in the agricultural, residential and business (AR, SF-15, SF-10, SF-6, MR-5, OI, NC, LC, CC, MU, and BP, LI and HI) zoning districts subject to specific conditions noted below.

b. Procedure

1. Major Site Plan Required

All applications for zero lot line development shall be reviewed as a Major Site Plan in accordance with the procedures and requirements in Section [30-2.C.5, Site Plan](#).

2. *Simultaneous Review*

The review of the application for a Major Site Plan, Conditional Zoning or Neighborhood Compatibility Permit (if required), and Alternative Plans (landscaping or parking, as may be applicable, or Administrative Adjustment, if requested) shall be conducted simultaneously, to the maximum extent possible.

c. **Standards**

1. *Density*

Zero lot line development shall comply with the maximum allowable gross density and maximum height requirements in the base zoning district where proposed, and the following standards:

2. *Required Setbacks*

Except as otherwise provided in this subsection, lots and yard setbacks internal to a zero lot line development may deviate from the minimum yard and lot area requirements, but perimeter lots must meet the front and corner side setbacks of the underlying zoning district. However, setbacks associated with an overlay district or any applicable setbacks from natural resources shall apply to all lots within a zero lot line development.

3. *Compliance with Design Standards*

All zero lot line development regardless of size (number of units) shall comply with all applicable development standards in [Article 30-5: Development Standards](#), including the Single-Family, Multi-Family, Commercial, Office, and Mixed-Use, Large Retail, and Transitional Standards in [Article 30-5: Development Standards](#), as applicable.

4. *Conditions for residential development:*

- a. **Orientation:** Except as provided below, all dwellings on the exterior of a ZLL development that adjoin an existing street shall be oriented so that the front façade faces the adjoining street. In the case of corner lots, the front façade shall face the street from which the dwelling derives its street address. A dwelling may be designed to have more than one “front façade.”

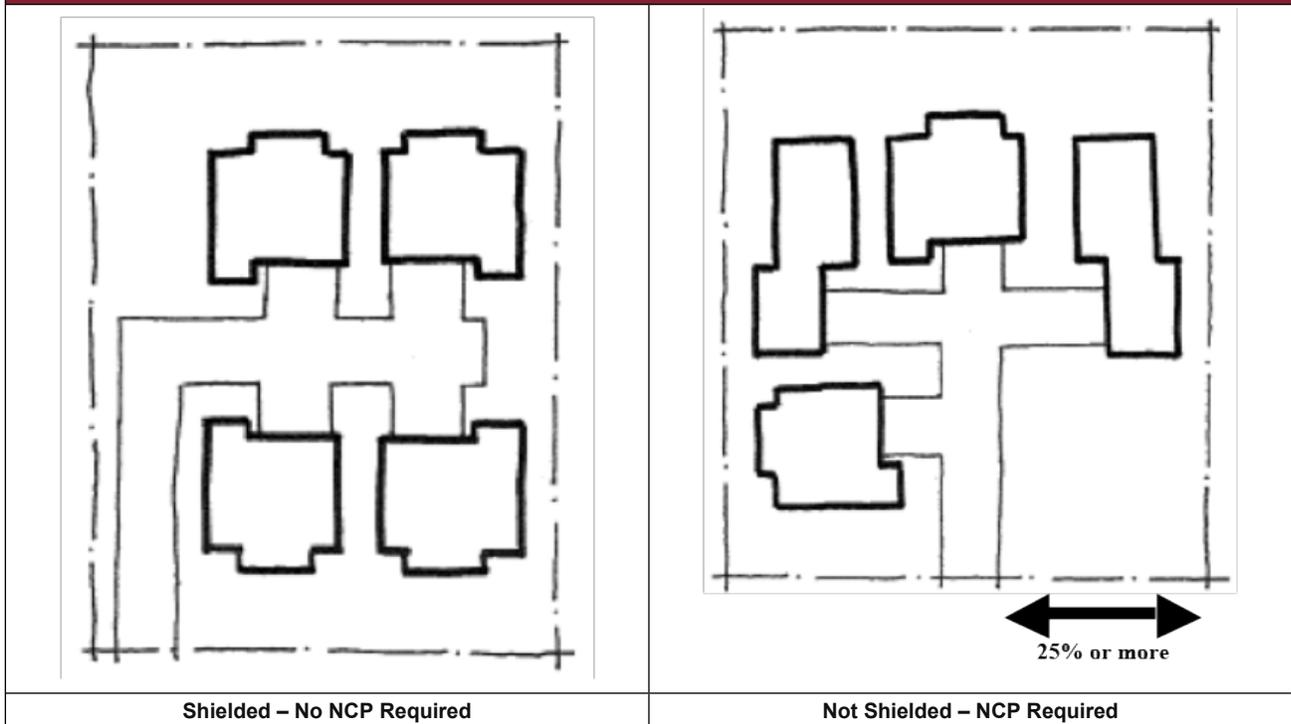
Exception (requires a Neighborhood Compatibility Permit for developments on a tract or site smaller than three acres): When rear or side yards face the adjoining existing street(s), a Type ‘A’ Property Perimeter Buffer (see [Table 30-5.B.4.D.4.](#)) shall be provided along the affected street(s). Any fences or walls installed shall be interior to this buffer and shall comply with the design standards of [Article 30-5](#) for fences and walls. Gates or openings in such fences and walls may be provided for access purposes, including maintenance. Such buffers shall be shown on any final plans, plats or deeds, as applicable.

- b. **Parking:** Vehicle Use Areas on perimeter lots in single-family districts and small multifamily projects shall not exceed 50 percent of the area between the street right-of-way and the front façade of the structure(s).

- c. **Neighborhood Context:** When a ZLL development is proposed on a tract or site smaller than three acres along a street where the median platted lot size of the lots adjoining the street in the block in which the development is proposed is 200% or more than the minimum lot size of the underlying zoning district(s), a Neighborhood Compatibility Permit shall be required.

- d. **Tiered Development:** When a ZLL development is proposed with principal structures located behind other principal structures that front on adjoining streets and such principal structures are not “shielded” by the frontage structures for 25% or more than the length of the frontage, excluding the width of drives or streets, a Neighborhood Compatibility Permit is required on a tract or site smaller than three acres, except when the affected street or streets are four lanes or more in width. See [Figure 30-3.B.2](#) below.

Figure 30-3.B.2



(Ord. No. S2012-008, § 8, 4-23-2012; Ord. No. S2012-024, § 3, 11-13-2012; Ord. No. S2012-025, §§ 8, 16, 11-13-2012, Ord. No. S2014-006, § 2, 1-27-2014;)

Effective on: 11/18/2013

30-3.C. Special Base Zoning Districts

30-3.C.1. General Purposes

The special base zoning districts established in this section are intended to address special areas where typical urban growth and development does not or should not occur, whether because the areas contain important natural resources or natural hazards (Conservation District), rural character and productive natural resources (Agricultural- Residential District), or a military installation (Military Base District).

Effective on: 11/18/2013

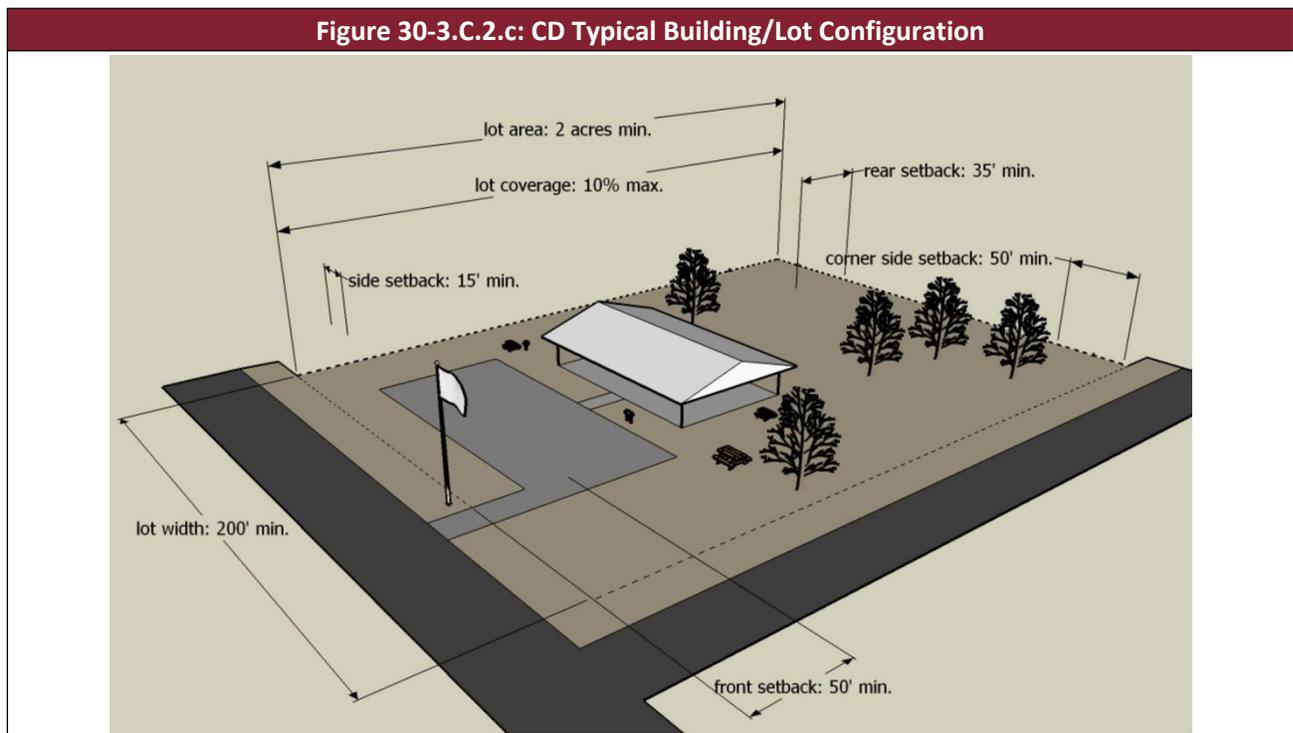
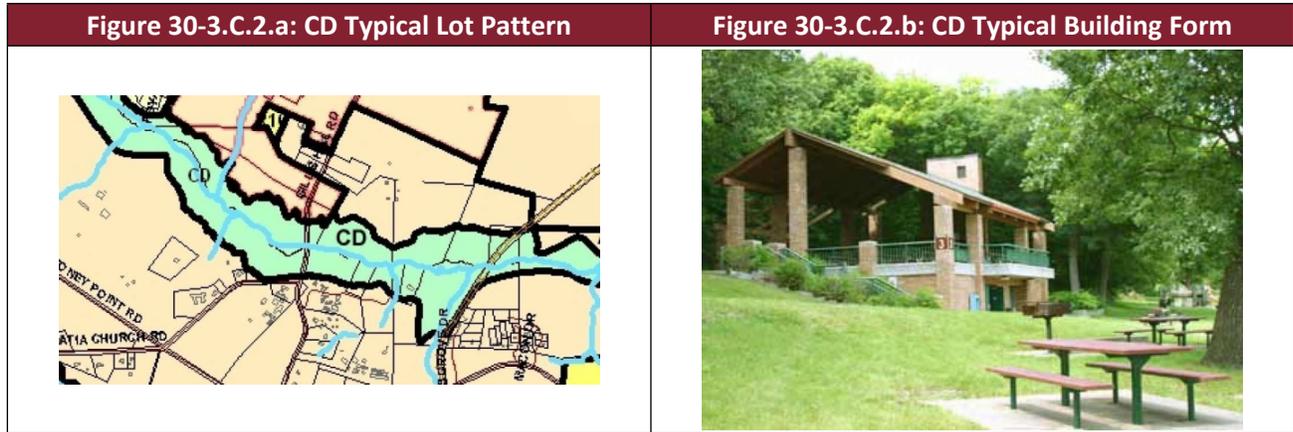
30-3.C.2. Conservation District (CD)

PURPOSE		
CD CONSERVATION DISTRICT	The Conservation District (CD) is established and intends to preserve and protect identifiable natural resources from urban encroachment—i.e., to preserve water- courses and protect them from erosion and sedimentation; retain open spaces and greenways and protect their environmentally-sensitive character; preserve wildlife and plant life habitats and protect them from the intrusions of urbanization; provide air and noise buffers to ameliorate the effects of development; and preserve and maintain the aesthetic qualities and appearance of the community. The district also discourages development that creates risks for loss of life or property from normal natural processes and events in natural hazard areas (e.g., floodplains).	
DIMENSIONAL STANDARDS		
DIMENSIONAL STANDARD	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
Lot area, min. (acres)	2	n/a
Lot width, min. (ft.)	200	n/a
Lot coverage, max. (% of lot area)	10	[1]
Height, max. (ft.)	35	35; 15 where abutting a single-family zoning district or use

Front and corner side setback, min. (ft.)	50	Not allowed in front or side yards; 5 from principal structure
Side setback, min. (ft.)	15	
Rear setback, min. (ft.)	35	5

NOTES:

[1] Accessory structures/use areas shall not exceed the lesser of: 7,500 square feet in size or 15 percent of the allowable lot coverage.



Effective on: 11/18/2013

30-3.C.3. Agricultural-Residential (AR) District

AR AGRICULTURAL- RESIDENTIAL DISTRICT	PURPOSE
	The Agricultural-Residential (AR) District is established and intends to accommodate rural uses, including agricultural uses, uses that complement or support agricultural uses, and very low-density residential uses. It encourages residential development that preserves farmland and other open space through flexibly-designed conservation subdivisions.
DIMENSIONAL STANDARDS [1]	

DIMENSIONAL STANDARD	PRINCIPAL STRUCTURES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	20,000	n/a
Lot width, min. (ft.)	100	n/a
Gross residential density, max. (dwelling units/acre)	2	n/a
Lot coverage, max. (% of lot area)	25	[2]
Height, max. (ft.)	35	35; 15 where abutting a single-family zoning district or use and within a 10 foot setback
Front and corner side setback, min. (ft.)	30	Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.)	15	
Rear setback, min. (ft.)	35	5

NOTES:

[1] The gross residential density standard applies to conservation subdivisions, but lot area, lot width, and lot coverage standards do not apply. Setback standards apply only from the perimeter of the conservation subdivision.

[2] Accessory structures/use areas associated with an agricultural use may exceed a principal dwelling unit's size. Accessory uses associated with all other permitted uses shall not exceed the lesser of: 1,500 square feet in size or 15 percent of the allowable lot coverage.

Figure 30-3.C.3.a: AR Typical Lot Pattern



Figure 30-3.C.3.b: AR Typical Building Form



Figure 30-3.C.3.c: Hypothetical Conservation Subdivision Configuration

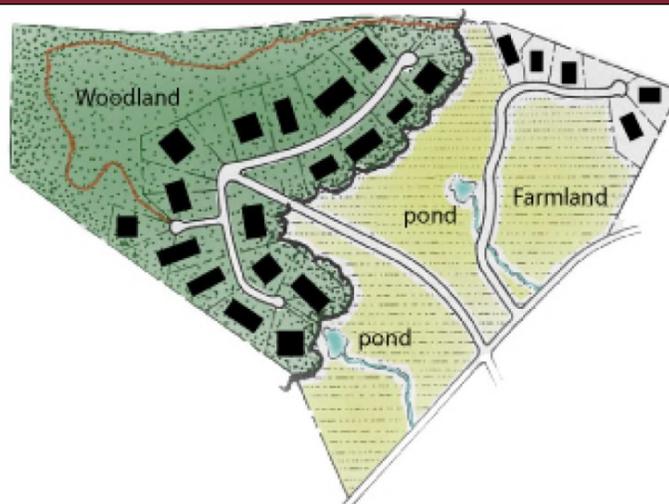
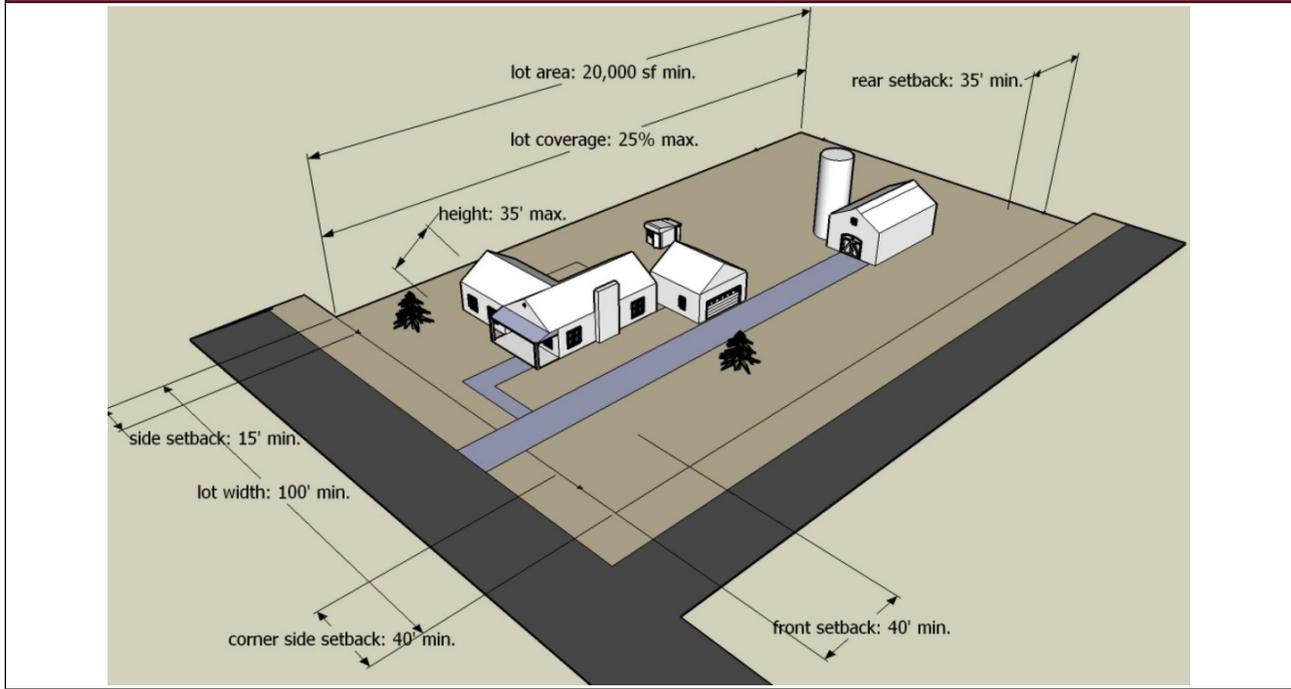


Figure 30-3.C.3.d: AR Typical Building/Lot Configuration



(Ord. No. S2011-014, § 1.1, 11-28-2011; Ord. No. S2014-004, § 9, 1-13-2014)

Effective on: 11/18/2013

30-3.C.4. Military/Airport (MA) District

MA MILITARY / AIRPORT DISTRICT	PURPOSE
	The Military / Airport (MA) District is established and intended to identify those lands within the City containing military installations under exclusive Federal authority or the City's regional airport. The district accommodates a wide range of uses and development directly related to the training, housing, and support of military troops and air transportation. If land within the MA district is declared surplus or otherwise conveyed to private ownership in the future, the land should then be reclassified to another zoning district in accordance with the provisions of this Ordinance (see Section 30-2.C.1).
	DIMENSIONAL STANDARDS
	No dimensional standards apply in the MA district, though military facilities are encouraged to provide a building setback from any base perimeter abutting a single-family residential zoning district equal to at least the minimum setback applicable on the other side of the perimeter.
	COMPLIANCE WITH STANDARDS IN THIS UDO
	Uses within the MA district shall be exempt from the standards in this UDO.
	REVIEW OF MAP AMENDMENT APPLICATIONS
	The City shall forward all map amendment (rezoning) applications on lands within five miles of Fort Bragg to the appropriate Federal agency for review and comment as part of the application review process.

Effective on: 11/18/2013

30-3.D. Residential Base Zoning Districts

30-3.D.1. General Purposes

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

- a. Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the 2030 Joint Growth Vision Plan, the Cumberland County Land Use Plan, functional plans, and applicable small area plans.

- b. Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- c. Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- d. Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- e. Provide for safe and efficient vehicular access and circulation and promote bicycle, pedestrian, and transit-friendly neighborhoods;
- f. Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
- g. Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the City's goals and objectives; and
- h. Preserve the unique character and historic resources of the traditional neighborhoods and the community.

Effective on: 11/18/2013

30-3.D.2. Single-Family Residential 15 (SF-15) District

PURPOSE				
SF-15 SINGLE-FAMILY RESIDENTIAL 15 DISTRICT	The Single-Family Residential 15 (SF-15) District is established to accommodate principally single-family detached residential development at low densities subject to the design standards in Article 30-5: Development Standards . It also accommodates two- to four-family dwellings designed to appear as single-family detached homes, and zero lot line development subject to the requirements of this Ordinance. District regulations are intended to discourage any use that substantially interferes with the development of single-family detached dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts such as parks, open space, schools, and places of worship.			
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	SINGLE-FAMILY DETACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.)	15,000			n/a
Lot width, min. (ft.)	100			n/a
Gross residential density, max. (dwelling units/acre)	3; 3.2 for zero lot line development		n/a	n/a
Lot coverage, max. (% of lot area)	25			[2]
Height, max. (ft.)	35			25; 15 where abutting a SF district or use and setback is less than 10'
Front and corner side setback, min. (ft.) [3]	30 feet or 55 feet from centerline of private streets			Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.) [3]	15			
Rear setback, min. (ft.) [3]	35; 15' when corner side setback is 25' or more			5
Spacing, between buildings, min. (ft.)	n/a	20		5
Zero lot line development standards	Zero lot line shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply [4]			

NOTES:

[1] [Reserved.]

[2] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed the lesser of 1500 square feet in size or the size of the principal structure, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.

[3] Minimum setbacks for all principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

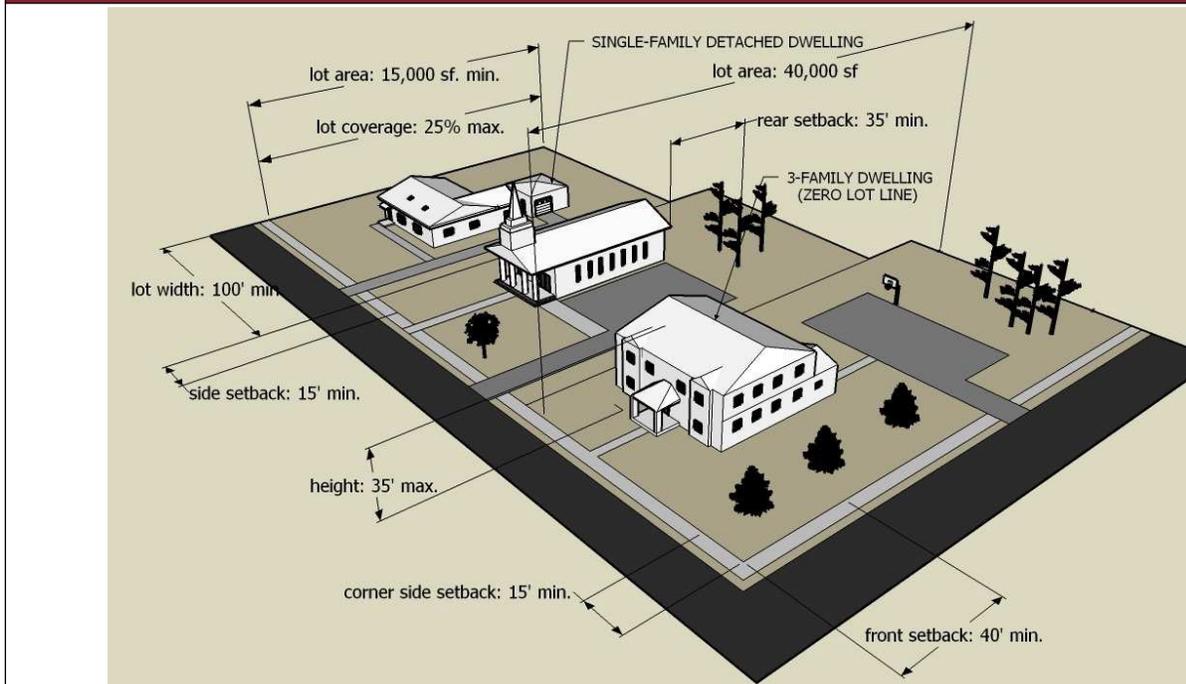
**Figure 30-3.D.2.a:
SF-15 Typical Lot Pattern**



**Figure 30-3.D.2.b:
SF-15 Typical Building Form**



Figure 30-3.D.2.c: SF-15 Typical Building/Lot Configuration



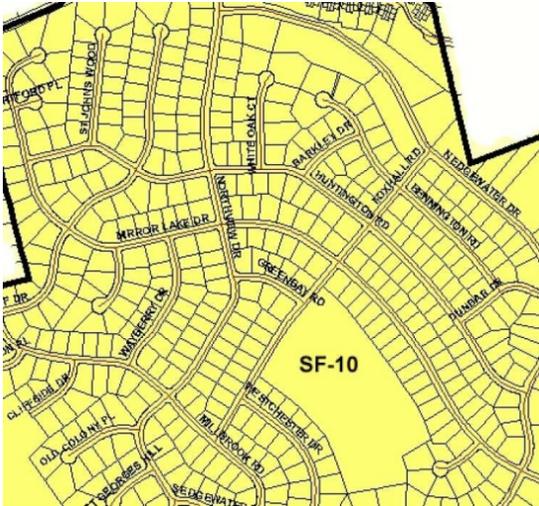
(Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-008, § 4, 4-23-2012; Ord. No. S2012-025, § 9, 11-13-2012; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015)

Effective on: 8/10/2015

30-3.D.3. Single-Family Residential 10 (SF-10) District

SF-10 SINGLE-FAMILY RESIDENTIAL 10 DISTRICT		PURPOSE				
		The Single-Family Residential 10 (SF-10) District is established to accommodate principally single-family detached residential development at low densities, and to accommodate flexibly-designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions. Uses within the district are subject to the design standards in Article 30-5: Development Standards. The district accommodates two- to four-family dwellings designed to appear as single-family detached homes and zero lot line development subject to the requirements of this Ordinance. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings of up to 800 square feet in size, schools, and places of worship.				
DIMENSIONAL STANDARDS						
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES	
Lot area per unit, min. (sq. ft.)	10,000	9,000	7,500	10,000	n/a	
Lot width, min. (ft.)	75				n/a	
Gross residential density, max. (dwelling units/acre)	5; 5.3 for zero lot line development			n/a	n/a	
Lot coverage, max. (% of lot area)	30				[2]	
Height, max. (ft.)	35				25; 15 where abutting a single- family district or use and the setback is less than 10'	
Front and corner side setback, min. (ft.) [3]	30 feet or 55 feet from centerline of private streets				Not allowed in front, side, or corner side setbacks	
Side setback, min. (ft.) [3]	10					
Rear setback, min. (ft.) [3]	35; 15 when corner side setback is 25' or more				5	
Spacing between buildings, min. (ft.)	n/a	20		5		
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]					
NOTES:						
[1] [Reserved].						
[2] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed the lesser of 1500 square feet in size or the size of the principal structure, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.						
[3] Minimum setbacks for all other principal uses shall be increased by five feet for all building walls 25 feet or more above grade.						
[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).						

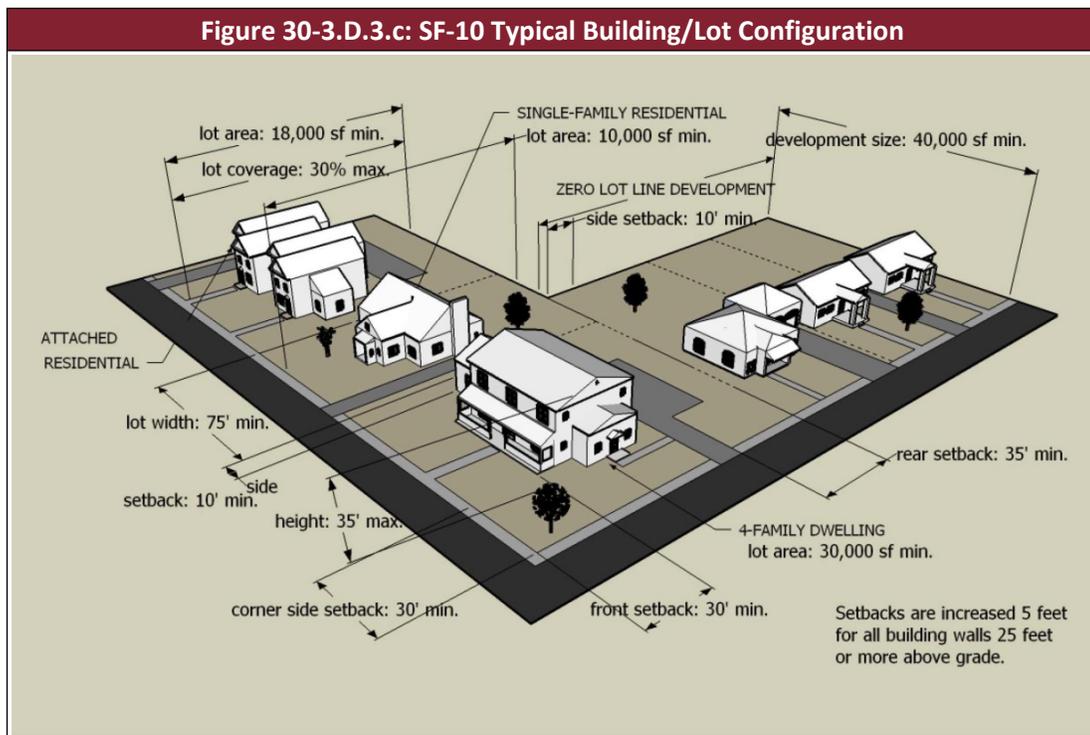
**Figure 30-3.D.3.a:
SF-10 Typical Lot Pattern**



**Figure 30-3.D.3.b:
SF-10 Typical Building Form**



Figure 30-3.D.3.c: SF-10 Typical Building/Lot Configuration



(Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-025, § 9, 11-13-2012; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015)

Effective on: 8/10/2015

30-3.D.4. Single-Family Residential 6 (SF-6) District

PURPOSE	
SF-6 SINGLE-FAMILY RESIDENTIAL 6 DISTRICT	The Single-Family Residential 6 (SF-6) District is established and intended to accommodate principally single-family detached residential development at moderate densities that is designed to respond to environmental and site conditions. It also accommodates two- to four-family dwellings, single-family attached, and zero lot line development subject to the requirements of this Ordinance. All uses in the district are subject to the design standards in Article 30-5: Development Standards . District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings, schools, and places of worship.

DIMENSIONAL STANDARDS

DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS [1]	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.)	6,000	5,000		6,000	n/a
Lot width, min. (ft.)	60				n/a
Gross residential density, max. (dwelling units/acre)	9.6; 10.9 for zero lot line development				n/a
Lot coverage, max. (% of lot area)	40				[1]
Height, max. (ft.)	35				25; 15 where abutting a single- family district or use and the setback is less than 10'
Front and corner side setback, min. (ft.) [3]	25 feet or 55 feet from centerline of private streets				Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.) [3]	10				
Rear setback, min. (ft.) [3]	30; 15 when corner side setback is 25 or more				5
Spacing, between buildings min. (ft.)	n/a			20	5
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]				

NOTES:

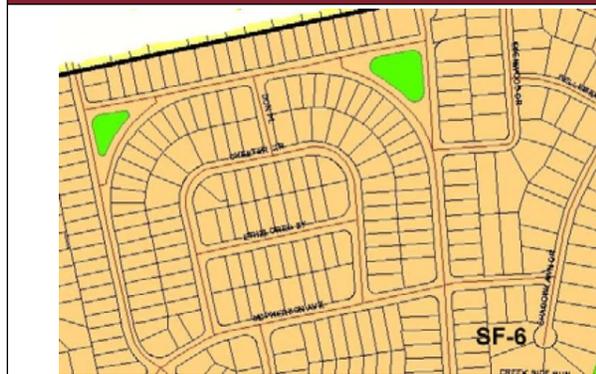
[1] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed the lesser of 1200 square feet in size or the size of the principal structure, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.

[2] [Reserved.]

[3] Minimum setbacks for all principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

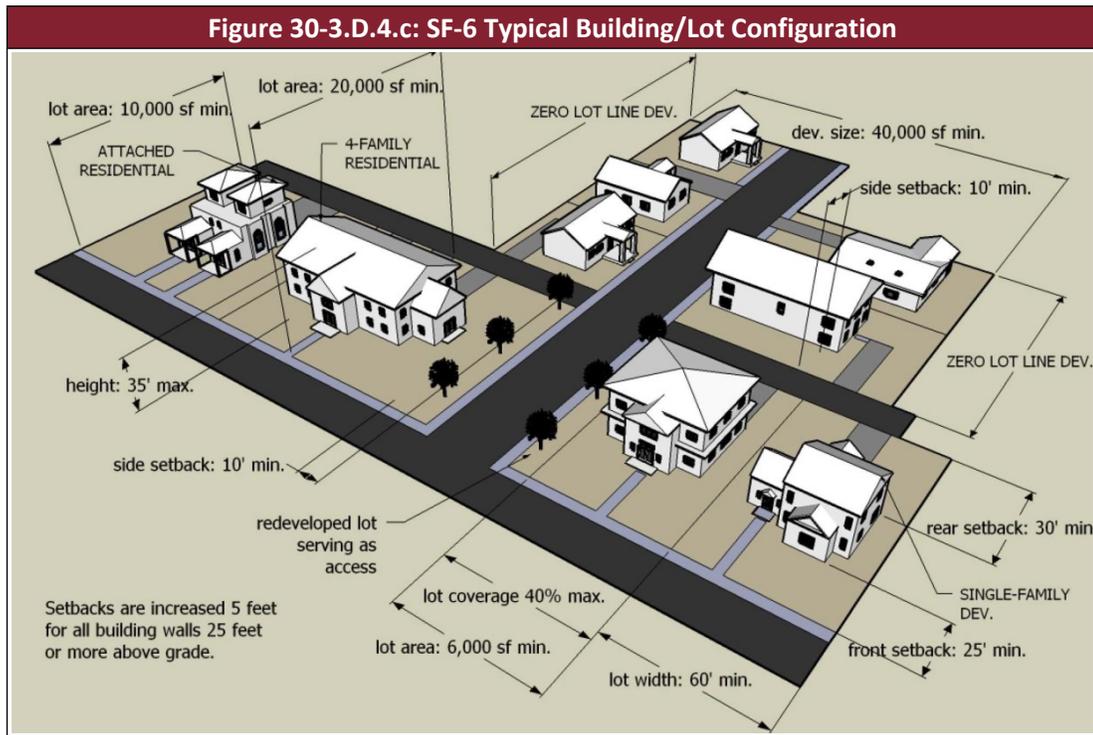
[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

**Figure 30-3.D.4.a:
SF-6 Typical Lot Pattern**



**Figure 30-3.D.4.b:
SF-6 Typical Building Form**





(Ord. No. S2011-008, § 6, 7-25-2011; Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-008, § 4, 4-23-2012; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015)

Effective on: 8/10/2015

30-3.D.5. Mixed Residential 5 (MR-5) District

PURPOSE						
MR-5 MIXED RESIDENTIAL 5 DISTRICT	<p>The Mixed Residential 5 (MR-5) district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D. Accessory Uses).</p>					
DIMENSIONAL STANDARDS						
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	MULTI- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES [1]	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.) [2]	5,000 for 1st unit, then 4,000	4,000		15,000+ 1,000 per unit	5,000	n/a
Lot width, min. (ft.)	50					n/a
Gross residential density, max. (dwelling units/ acre) [3]	18; 20 for zero lot line development				8	n/a
Lot coverage, max. (% of lot area)	55					[4]
Height, max. (ft.) [3]	Lesser of: 4 stories or 60					25; 15 where abutting a single- family zoning district or use with setback less than 10 feet

Front and corner side setback, min. (ft.) [5]	25 feet or 50 feet from centerline of private streets		Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.)	10		
Rear setback, min. (ft.)	30		5
Spacing between buildings, min. (ft.)	n/a	20	5
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [6]		

NOTES:

[1] Including live/work units and upper-story residential development.

[2] In cases where lot area and gross density conflict, the standard resulting in the lesser number of dwelling units shall control.

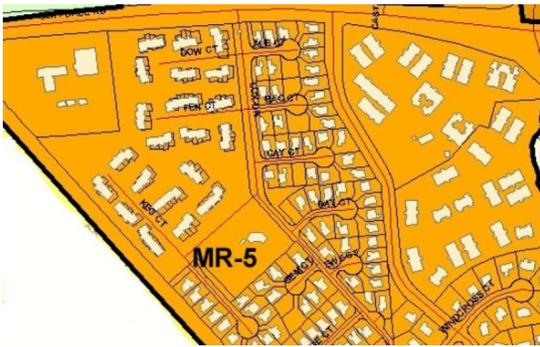
[3] Gross residential density and maximum height may be increased through provision of sustainable development features in accordance with Section 30-5.N, Incentives for Sustainable Development Practices.

[4] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed the lesser of 1200 square feet in size or the size of the principal structure, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.

[5] Minimum front (and corner side) setbacks for multi-family and nonresidential uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.

[6] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

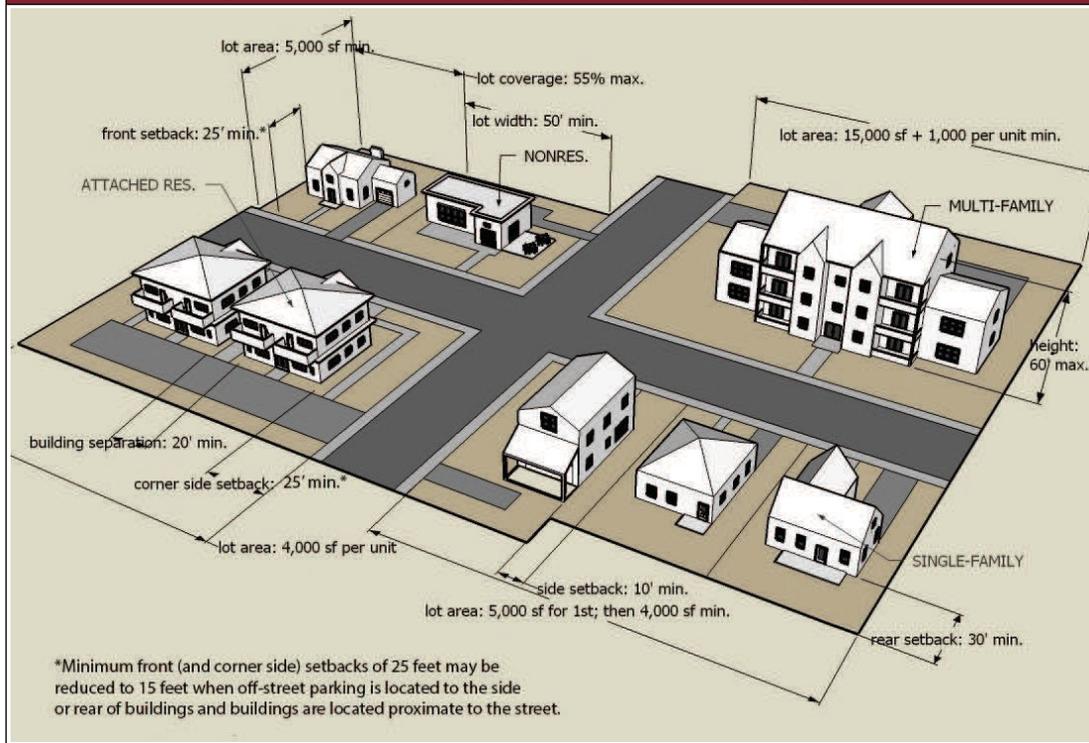
**Figure 30-3.D.5.a:
MR-5 Typical Lot Pattern**



**Figure 30-3.D.5.b:
MR-5 Typical Building Form**



Figure 30-3.D.5.c: MR-5 Typical Building/Lot Configuration



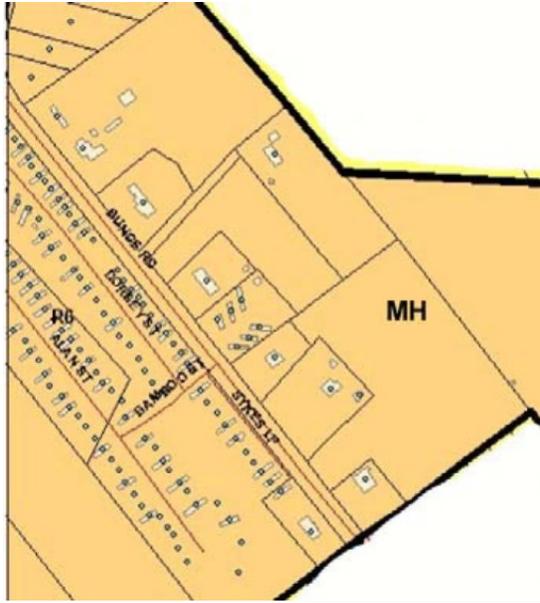
(Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-018, § 1.0, 9-10-2012; Ord. No. S2014-002, § 6a, 1-13-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015)

Effective on: 8/10/2015

30-3.D.6. Manufactured Home (MH) District

PURPOSE		
MH MANUFACTURED HOME DISTRICT	The Manufactured Home (MH) district is established and intended to accommodate the development of manufactured home parks that enhance the availability of affordable housing without sacrificing such amenities as recreation, open space, and landscaping.	
DIMENSIONAL STANDARDS		
DIMENSIONAL STANDARD	MANUFACTURED HOMES AND PRINCIPAL BUILDINGS	ACCESSORY STRUCTURES
MANUFACTURED HOME PARK SITE STANDARDS		
Site area, min. (acres)	3	n/a
Site area, max. (acres)	30	n/a
Number of manufactured home spaces, min.	10	n/a
INDIVIDUAL MANUFACTURED HOME SPACE STANDARDS		
Area, min. (sq. ft.)	4,000	n/a
Width, min. (ft.)	40	n/a
BUILDING STANDARDS		
Setback from any manufactured home space boundary, min. (ft.)	10	5
Setback from street, min. (ft.)	30	30
Setback from park perimeter, min (ft.)	30	10
Spacing between manufactured homes, between manufactured homes and other principal buildings, and between other principal buildings (ft.)	30	5

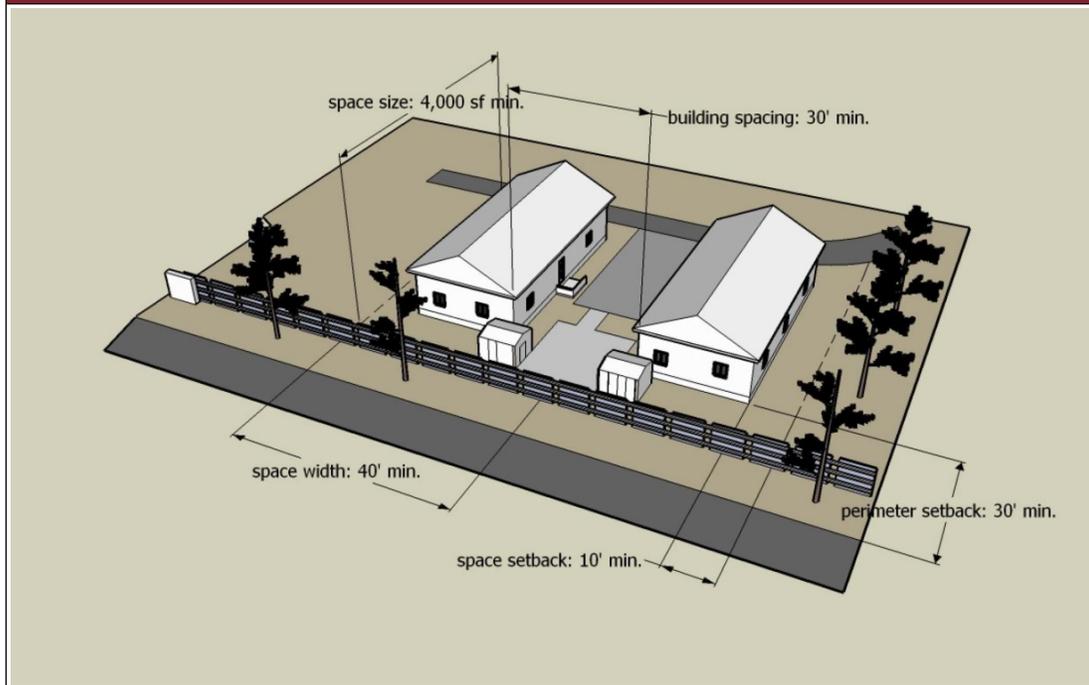
**Figure 30-3.D.6.a:
MH Typical Lot Pattern**



**Figure 30-3.D.6.b:
MH Typical Building Form**



Figure 30-3.D.6.c: MH Typical Building/Lot Configuration



Effective on: 11/18/2013

30-3.E. Business Base Zoning Districts

30-3.E.1. General Purposes

The business base zoning districts are established for the general purpose of ensuring there are lands in the City that provide a wide range of office, retail, service, industrial, and related uses to meet household and business needs, and more specifically to:

- a. Provide appropriately located lands for the full range of business uses needed by the City's residents, businesses, and workers, consistent with the goals, objectives, and policies of the 2030 Joint Growth Vision Plan, the Cumberland County Land Use Plan, functional plans, and applicable small area plans;
- b. Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;
- c. Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;
- d. Create suitable environments for various types of mixed use development, where business, office, retail, and residential uses are designed and integrated in compatible ways;
- e. Support the military and governmental activities taking place in the vicinity;
- f. Preserve the unique character and historic resources of the downtown; and
- g. Minimize the impact of business development on residential districts and uses.

Effective on: 11/18/2013

30-3.E.2. Office and Institutional (OI) District

OI OFFICE AND INSTITUTIONAL DISTRICT		PURPOSE		
		The Office and Institutional (OI) District is established and intended to accommodate a mix of small-scale, low-intensity professional and business offices and institutions, together with limited personal service and supporting retail uses (See 30-4.D Accessory Uses), single-family detached, single-family attached, and multi-family residential uses in close proximity to one another, subject to design and compatibility standards. The districts are generally near residential neighborhoods and often serve as a buffer or transition between neighborhoods and more intense business districts. Uses in the district are subject to the design standards in Article 30-5: Development Standards. In many cases, OI districts are evolving from land that was once primarily residential in character, and as such, office and institutional uses should be configured for consistency with surrounding residential uses in physical design, scale, and character.		
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	NONRESIDENTIAL, MULTI-FAMILY, & MIXED-USE	SINGLE-FAMILY ATTACHED & DETACHED	ACCESSORY STRUCTURES	
Lot area, min. (sq. ft.)	10,000 for nonresidential; 2,000	8,000 per unit	n/a	
Lot width, min. (ft.)	50		n/a	
Gross residential density, max. (dwelling units/acre)	12	8	n/a	
Lot coverage, max. (% of lot area)	55	45	[2]	
Height, max. (ft.)	SF Residential 35; 60 for others		25; 15 where abutting a single-family district or use with setback less than 10 feet	
Front and corner setback, min. (ft.) [3]	The lesser of: 25 feet or 60 feet from street centerline of private streets		Not allowed in front, side, or corner side yard areas	
Side setback, min. (ft.)	3; 15 when abutting single-family zoning or use	15		
Rear setback, min. (ft.)	25; 20 for corner lots or lots served by alleys		5	
Spacing between buildings, min. (ft.)	20			
Zero lot line development standards	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]			

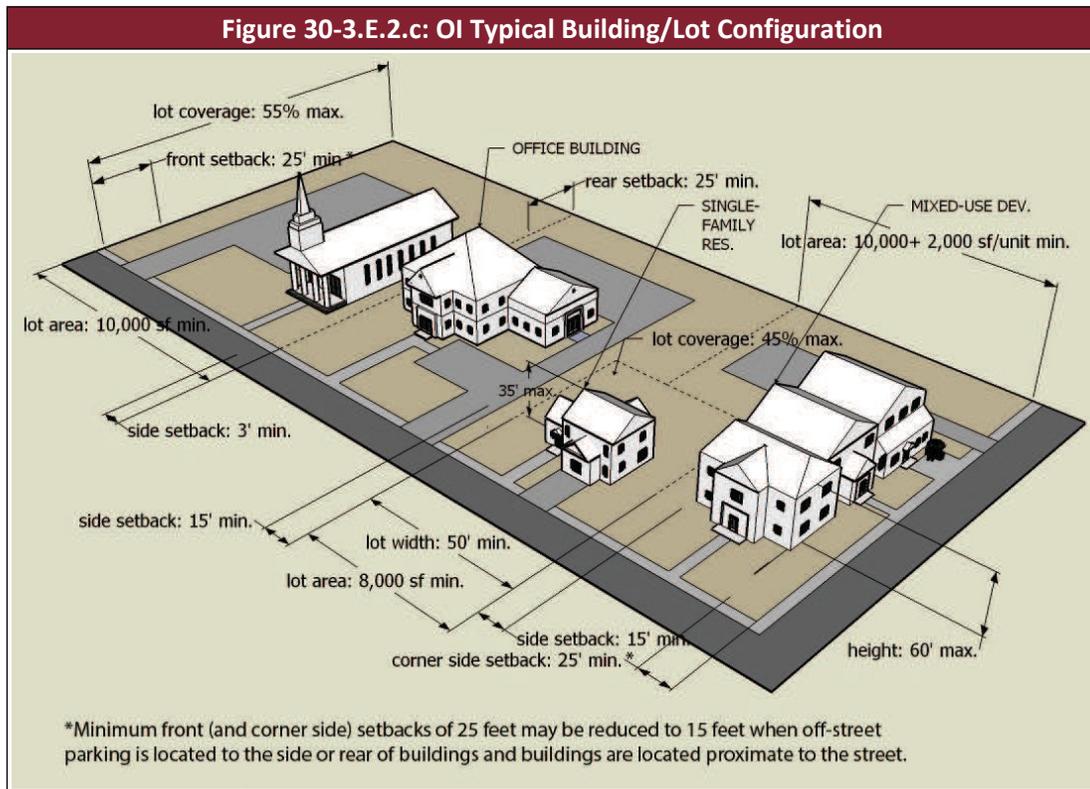
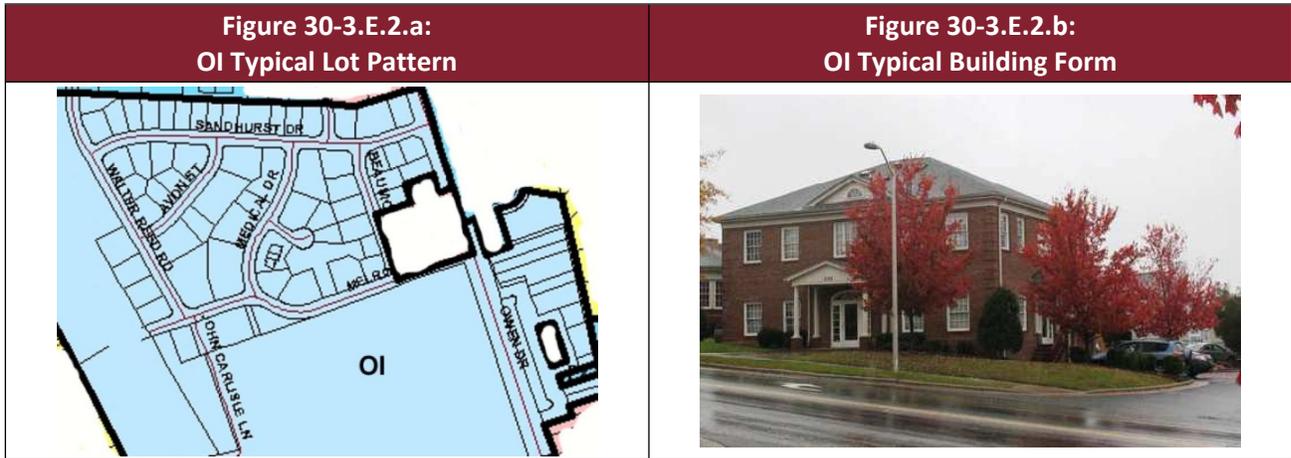
NOTES:

[1] [Reserved.]

[2] Accessory structures/use areas shall not exceed the lesser of: 1,200 square feet in size or 25 percent of the allowable lot coverage.

[3] Minimum front (and corner side) setbacks for nonresidential, multi-family, and mixed-uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.

[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).



(Ord. No. S2011-008, § 6, 7-25-2011; Ord. No. S2011-014, § 1.3, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.3, 1-23-2012; Ord. No. S2012-018, § 2.1, 9-10-2012; Ord. No. S2014-002, § 6b, 1-13-2014; Ord. No. S2014-015, § 5, 8-11-2014)

Effective on: 11/18/2013

30-3.E.3. Neighborhood Commercial (NC) District

NC NEIGHBORHOOD COMMERCIAL DISTRICT	PURPOSE				
	The Neighborhood Commercial (NC) District is established and intended to accommodate small-scale, low-intensity, and "convenience" retail and service uses that provide goods and services serving the residents of the immediately surrounding neighborhood (e.g., personal service uses, small restaurants, and limited retail). Development in the district should not include uses of a size that is out of scale with a residential neighborhood, or that attracts traffic from outside the surrounding neighborhood. New construction shall not create individual retail uses over 2,500 square feet without obtaining a Special Use Permit (See Section 30-2.C.7.). Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is consistent with the neighborhood scale and compatible with surrounding uses and the design standards in Article 30-5: Development Standards.				
DIMENSIONAL STANDARDS					
DIMENSIONAL STANDARD	NON RESIDENTIAL	MIXED-USE	SINGLE- FAMILY DWELLINGS	ALL OTHER RESIDENTIAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.) [1]	10,000	8,000	5,000 per unit	15,000 per site	n/a
Lot width, min. (ft.)	45			60	n/a
Gross residential density, max. (dwelling units/acre)[4]	24		8	6	n/a
Lot coverage, max. (% of lot area)	55	45			[2]
Height, max. (ft.)	50	35			25; 15 where abutting a single- family zoning district or use with setback less than ten feet
Front and corner side setback, min. (ft.) [3]	10				Not allowed in front, side, or corner side yard areas
Side setback, min. (ft.) [3]	3; 15 when abutting single-family zoning or use	5	10		
Rear setback, min. (ft.)	20				5
Spacing between buildings, min. (ft.)	20	n/a	20	5	
Zero lot line development standards	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [3]				
NOTES:					
[1] New construction of individual retail space larger than 2500 square feet in floor area shall first obtain a Special Use Permit (see Section 30-2.C.7). A single building may contain more than one such use, but a nonresidential or mixed-use building with a floor area larger than 7,500 square feet shall obtain a Special Use Permit and comply with the standards for a grocery store in an NC district (see Section 30-4.C.4.h).					
[2] Accessory structures/use areas shall not exceed the lesser of: 1,200 square feet in size or 25 percent of the allowable lot coverage.					
[3] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).					
[4] A maximum density of 30 is allowed in priority redevelopment areas as may be designated by City Council.					

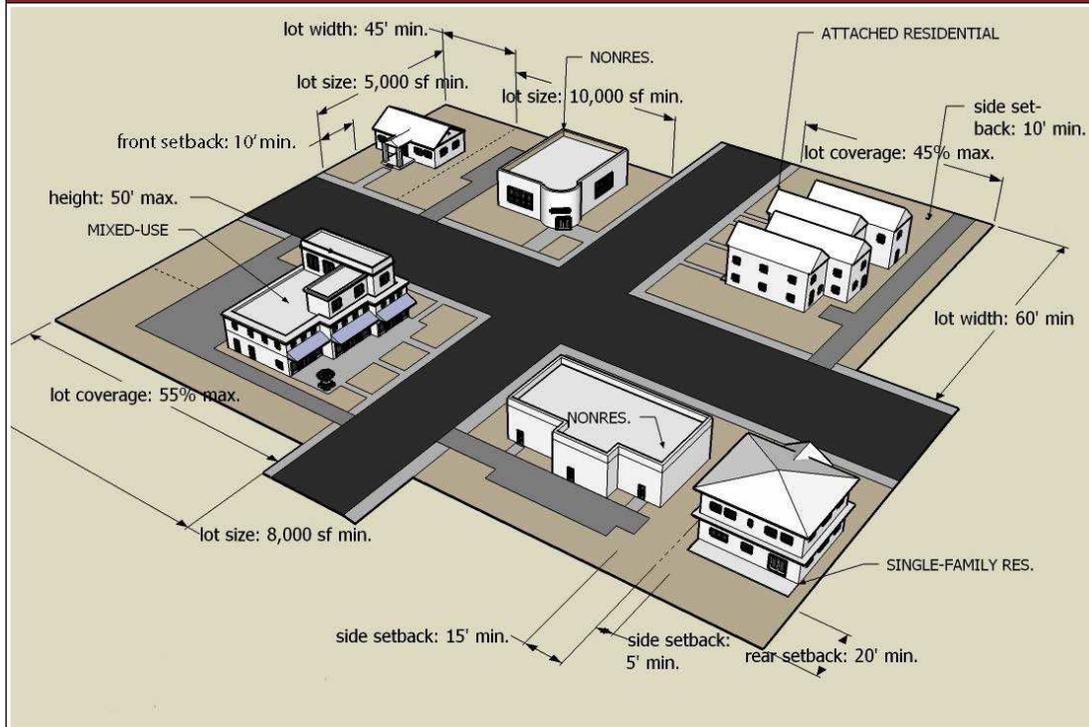
**Figure 30-3.E.3.a:
NC Typical Lot Pattern**



**Figure 30-3.E.3.b:
NC Typical Building Form**



Figure 30-3.E.3.c: NC Typical Building/Lot Configuration



(Ord. No. S2011-013, §§ 8.1, 8.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.3, 1-23-2012; Ord. No. S2012-018, § 2.2, 9-10-2012; Ord. No. S2012-025, §§ 1, 16, 11-13-2012; Ord. No. S2014-003, § 1a, 1-13-2014; Ord. No. S2014-015, § 5, 8-11-2014.)

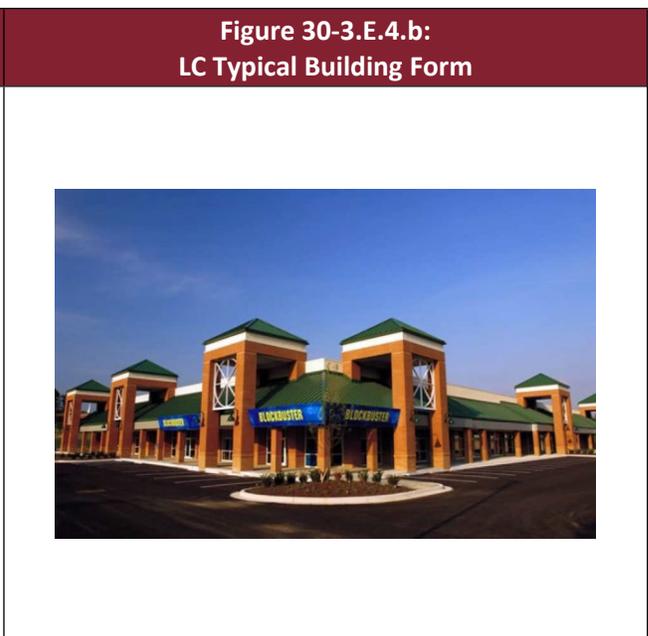
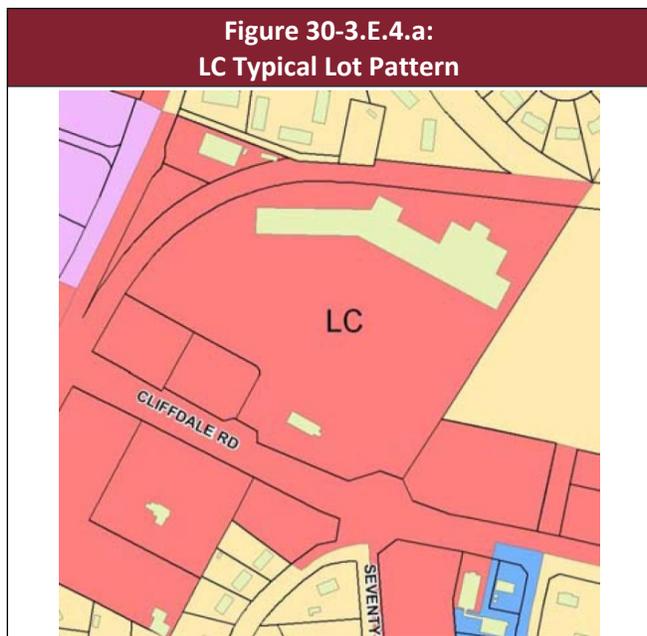
Effective on: 11/18/2013

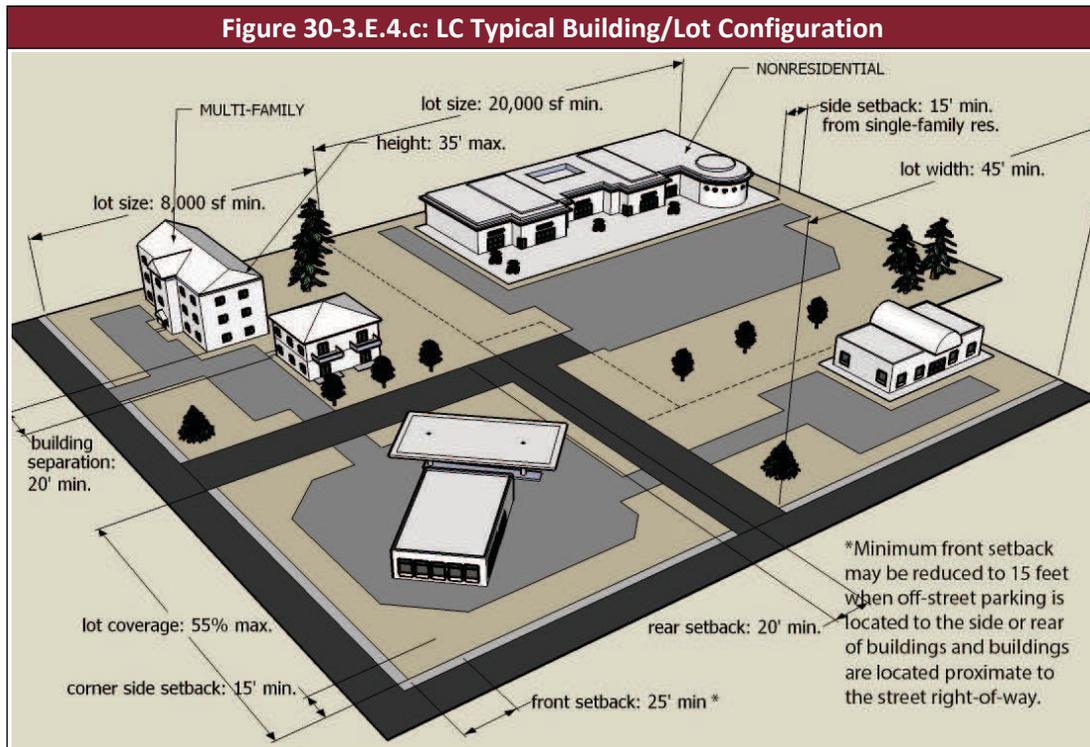
30-3.E.4. Limited Commercial (LC) District

PURPOSE	
LC LIMITED COMMERCIAL DISTRICT	The Limited Commercial (LC) District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood—e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods.
DIMENSIONAL STANDARDS	

DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	ALL OTHER RESIDENTIAL	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	20,000	15,000	8,000	n/a
Lot width, min. (ft.)	45			n/a
Gross residential density, max. (dwelling units/acre)[1]	24			n/a
Lot coverage, max. (% of lot area)	55	45		[2]
Height, max.	the greater of four stories or 55 ft.	the lesser of three stories or 40 ft.		25; 15 where abutting a single-family zoning district or use with setback less than 10 feet
Front setback, min. (ft.) [3]	The lessor of 25 ft. or 50 ft. from centerline of private streets			Not allowed in front, corner side, or side yard areas
Side setback, min. (ft.)	3; 15 where abutting a single-family zoning district or use			
Corner side setback, min. (ft.) [2]	15			
Rear setback, min. (ft.)	10; 20 where abutting an alley or single-family zoning district or use			5
Spacing between buildings, min. (ft.)	20			5
Zero lot line development standards	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]			

NOTES:
 [1] A maximum density of 36 is allowed in priority redevelopment areas as may be designated by City Council.
 [2] Accessory structures/use areas shall not exceed the lesser of: 1,300 square feet in size or 30 percent of the allowable lot coverage.
 [3] Minimum front setbacks for nonresidential, multi-family, and mixed-uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.
 [4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).





(Ord. No. S2011-008, §§ 6, 14.1, 7-25-2011; Ord. No. S2011-014, § 1.3, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.3, 1-23-2012; Ord. No. S2012-018, § 2.3, 9-10-2012; Ord. No. S2014-003, § 1b, 1-13-2014; Ord. No. S2014-015, § 5, 8-11-2014.)

Effective on: 11/18/2013

30-3.E.5. Community Commercial (CC) District

PURPOSE				
CC COMMUNITY COMMERCIAL DISTRICT	The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed-use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards .			
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	ALL OTHER USES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	10,000	8,000	15,000	n/a
Lot width, min. (ft.)	45			n/a
Gross residential density, max. (dwelling units/acre)[1]	24		12	n/a
Lot coverage, max. (% of lot area)	65			[2]
Height, max.	the greater of six stories or up to 75 feet			25; 15 where abutting a single-family zoning district or use with setback less than 10 feet

Front and corner side setback, min. (ft.) [3]	The lesser of 25 ft. or 60 ft. from centerline of private streets	Not allowed in front, corner side, or side yard areas
Side setback, min. (ft.)	3; 15 where abutting a single-family zoning district or use	
Rear setback, min. (ft.)	3; 20 where abutting an alley or single-family zoning district or use	5
Spacing between buildings, min. (ft.)	20	5
Zero lot line development standards	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]	

NOTES:

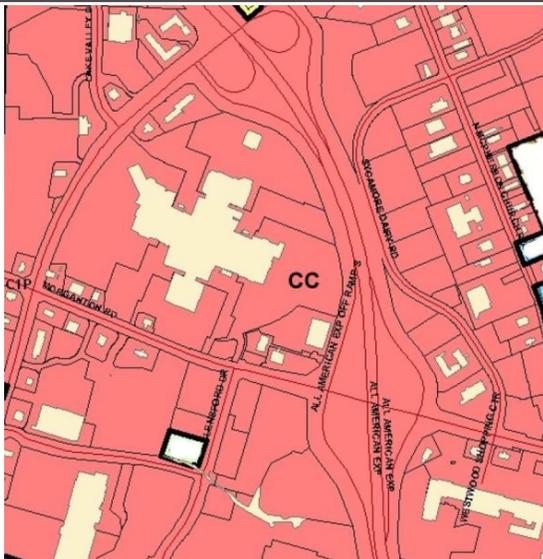
[1] A maximum density of 36 is allowed in priority redevelopment areas as may be designated by City Council.

[2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30 percent of the allowable lot coverage.

[3] Minimum front (and corner side) setbacks for nonresidential, multi-family, and mixed-uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.

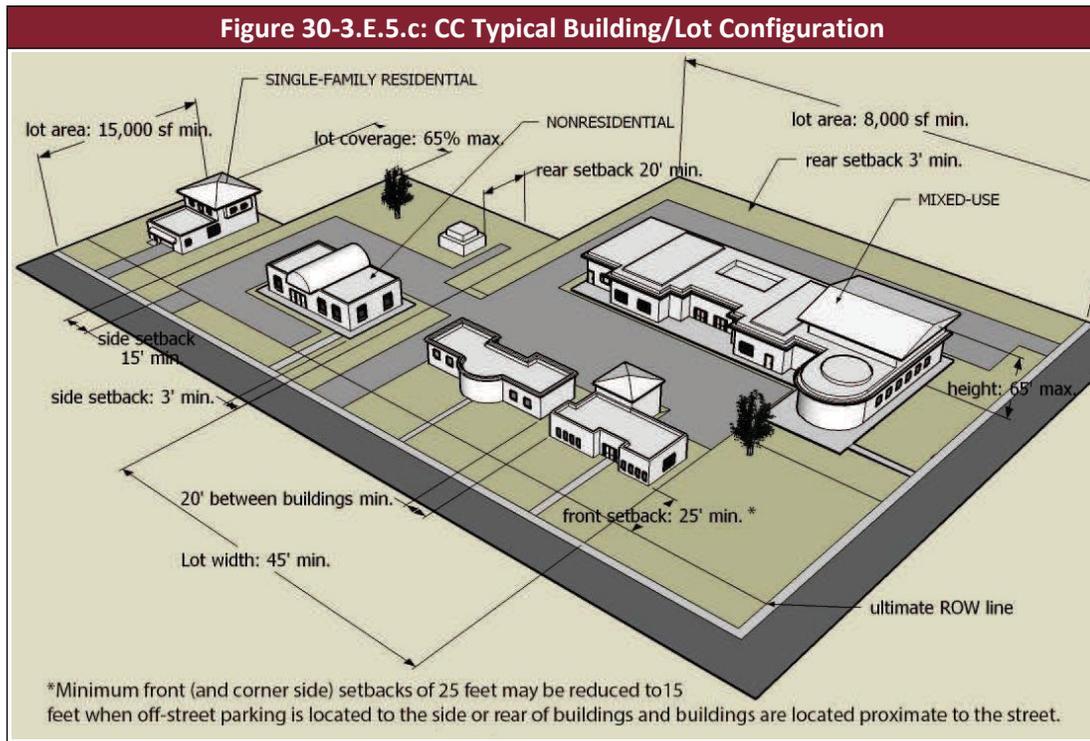
[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

**Figure 30-3.E.5.a:
CC Typical Lot Pattern**



**Figure 30-3.E.5.b:
CC Typical Building Form**





(Ord. No. S2011-008, §§ 6, 14.2, 7-25-2011; Ord. No. S2011-014, §§ 1.3, 1.4, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.3, 1-23-2012; Ord. No. S2012-018, § 2.4, 9-10-2012; Ord. S2014-003, § 1c, 1-13-2014; Ord. No. S2014-015, § 5, 8-11-2014.)

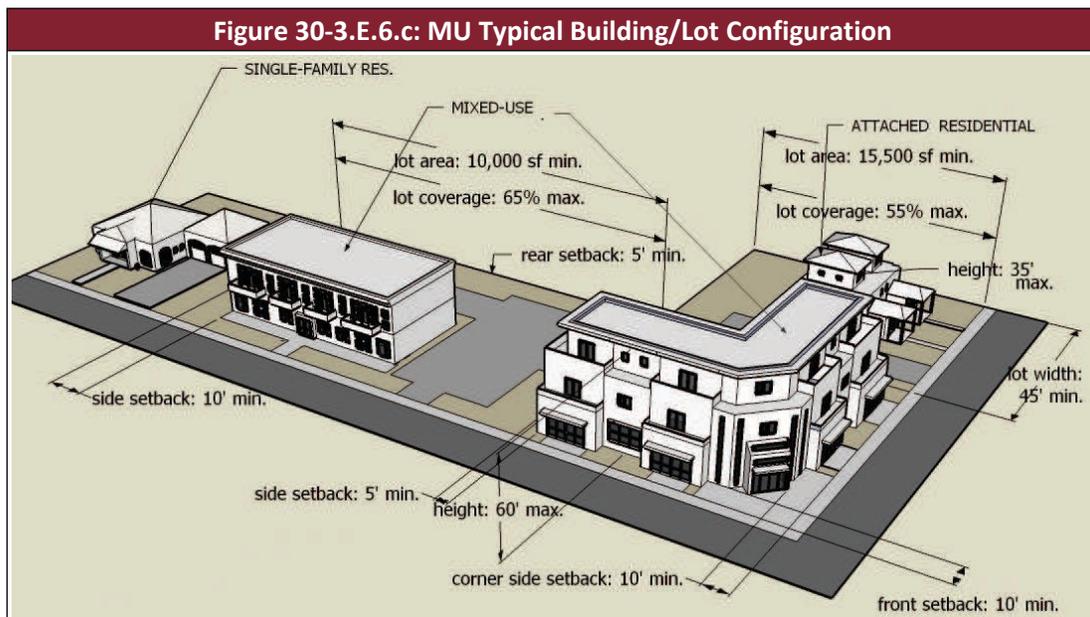
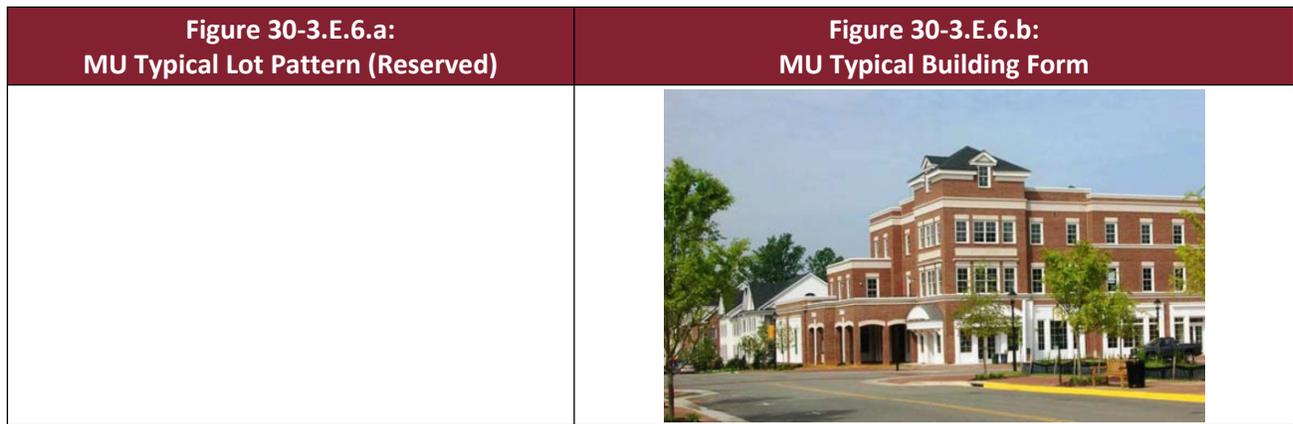
Effective on: 11/18/2013

30-3.E.6. Mixed-Use (MU) District

MU MIXED-USE DISTRICT		PURPOSE		
		The Mixed-Use (MU) District is established and intended to accommodate and foster the coordinated development of a compatible and balanced mix of mutually supporting living, working, shopping, educating, entertainment, and recreating uses. By providing housing close to nonresidential uses and grouping multiple destinations, such mixed-used development reduces vehicle usage and creates a compact high-quality, pedestrian-oriented environment. The district is subject to flexible standards intended to encourage an appropriate scale and balance of uses and development to ensure district development is compatible with surrounding uses. Uses may be either vertically-integrated within a single building or horizontally-integrated within separate buildings on the same site. Developments proposed within the MU District that do not include a mix of uses require a Special Use Permit (See Section 30-2.C.7).		
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	MIXED-USES	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES	
Lot area, min. (sq. ft.)	10,000	15,500	n/a	
Lot width, min. (ft.)	20	45	n/a	
Gross residential density, max. (dwelling units/acre)[1]	32		n/a	
Lot coverage, max. (% of lot area)	65	55	[2]	
Height, max. (ft.)	60	35	25; 15 where abutting a single-family zoning district or use with setback less than 10 feet	
Front and corner side setback, min. (ft.)	10; 20 from street centerline		Not allowed in front, side, or corner side areas	

Side setback, min. (ft.)	The lesser of 10 ft. or 20 ft. from centerline of private streets		
Rear setback, min. (ft.)			5
Spacing between buildings, min. (ft.)	10		5
Floor area in district occupied by single-use development, max. (% of district)	n/a	25	n/a
Zero lot line development standards	Zero lot line shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting single-family detached development shall meet the district minimums; otherwise no setbacks, lot area, or building spacing requirements shall apply. [3]		

NOTES:
 [1] A maximum density of 45 is allowed in priority redevelopment areas as may be designated by City Council.
 [2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30 percent of the allowable lot coverage.
 [3] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).



(Ord. No. S2011-008, § 6, 7-25-2011; Ord. No. S2011-014, § 1.3, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.3, 1-23-2012; Ord. No. S2012-018, § 2.5, 9-10-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. S2014-003, § 1d, 1-13-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2014-015, § 5, 8-11-2014.)

30-3.E.7. Downtown (DT) District

PURPOSE		
DT DOWNTOWN DISTRICT	<p>The Downtown (DT) District is established and intended to encourage the urban form and architectural character found in the traditional downtown area as well as promote redevelopment that will make the downtown area a more diverse and vibrant mixed- use urban center. The district encompasses the same area as the Downtown Municipal Service District and the downtown historic districts. The district is intended to accommodate a well-balanced mix of uses (including more high-density residential development), promote a stronger pedestrian-oriented environment (with a reduced need for parking), and preserve and protect the downtown's historical and architectural scale and character. Uses that will add activity in the downtown after 5:00 p.m. are encouraged. The district is subject to flexible and incentive-based standards intended to foster such urban development and redevelopment.</p>	
DIMENSIONAL STANDARDS		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	None	n/a
Lot width, min. (ft.)	None	n/a
Gross residential density, max. (dwelling units/acre)	None	n/a
Lot coverage, max. (% of lot area)	100	[1]
Height, (min.) ft	24	n/a
Height, max. (ft.) [2]	90; may be increased up to 150 for buildings with street-level restaurants or retail	40; 15 where abutting a single-family zoning district
Front setback, min. (ft.)	None for first 4 stories; 10 for stories 5-8; 20 for stories 9+	Not allowed in front, side, or corner side yard areas
Front setback, max. (ft.) [3]	5 for the first 4 stories unless buildings on either side have deeper front setbacks, then the average setback of both	
Side setback, min. (ft.)	None; 10 where abutting a single-family zoning district	
Corner side setback, min. (ft.)	Min. required for vehicular visibility	
Rear setback, min. (ft.)	None; 20 where abutting an alley or single- family zoning district or use	3 abutting an alley, otherwise none
Spacing between buildings, min. (ft.)	None	None
Percentage of primary frontage occupied by building wall (min. %)	100 for interior lots; 80 for corner lots [3]	n/a
Percentage of first-floor wall occupied by glazing/doors (min. %)	50 for walls abutting a street; 30 for residential uses	50 when abutting a street
<p>NOTES: [1] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30 percent of the allowable lot coverage. [2] Maximum height may be increased through provision of sustainable development features in accordance with Section 30-5.N, Incentives for Sustainable Development Practices. [3] Entrances to parking garages, surface parking behind buildings, pedestrian pass-throughs, plazas, and gathering spaces are exempt. Government offices. Community services such as museums, passenger terminals, and religious institutions are exempt from the maximum setback requirements provided that the setback area is landscaped or hardscaped and accommodates pedestrian congregation.</p>		

Figure 30-3.E.7.a:
DT Typical Lot Pattern

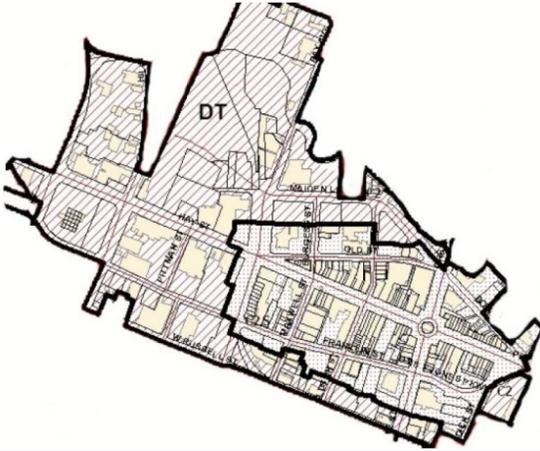
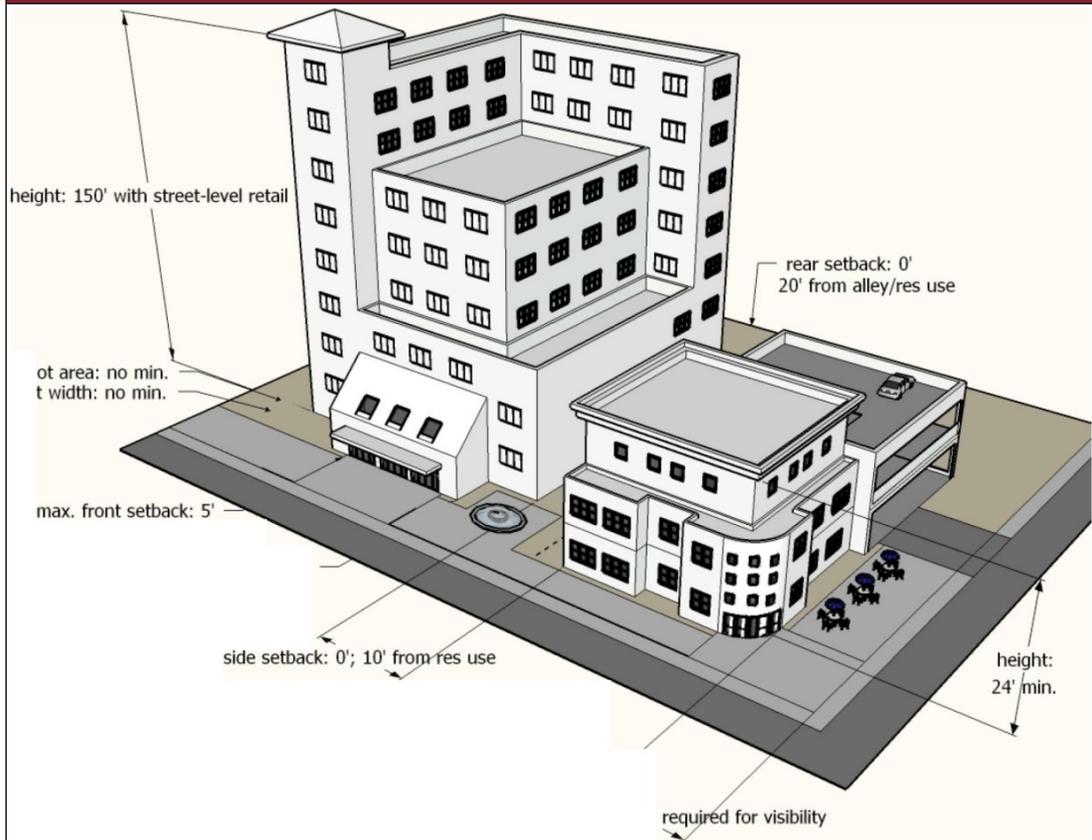


Figure 30-3.E.7.b:
DT Typical Building Form



Figure 30-3.E.7.c: DT Typical Building/Lot Configuration



(Ord. No. 82012-007, § 1, 4-23-2012; Ord. No. 82012-025, § 15, 11-13-2012)

Effective on: 11/18/2013

30-3.E.7.A. Business Park (BP) District

A. Purpose

The Business Park (BP) District is established and intended to accommodate large-scale "campus" type development containing "core" uses that include light and heavy industrial, research and development, corporate headquarters, office-warehouse, assembly, business incubation, and vocational and training school uses, along with supportive uses that include general office, visitor accommodation, restaurant and retail uses. The district is subject to standards intended to minimize overdevelopment of supportive uses relative to core uses, as well as to minimize adverse impacts on surrounding uses.

B. Dimensional and Design Standards for BP District

BP DIMENSIONAL AND DESIGN STANDARDS		DIMENSIONAL STANDARDS	
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY USES	
Minimum area to establish a Business Park zoning district	50 acres	50 acres	
Minimum lot area	50,000 ft.2	n/a	
Minimum lot width	120 feet	n/a	
Maximum lot coverage	85%	n/a	
Maximum height	100 feet	65 feet	
Minimum front and corner setback	40 feet	Not allowed in front, side or corner side yard areas	
Minimum side setback	30 feet		
Minimum rear setback	30 feet	30 feet	
Minimum spacing between buildings	20 feet	20 feet	
<p>NOTES:</p> <p>1. Development standards for Business Park developments: Except as noted explicitly in this or other sections of this code development shall meet the parking, loading, tree protection, landscaping, open space, parkland, fencing, and lighting standards of Article 30-5 applicable to the industrial districts. Business Park development plans may specify a common approach to meeting stormwater management, tree preservation and parkland/open space requirements so that the requirements do not have to be met fully on a lot-by-lot basis.</p> <p>2. Development adjacent to a street forming the boundary of a Business Park or as otherwise specified by the Additional Requirements in Table 30-4.A is subject to the commercial, office, and mixed-use design standards of Article 30-5.I unless an alternative comprehensive set of design standards is approved as part of the initial zoning establishing specific Business Park districts. These alternative design standards shall address building orientation, building façades, parking location, loading and storage location, and vacancy contingencies. Alternative design standards shall be enforced through conditional zoning condition approvals and/or through recorded property covenants with the City of Fayetteville named as a party.</p> <p>3. Signage for Business Park developments shall be as follows: Signage approved as a signage plan under the provisions of Section 30-5.L.10(f), Large Development Alternative Signage Plan. Signage approved by City Council simultaneously with the BP zoning designation in conformance with the application submittal provisions of Section 30-5.L.10(f)(3), Large Development Alternative Signage Plan.</p>			

(Ord. No. S2012-024, § 1, 11-13-2012)

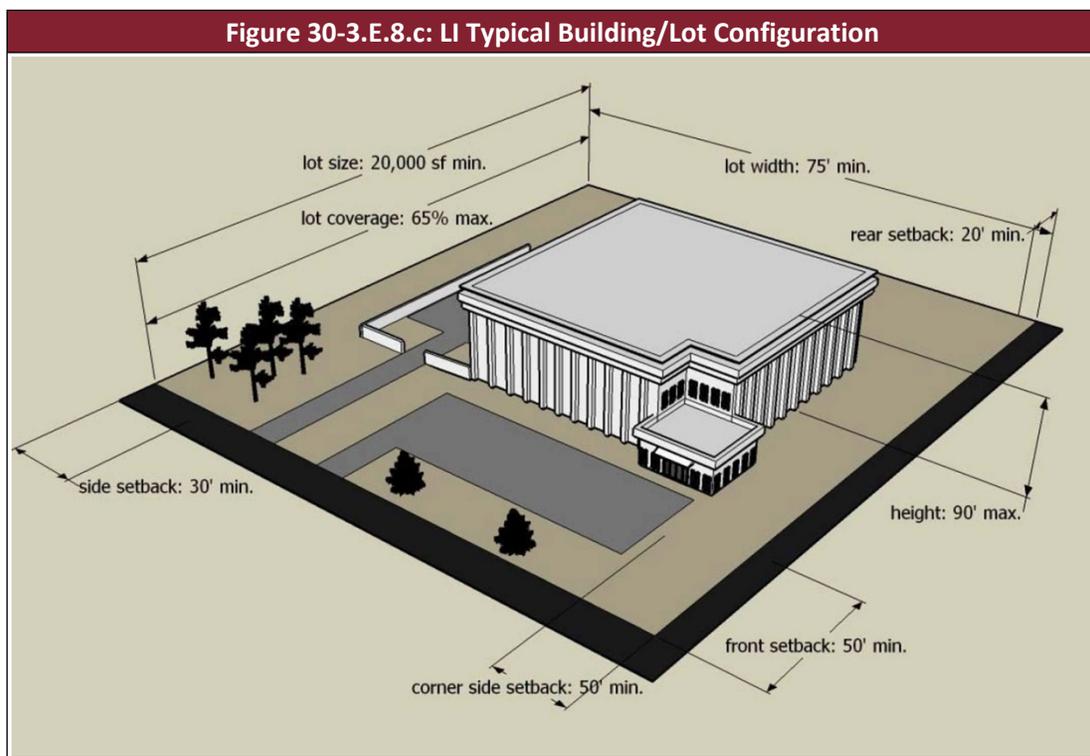
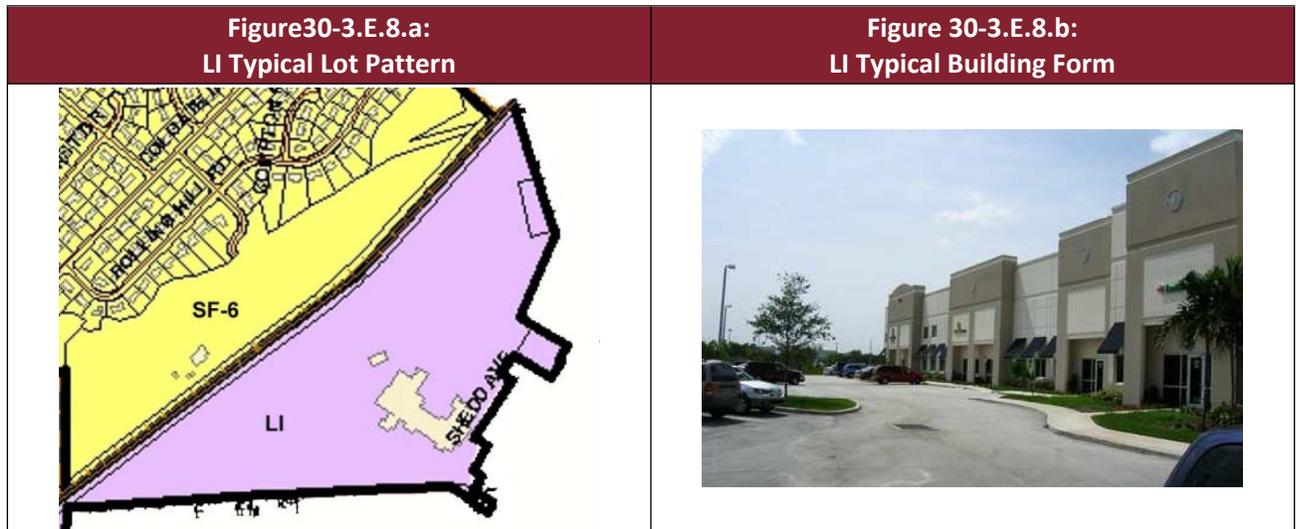
Effective on: 11/18/2013

30-3.E.8. Light Industrial (LI) District

LI LIGHT INDUSTRIAL DISTRICT	PURPOSE	
	The Light Industrial (LI) District is established and intended to accommodate light manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that are small-scale or otherwise have minimal exterior movement of vehicles, materials, and goods, as well as few or minimal adverse environmental and visual impacts. The district is subject to standards intended to minimize potential nuisances or damage to the environment and adverse impacts on surrounding uses. Warehousing and distribution as well as light manufacturing uses may be accompanied by limited supporting retail (See 30-4.D Accessory Uses).	
DIMENSIONAL STANDARDS		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	20,000	n/a
Lot width, min. (ft.)	75	n/a
Lot coverage, max. (% of lot area)	65	[1]
Height, max. (ft.)	90; 50 when abutting a single-family residential district	
Front and corner setback, min. (ft.)	The lesser of: 50 feet or 75 feet from street centerline of private streets	Not allowed in front, side, or corner side yard areas
Side setback, min. (ft.)	30	

Rear setback, min. (ft.)	20; none where abutting a railroad right- of-way	5; 50 where abutting a residential zoning district
Spacing between buildings, min. (ft.)	20	5

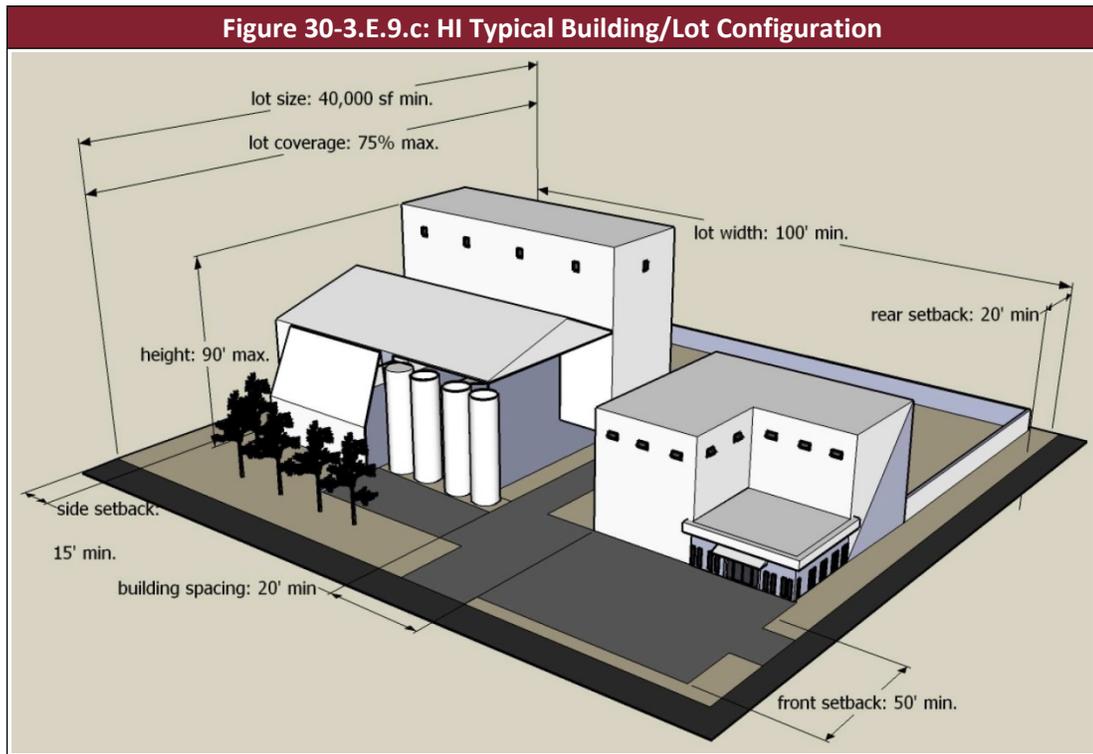
NOTES:
 [1] Accessory structures/use areas shall not exceed the lesser of: 5,000 square feet in size or 30 percent of the allowable lot coverage.



(Ord. No. S2011-014, § 1.3, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.2, 1-23-2012; Ord. No. S2014-002, § 6c, 1-13-2014)

Effective on: 11/18/2013

30-3.E.9. Heavy Industrial (HI) District



(Ord. No. S2011-014, § 1.3, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.2, 1-23-2012)

Effective on: 11/18/2013

30-3.F. Conditional Zoning Districts

30-3.F.1. Establishment of Conditional Zoning Districts

Table 30-3.F.1, Conditional Zoning Districts Established, sets out the conditional zoning districts established by this Ordinance. There is a conditional zoning district paralleling each base zoning district set forth in Table 30-3.F.1, Base Zoning Districts Established.

TABLE 30-3.F.1: CONDITIONAL ZONING DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	DISTRICT NAME
SPECIAL DISTRICTS	
CD/CZ	Conditional Conservation
AR/CZ	Conditional Agricultural-Residential
RESIDENTIAL DISTRICTS	
SF-15/CZ	Conditional Single-Family Residential 15
SF-10/CZ	Conditional Single-Family Residential 10
SF-6/CZ	Conditional Single-Family Residential 6
MR-5/CZ	Conditional Mixed Residential 5
MH/CZ	Conditional Manufactured Home
BUSINESS DISTRICTS	
OI/CZ	Conditional Office and Institutional
NC/CZ	Conditional Neighborhood Commercial
LC/CZ	Conditional Limited Commercial
CC/CZ	Conditional Community Commercial
MU/CZ	Conditional Mixed-Use
DT/CZ	Conditional Downtown
BP/CZ	Conditional Business Park
LI/CZ	Conditional Light Industrial
HI/CZ	Conditional Heavy Industrial

Effective on: 11/18/2013

30-3.F.2. Purpose

The rezoning of land to a conditional zoning district is intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.

Effective on: 11/18/2013

30-3.F.3. Classification of Conditional Zoning Districts

Land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in Section 30-2.C.4, Conditional Rezoning.

Effective on: 11/18/2013

30-3.F.4. Applicable Regulations

Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel base zoning district, plus the conditions imposed as part of the Conditional Rezoning approval, which may not be less restrictive than the regulations for the parallel base zoning district.

Effective on: 11/18/2013

30-3.F.5. Relationship to Overlay Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying conditional zoning district. If the standards governing a conditional zoning district expressly conflict with those governing an overlay zoning district, the standards governing the overlay district shall control.

Effective on: 11/18/2013

30-3.F.6. Applied to Entire Lot

No application for conditional rezoning (see Section 30-2.C.4) may split an existing site or lot of record into a conditional zoning district and a base zoning district. Nothing in this subsection shall limit a conditional rezoning that splits a lot or site into two or more different conditional zoning district designations.

Effective on: 11/18/2013

30-3.G. Planned Development Zoning Districts

30-3.G.1. General

a. Establishment of Planned Development Zoning Districts

Table 30-3.G, Planned Development Zoning Districts Established, sets out the planned development zoning districts established by this Ordinance.

TABLE 30-3.G.1: PLANNED DEVELOPMENT ZONING DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	DISTRICT NAME
PD-R	Planned Development - Residential
PD-EC	Planned Development - Employment Center
PD-TN	Planned Development - Traditional Neighborhood Development

b. General Planned Development District Purposes

The Planned Development (PD) districts are established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs;
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, streams, hillsides, floodplains, and historic features; and
6. Establishing a zoning district that corresponds to Cumberland County's Density Development Conditional Use District within the City's Municipal Influence Areas.

c. Classification of Planned Development Zoning Districts

Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Section 30-2.C.3, Planned Development, and this section.

d. Relationship to PND District

Lands designated as Planned Neighborhood District (PND) on July 1, 2011 are subject to the standards and conditions included within the previously-adopted master plans and other requirements related to their approval. These developments may proceed subject to their original approvals in accordance with Section 30-1.H, Transitional Provisions. In the event the PND expires, or a modification to the district is proposed, an applicant may seek to establish a PD district in accordance with this section and Section 30-2.C.3, Planned Development.

e. Organization of Planned Development Zoning District Regulations

Section 30-3.G.2, General Standards for All Planned Development Districts, sets out general standards applicable to all types of Planned Development districts. Sections 30-3.G.3 to 30-3.G.5 set out the purpose statements and standards for each of the three specific types of Planned Development district. These subsections have a common structure consisting of a purpose statement and applicable development standards. Some PD districts also include additional district-specific standards. Article 30-4, Use Standards, includes a summary use table specifying the allowable uses for each of the PD districts (see Table 30-4.A, Use Table) subject to an approved master plan. Uses that do not include an "MP" under a particular PD district column in Table 30-4.A are prohibited within that PD district.

Effective on: 11/18/2013

30-3.G.2. General Standards for All Planned Development Districts

Before approving a PD zoning district classification, the City Council shall find that the application for the PD zoning district classification, as well as the Master Plan and the Terms and Conditions document included as part of the application, comply with the following standards:

a. Planned Development Master Plan

The Master Plan shall:

1. Include a statement of planning objectives for the district;
2. Identify the natural features and defining characteristics of the site such as site's natural amenities, significant trees (both individually and in mass), vegetation, and topography;
3. Identify the general location of individual development areas, identified by land use(s) and/or development density or intensity;

4. Identify for the entire PD district and each development area the acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
5. Identify the general location, amount, and type (whether designated for active or passive recreation) of open space;
6. Identify the location of environmentally sensitive lands, wildlife habitat, and stream corridors;
7. Identify the on-site transportation circulation system, including the general location of all public and private streets, existing or projected transit corridors, pedestrian and bicycle pathways, and how they will connect with existing and planned City systems;
8. Identify the general location of on-site potable water and wastewater facilities, and how they will connect to City systems;
9. Identify the general location of on-site stormwater management facilities, and how they will connect to City systems; and
10. Identify the general location of all other on-site public facilities serving the development, including but not limited to schools, and facilities for fire protection, police protection, EMS, and solid waste management.

b. Consistency with City Plans

The PD zoning district designation, the Master Plan, and the Terms and Conditions document shall be consistent with the 2030 Joint Growth Vision Plan, the 2010 Cumberland County Land Use Plan, and any applicable functional plans and small area plans adopted by the City.

c. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the Master Plan shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, or other aspects identified by the City Council.

d. Development Phasing Plan

If development in the PD district is proposed to be phased, the Master Plan shall include a development phasing plan that identifies the general sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the City's capital improvements program.

e. Conversion Schedule

The Master Plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

f. On-Site Public Facilities

1. Design and Construction

The Master Plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.

2. Dedication

The Master Plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.

3. Modifications to Street Standards

In approving a Master Plan, the City Council may approve modifications or reductions of City street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:

- a. The Master Plan provides for adequate separation of vehicular, pedestrian, and bicycle traffic;
- b. Access for emergency service vehicles is not substantially impaired;
- c. Adequate off-street parking is provided for the uses proposed; and
- d. Adequate space for public utilities is provided within the street right-of-way

g. Planned Development Terms and Conditions

The Terms and Conditions document shall incorporate by reference or include, but not be limited to:

1. Conditions related to approval of the application for the PD zoning district classification;
2. The Master Plan, including any density/intensity standards, dimensional standards, and development standards established in the Master Plan;
3. Conditions related to the approval of the Master Plan, including any conditions related to the form and design of development shown in the Master Plan;
4. Provisions addressing how multimodal transportation, potable water, wastewater, stormwater management, open space, and other public facilities will be provided to accommodate the proposed development;
5. Provisions related to environmental protection and monitoring; and
6. Any other provisions the City Council determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

h. Uses

The uses allowed in a PD district are identified in Table 30-4.A, Use Table, as allowed subject to a planned development master plan. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the PD district. Allowed uses shall be consistent with City plans, the purpose of the particular type of PD district, and subject to any additional limitations or requirements set forth in Sections 30-3.G.3—30-3.G.5 for the particular type of PD district.

i. Densities/Intensities

The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the Master Plan, and shall be consistent with City plans and the purpose of the particular type of PD district.

j. Dimensional Standards

The dimensional standards applicable in each development area of a PD district shall be as established in the Master Plan, and shall be consistent with the purpose of the particular type of PD district. The Master Plan shall include at least the following types of dimensional standards:

1. Minimum lot area;
2. Minimum lot width;
3. Minimum and maximum setbacks;
4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;
7. Floor area ratio; and
8. Minimum setbacks from adjoining residential development or residential zoning districts.

k. Development Standards

All development in a PD district shall comply with the development standards of [Article 30-5: Development Standards](#), or any modifications of those standards established in the Master Plan. Modifications proposed in a Master Plan shall be consistent with City plans, the objective of the particular type of development standard, the purpose of the particular PD district, and any additional limitations or requirements set forth in Sections [30-3.G.3—30-3.G.5](#) for the particular type of PD district.

I. Amendments to Approved Master Plan

Amendments or modifications to a Master Plan shall be considered in accordance with the standards in Sections [30-2.C.3.i](#) and [j](#).

(Ord. No. S2012-017, §§ 1, 2, 9-10-2012; Ord. No. S2013-015, § 2.0, 7-22-2013)

Effective on: 11/18/2013

30-3.G.3. Planned Development - Residential (PD-R) District

PD-R PLANNED DEVELOPMENT - RESIDENTIAL DISTRICT		PURPOSE	
		The Planned Development - Residential (PD-R) District is established and intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another, while at the same time providing an efficient use of open space. Limited, small-scale commercial uses may be allowed in the PD-R district, primarily to serve the needs of residents in the development.	
DIMENSIONAL STANDARDS		DEVELOPMENT STANDARDS	
DENSITY/INTENSITY AND LOT STANDARDS		DEVELOPMENT STANDARDS	
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the Master Plan (SEE Section 30-3.G.2.A , Planned Development master Plan)	The standards in Article 30-5 , Development Standards, shall apply to all development in PD-R districts, but some of those standards may be modified as part of the Master Plan if consistent with the general purposes of the PD-R district and the procedures noted below.	
Nonresidential Floor Area Ratio, Maximum		DEVELOPMENT STANDARD	MEANS OF MODIFYING
Lot area, minimum (sq. ft.)		Off-street parking and loading	Specify in Alternative Parking Plan (see Section 30-5.A.8)
Lot width, minimum (sq. ft.)		Landscaping [2]	Specify in Alternative Landscaping Plan (see Section 30-5.B.4.f)
BUILDING STANDARDS		Tree protection	
Lot coverage, maximum (% of lot area)	To be established in the Master Plan (see Section 30-3.G.2.a , Planned Development Master Plan)	Open space set-aside [3]	Modifications prohibited
Individual building size, maximum (sq. ft.)		Fences and walls	Specify in Security Plan (see Sections 30-5.D.5 and 30-5.F.7)
Building height, maximum (ft.)		Exterior lighting	
Setbacks, minimum or maximum (ft.)		Community form	Modifications prohibited
Setback from abutting residential zoning district or existing residential use (ft.)		Commercial building design	
		Single-family building design	
NOTES: [1] May not exceed 125 percent of the highest maximum gross density standard for the base zoning district in place prior to designation as a planned development. This limitation does not apply where the previous zoning classification was the DT district. [2] Internal uses shall not be required to provide perimeter buffers.		Multi-family building design	
		Transitional design	
		Signage	Specify in Master Sign Plan
		[3] Where a PD-R district includes nonresidential or mixed-use development, the required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively (see Section 30-5.C).	

Effective on: 11/18/2013

30-3.G.4. Planned Development - Economic Center (PD-EC) District

PD-EC PLANNED DEVELOPMENT - EMPLOYMENT CENTER DISTRICT		PURPOSE	
		The Planned Development - Employment Center (PD-EC) District is established and intended to encourage the development of a mix of employment generating uses (office, research, light industrial, limited commercial), and may allow high-density residential uses at appropriate locations in a planned and aesthetically pleasing way. This is done by allowing design flexibility as well as a mix of uses.	
DIMENSIONAL STANDARDS		DEVELOPMENT STANDARDS	
DISTRICT STANDARDS		The standards in Article 30-5 , Development Standards, shall apply to all development in PD-EC districts, but some of those standards may be modified as part of the Master Plan if consistent with the general purposes of the PD-EC district and the procedures noted below.	
		DEVELOPMENT STANDARD	MEANS OF MODIFYING
Floor area devoted to residential use, maximum (% of total district floor area)	25	Off-street parking and loading	Specify in Alternative Parking Plan (see Section 30-5.A.8)
Floor area devoted to Retail Sales and Services uses, maximum (% of total district floor area)	10	Landscaping [2]	Specify in Alternative Landscaping Plan (see Section 30-5.B.4f)
DENSITY/INTENSITY AND LOT STANDARDS		Tree protection	
Gross residential density, maximum (dwelling units/acre) [1]	To be established in the Master Plan (see Section 30-3.G.2.a , Planned Development Master Plan)	Open space set-aside [3]	Modifications prohibited
Nonresidential floor area ratio, maximum		Fences and walls	Specify in Security Plan (see Sections 30-5.D.5 and 30-5.F.7)
Lot area, minimum (sq. ft.)		Exterior lighting	
Lot width, minimum (sq. ft.)		Community form	Modifications prohibited
BUILDING STANDARDS		Commercial building design	
Lot coverage, maximum (% of lot area)	To be established in the Master Plan (see Section 30-3.G.2.a , Planned Development Master Plan)		Single-family building design
Individual building size, maximum (sq. ft.)		Multi-family building design	
Building height, maximum (ft.)		Transitional design	
Setbacks, minimum or maximum (ft.)		Signage	Specify in Master Sign Plan
Setback from abutting residential zoning district or existing residential use (ft.)		NOTES: [2] Internal uses shall not be required to provide perimeter buffers. [3] Where a PD-EC district includes residential or mixed-use development, the required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed- use purposes, respectively (see Section 30-5.C)	
NOTES: [1] May not exceed 125 percent of the highest maximum gross density standard for the base zoning district in place prior to designation as a planned development. This limitation does not apply where the previous zoning classification was the DT district.			

Effective on: 11/18/2013

30-3.G.5. Planned Development - Traditional Neighborhood (TN) District

PD-TN PLANNED DEVELOPMENT - TRADITIONAL NEIGHBORHOOD DISTRICT		PURPOSE	
		The Planned Development - Traditional Neighborhood (PD-TN) District is established and intended to provide landowner/ developers with a flexible framework within which to develop a mixed-use, traditional neighborhood development as an alternative to conventional residential development. PD-TN Districts should be of sufficient size and design to ensure pedestrian activity focused on a neighborhood center and sub-centers. PD-TN district standards are designed to encourage the development of compact residentially-oriented, mixed-use, small-lot, pedestrian-oriented communities where residents can meet some of their employment, shopping, and recreation needs within the same development.	
DIMENSIONAL STANDARDS		DISTRICT-SPECIFIC STANDARDS	
DISTRICT STANDARDS		The standards in Section 30-3.G.5.a, Additional District-Specific Standards for the PD-TN District, shall apply to all development within the PD-TN District.	
District area, minimum (acres)	10 [1]	DEVELOPMENT STANDARDS	
Floor area devoted to nonresidential use, minimum (% of total district floor area)	15	The standards in Article 30-5, Development Standards, shall apply to all development in PD-TN districts, but some of those standards may be modified as part of the Master Plan if consistent with the general purposes the district and the procedures noted below.	
Dwelling units of any single housing type, maximum (% of total district units)	60 [2]		
DENSITY/INTENSITY AND LOT STANDARDS		DEVELOPMENT STANDARD	MEANS OF MODIFYING
Gross residential density, maximum (dwelling units/acre)	To be established in the Master Plan (See Section 30-3.G.2.a, Planned Development Master Plan)	Off-street parking and loading	Specify in Alternative Parking Plan (see Section 30-5.A.8)
Nonresidential floor area ratio, maximum		Landscaping [3]	Specify in Alternative Landscaping Plan (See Section 30-5.B.4..f)
Lot area, minimum (sq. ft.)		Tree Protection	
Lot width, minimum (sq. ft.)		Open Space Set-Aside [4]	Modifications prohibited
BUILDING STANDARDS		Fences and walls	Specify in Security Plan (see Sections 30-5.D.5 and 30-5.F.7)
Lot coverage, maximum (% of lot area)	To be established in the Master Plan (See Section 30-3.G.2.a, Planned Development Master Plan)	Exterior lighting	
Individual building size, maximum (sq. ft.)		Community form	Modifications prohibited
Building height, maximum (ft.)		Commercial building design	
Setbacks, minimum and maximum (ft.)		Single-family building design	
Setback from abutting residential zoning district or existing residential use (ft.)		Multi-family building design	

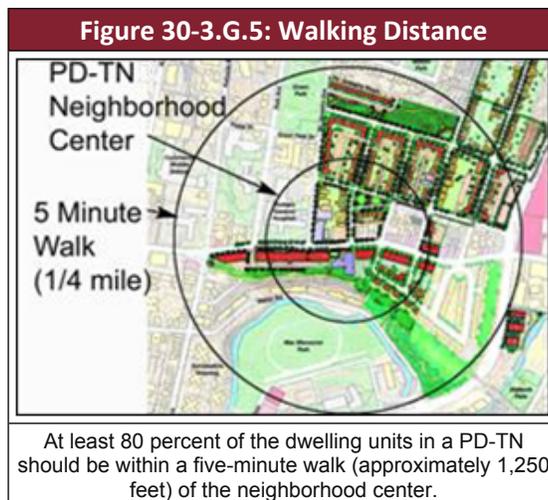
NOTES: [1] The minimum area requirement may be waived by the City Council on finding that creative site planning is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal. [2] May be exceeded only on demonstration that a less diverse mix of housing types is appropriate. [3] Internal uses shall not be required to provide perimeter buffers.	Transitional design	
	Signage	Specify in Master Sign Plan
	NOTES: [4] The required percentage of open space set-aside shall be calculated based on the total amount of land used for residential, nonresidential, or mixed-use purposes, respectively.	

a. Additional District-Specific Standards for the PD-TN District

1. Center and Subcenters

A PD-TN District shall be designed with a neighborhood center, and may also be served by one or more sub-centers. A neighborhood center or sub-center shall consist of formal open space (such as a square, commons, green, or active recreation area) that is adjacent to nonresidential or civic uses (such as a school, religious institution, or other government building), and served by one or more prominent street intersections.

2. Walking Distance



At least 80 percent of all residential dwelling units in a PD-TN should be within a five minute walk (approximately 1,250 feet) of the neighborhood center or a sub-center (see Figure 30-3.G.5).

3. Use Mixing

- a. A PD-TN District shall be structured to provide a mix of uses, like residential, retail, employment, civic, and recreational uses. The integration of residential and nonresidential uses allows residents to meet more of their daily needs within the development. In addition, provision of a variety of housing options is required to allow greater diversity of residents within the neighborhood.
- b. Civic uses are encouraged, but not required, as part of the district's nonresidential uses.
- c. Mixing of residential and nonresidential uses within a single project or structure is encouraged within integrated or vertical mixed-use projects, in which uses are located on different floors of a single structure.

4. Open Space Design

- a. Open space in a PD-TN District should be designed in a hierarchy of formal and informal spaces and used to enhance community activity, identity, and civic pride. Formal open spaces consist of squares, greens,

common areas, or other park-like settings where residents of the neighborhood may gather. Such areas are bounded by streets and/or buildings, and are typically located in or near the geographic center of the neighborhood. Informal open spaces are typically located throughout the development, and take the form of meandering walking paths, greenways, pocket parks, passive recreation areas, and areas set aside for vegetation retention.

- b. Some portion of the open space provided within a PD-TN shall be located to serve as a central open space or gathering area for the development.

5. *Building Configuration*

a. *Public Buildings and Uses*

Public buildings and uses, including Government Facilities, Community Service uses, and Educational Facilities, serve as focal points and landmarks for the community within a PD-TN district and should be located on prominent sites, such as terminal vistas at the end of streets and on prominent street corners. The Master Plan shall designate the general location of publicly or privately owned civic lots for civic buildings and uses, including public monuments or gateways into an ensuing space, as the terminus of street vistas for all major internal streets. In addition, public buildings and uses shall be located fronting on or adjacent to a square, plaza, or village green whenever possible.

b. *Location and Relationship between Buildings*

In a PD-TN district, buildings should be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings should have a fairly consistent, narrow setback alignment along the street frontage.

c. *Relationship between Building Types*

Buildings in a PD-TN district should be built on a human scale and designed with a common, harmonious architectural vocabulary and landscaping to lend an intimate and personal feel to the streetscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

(Ord. No. S2012-025, § 16, 11-13-2012)

Effective on: 11/18/2013

30-3.H. Overlay Zoning Districts

30-3.H.1. General

a. Purpose

Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts, conditional zoning districts, or planned development districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

b. Establishment of Overlay Zoning Districts

Table 30-3.H.1.B, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance. Except where specifically provided in this Ordinance, variances from the overlay zoning district standards shall not be granted.

TABLE 30-3.H.1.B: OVERLAY ZONING DISTRICTS ESTABLISHED	
DISTRICT ABBREVIATION	DISTRICT NAME
HAO	Hospital Area Overlay
HLO	Historic/Landmark Overlay
MHO	Manufactured Home Overlay
NPO	Noise-Accident Potential Overlay
APO	Airport Overlay
SHO	Special Highway Overlay

MCO	Murchison Road Corridor Overlay
NCO	Neighborhood Conservation Overlay
CFO	Cape Fear Overlay
CTO	Coliseum Tourism Overlay
RACO	Regional Activity Center Overlay
SACO	Suburban Activity Center Overlay

c. Classification of Overlay Zoning Districts

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 30-2.C.1, Map Amendment (Rezoning).

d. Relationship to Other Zoning Districts

1. Overlay District Controls

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development district. If the standards governing an overlay zoning district expressly conflict with those governing a base zoning district, conditional zoning district, or planned development district, the standards governing the overlay district shall control. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

2. Structures undergoing design review

Structures subject to design review pursuant to this Article by any official design review board established in this Article which are found to comply with the applicable design guidelines by the applicable design review board shall be exempt from the dimensional standards of the underlying zoning district, the general development standards, and the signage requirements established in this Article to the extent that those requirements conflict with the applicable design guidelines. Such exemptions shall be explicitly noted in the action by the design review board.

(Ord. No.S2012-025, § 16, 11-13-2012; Ord. No.S2013-002, § 4, 2-11-2013; Ord. No.S2014-011, § 5, 8-11-2014; Ord. No.S2014-017, § 3, 10-27-2014; Ord. No.S2014-018, § 4, 10-27-2014)

Effective on: 10/27/2014

30-3.H.2. Hospital Area Overlay (HAO) District

a. Purpose

The purpose of this district is to protect the public health, safety, and welfare of residents in the vicinity of the Cape Fear Valley Hospital by lessening conflicts between residential and non-residential land uses and by promoting compatible quality development. Specifically, the requirements of the overlay are intended to:

1. Protect surrounding neighborhoods from being adversely affected by inappropriate or poor quality development;
2. Allow for compact development, while providing adequate room for parking, landscaping and buffering;
3. Create more attractive, pedestrian-friendly developments, less dominated by the automobile; and
4. Minimize traffic impacts through limitations on certain land uses, access management, traffic calming, street improvements, intersection improvements and other means.

b. Applicability and Permits Required

1. The provisions of this section shall apply to all new nonresidential development within the Hospital Area Overlay District (HAO) and any addition, remodeling, relocation or construction of nonresidential property requiring a zoning permit or a Building Permit.
2. No Building Permit may be issued until the City Manager determines that the proposal complies with all the standards of this overlay, as well as those of the underlying base zoning district.

3. A Special Use Permit (see Section 30-2.C.7) shall also be required for nonresidential development within 100 feet of a lot occupied by a single-family dwelling.
4. In the case of conflict between these standards and other design standards of this Ordinance, the design standards of this overlay shall control.
5. The boundary of the Hospital Area Overlay (HAO) District is hereby established as shown on the map included on the Introduction page of Appendix 7.4 of the Hospital Area Plan as subsequently amended November 24, 2014, by zoning case P14-40F to remove the commercially developed area at the northern end of Walter Read Road, and said amended map is incorporated by reference into this Ordinance. A copy of this amended map is on file in the office of the City Clerk.

c. Permitted Land Uses and General Requirements

All uses permitted in the underlying base zoning districts shall continue as a permitted use within the overlay district except as noted in paragraph (d) below. All area, yard, height regulations, and additional requirements for underlying base zoning districts shall continue to apply except as otherwise noted in this section.

d. Certain Streets Reserved for Offices and Single-Family Dwellings Only

1. Street Segments

While the OI district in this Ordinance allows for uses other than offices, the following street segments within the Overlay area zoned OI shall be reserved for the uses listed in (2) below:

- a. Boone Trail, West, from the existing nonresidential zoning near Owen Drive and Bordeaux Shopping Center to the intersection of Boone Trail and Fargo Drive.
- b. Owen Drive and Terry Circle, from one lot north of Player Avenue to the south entrance of Terry Circle; and
- c. Village Drive, from Conover Drive west to Roxie Avenue;

2. Allowable Uses

Only the following uses shall be allowed along the street segments identified in (1) above:

- a. Office, Sales.
- b. Office, Professional Services; and
- c. Office, Business Services;
- d. Medical Treatment Facility;
- e. Medical or Dental Lab;
- f. Medical or Dental Clinic;

3. Prohibited Uses

Other uses typically permitted in the OI district are prohibited in the identified street segments so as to protect nearby residential neighborhoods from encroachment by incompatible uses. The intent of this range of uses is to (a) allow existing residents to continue to live in and enjoy their homes, (b) provide for and encourage office and medical uses supportive of the economy of this sector of the City, and (c) provide for an appropriate transitional use between the hospital and nearby neighborhoods. The specific locations reserved for these uses are identified below and on the zoning map.

e. Numerical Performance Standards

1. Minimum Lot Size

The minimum lot size shall be 20,000 square feet. A reduction in the minimum lot size of up to ten percent may be approved through an Administrative Adjustment (Section 30-2.C.16, provided this reduction meets the purpose and other standards of the overlay.

2. Maximum Floor Area Ratio

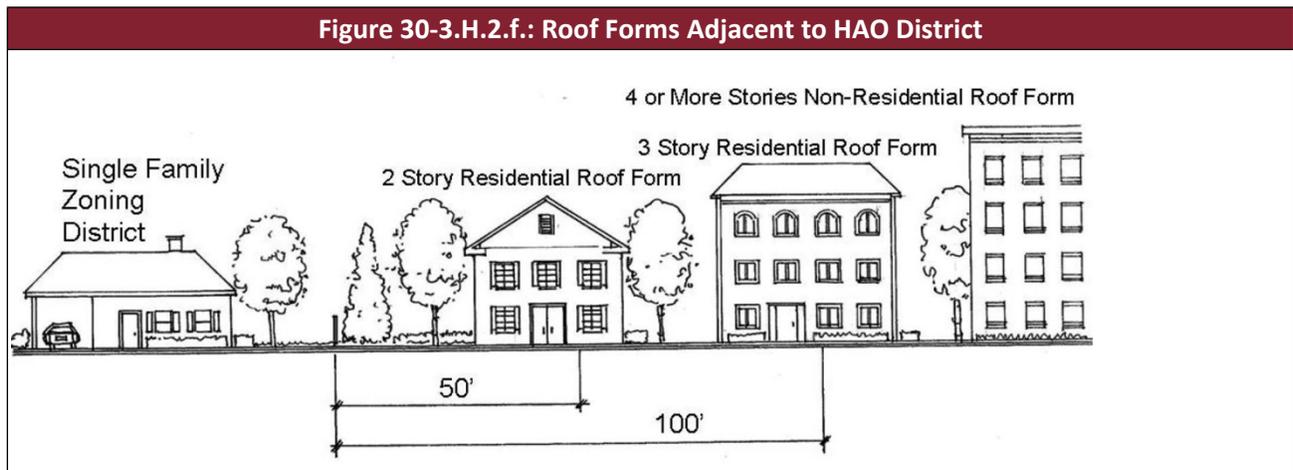
A maximum floor area ratio (FAR) of .33 (shall apply to uses with off-street surface parking. Development with parking under the building or in a parking deck may exceed the maximum FAR, provided that all parking, landscaping and buffering requirements can still be met.

3. Front Yard "Build To" Line

The front facade of the principal building shall be located ten feet or less from the street right-of-way. A greater setback of up to 15 feet from the right-of-way edge may be approved in accordance with an Administrative Adjustment (see Section 30-2.C.16).

f. Building Heights and Roof Forms

1. Any non-residential building located within 50 feet of a lot line shared with an existing single-family zoning district shall not exceed two stories or 35 feet in height, and shall have a pitched roof form (see Figure 30-3.H.2.f).
2. Any nonresidential building located between 50 and 100 feet of a lot line shared with an existing single-family zoning district shall not exceed three stories or 45 feet in height, and shall have a pitched roof form.
3. Any nonresidential building located over 100 feet from a lot line shared with an existing single-family zoning district may be four or more stories in height, and may have a flat or pitched roof form.
4. Buildings may have sections stepped in height so long as each section is built in compliance with the height/distance standards set forth under paragraphs (1), (2), and (3) above.



g. Parking

1. Number of Parking Spaces

a. Office Uses

All office uses shall maintain three off-street parking spaces for every 1,000 square feet of floor area. This requirement shall supersede the parking requirements for offices specified in Table 30-5.A.4.b or other sections of this Ordinance.

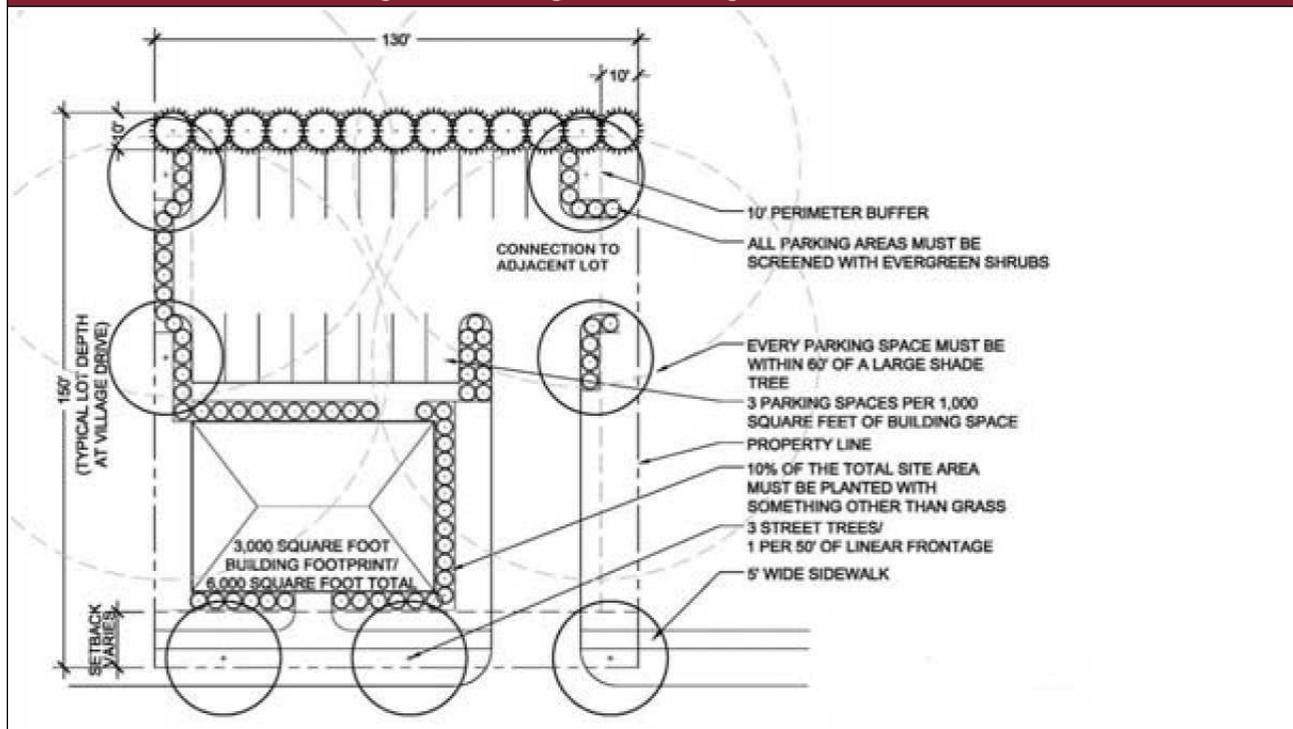
b. All Other Nonresidential Uses

All other nonresidential uses, other than offices, including health care facilities, shall comply with the off-street parking requirements of Table 30-5.A.4.B, Minimum Off-Street Parking Standards.

2. Location of Parking

New buildings shall have off-street parking spaces located behind the rear building face of the principal building on the lot. Up to 25 percent of parking spaces may be located to the side of the building behind the front building façade.

Figure 30-3.H.2.g.: HAO Parking Lot Cross Access



3. Parking Lot Cross-Access

Cross-access between adjoining lots shall be provided in accordance with Figure 30-3.H.2.g, and Section 30-5.A.3.f. Parking Lot Cross-Access.

h. Landscaping Requirements

1. General

Ten percent of the total site area must be planted with something other than grass. Required planting materials shall correspond to the city's approved species list, unless alternative materials are proposed as part of an Alternative Landscape Plan (see Section 30-5.B.4.f).

2. Street Trees

There shall be an approved street tree located along both front and side streets, in accordance with Section 30-5.B.4.a, Street Trees.

3. Parking Lot Trees

No parking space shall be separated from the trunk of a canopy tree by more than 60 feet.

4. Parking Lot Perimeter Landscape Screen

The edge of all areas containing parking spaces shall be planted with a continuous evergreen landscape screen with a minimum height of 24 inches above grade at time of planting.

i. Buffering Requirements

1. Residential Buffer

Where a property line abuts another property zoned or used residentially, there shall be a ten foot wide Type D perimeter landscape buffer along that property line, in accordance with Figure 30-3.H.2.i.1, and the following:

a. Fence or Wall

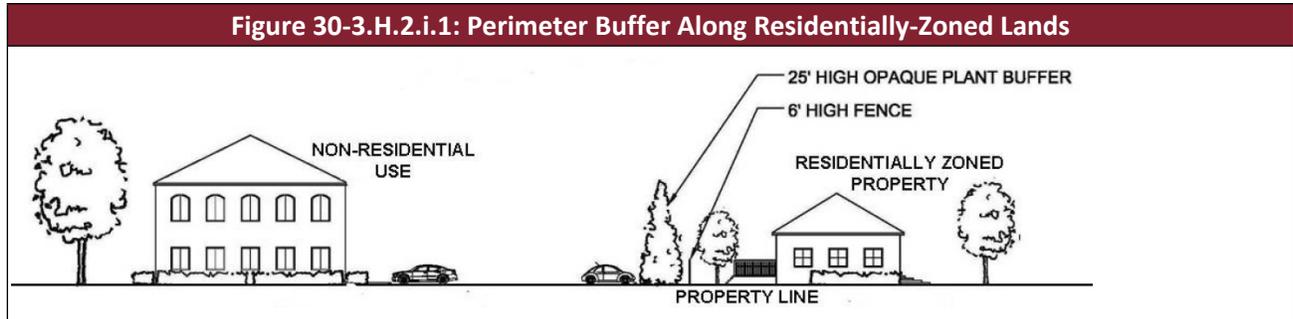
The finished side of the fence or wall must face the residential lands and be a minimum of six feet in height.

b. Vegetation

Approved vegetation must include evergreen plant material that will provide a completely opaque buffer greater than or equal to 25 feet in height within five years of building occupancy.

c. Encroachments

No buildings or parking areas may encroach into the buffer. Permitted encroachments (like walls or fences) are allowed as specified under Permitted Encroachments into Required Setbacks (see Section 30-9.B.1.f.2).



j. Sidewalks

Upon development activity reviewed under the requirements of this overlay, a sidewalk no less than five feet in width shall be provided along the street frontages of all nonresidentially zoned lands within the HAO district.

(Ord. No. S2011-014, § 2, 11-28-2011; Ord. No. S2012-016, §§ 2.1—2.3, 9-10-2012; Ord. No. S2014-020, § 2, 11/24/2014)

)

Effective on: 11/24/2014

30-3.H.3. Historic/Landmark Overlay (HLO) District

a. Purpose

In recognition that the historic heritage of the City is one of its most valued and important assets, the Historic/Landmark Overlay (HLO) district is established and intended to safeguard that heritage by identifying, recognizing, preserving, maintaining, protecting, and enhancing old, historic, and architecturally valuable structures, properties, districts, or neighborhoods that serve as important elements and visible reminders of the social, cultural, economic, political, or architectural history of the City, County, State, or nation. More specifically, the Historic/Landmark Overlay District is intended to:

1. Foster civic pride;
2. Preserve the City's heritage;
3. Preserve the character and desirable historic, architectural, and aesthetic features of the City;
4. Stabilize and enhance the value of properties that are within historic districts or designated as historic landmarks, as well as the areas surrounding them;
5. Protect and enhance the attractiveness of the City to residents, tourists, and visitors, thereby supporting and stimulating business and industry;
6. Protect and enrich the quality of life for City residents;
7. Foster wider public knowledge and appreciation of structures, properties, districts, or neighborhoods that provide a unique and valuable perspective on the social, cultural, economic traditions and ways of life of past generations;
8. Foster architectural creativity by preserving physical examples of outstanding architectural designs and techniques of the past; and

9. Encourage new structures and developments that will be harmonious with and complement the character of existing structures, properties, and districts designated in accordance with this section.

b. Procedures and Standards for HLO District Classification

Except as modified by subsections (1) and (2) below, classification or reclassification of land into a HLO District shall occur in accordance with the procedures and requirements of Section 30-2.C.1, Map Amendment (Rezoning).

1. Procedure

a. Pre-Application Requirements

The following actions shall occur before the Map Amendment (Rezoning) application is submitted:

- i. In the case of a proposal to apply the HLO District classification to a historic landmark, the Historic Resources Commission shall undertake an inventory of properties of historical, prehistorical, architectural, and cultural significance within the City and submit the inventory to the North Carolina Office of Archives and History;
- ii. The Historic Resources Commission shall make or cause to be made an investigation and report describing the historic, prehistorical, architectural, educational, or cultural significance of the buildings, structures, sites, areas, features, objects, or surroundings proposed to be included in the historic district or designated as a historic landmark;
- iii. In the case of a proposal to apply the HLO District classification to a historic district, the report shall include a description of the boundaries of the proposed historic district;
- iv. The City shall forward the investigative report to the State Historic Preservation Office of the North Carolina Department of Cultural Resources, which shall be given at least 30 days to review the report and submit a written analysis and recommendations to the City Council; and
- v. Upon receiving a written analysis and recommendations on the report from the State Historic Preservation Office, or expiration of the 30-day review period set forth in sub-section iv above, the City Council chooses to refer the report (and boundary description for any proposed district) to the City Manager to initiate a Map Amendment (Rezoning) application to classify the proposed historic district or historic landmark into a HLO District.

b. Hearing Notice and Owner Consent for Landmarks

In the case of a proposal to apply the HLO District classification to a historic landmark, the mailed notice of the public hearing on the Map Amendment (Rezoning) application required in accordance with Section 30-2.B.12, Public Notification, shall be sent to the owner of the property by certified mail. If the owner files a written objection to the proposed classification with the City Manager before the public hearing, the City Council shall not approve the application, and the application shall be denied or withdrawn.

c. Amendatory Ordinance Requirements for Landmarks

In the case of a proposal to apply the HLO District classification to a historic landmark, the ordinance adopting the application shall:

- i. Describe each property proposed for landmark designation;
- ii. Include the names of the owners of the property;
- iii. Describe those elements of the property (including its land area) that are integral to its historical, prehistorical, or architectural value;
- iv. Include any other information the City Council deems necessary; and
- v. Include a requirement that the waiting period set forth in Section 30-2.C.8.d.4, Demolition, be observed before any demolition of the building, structure, site, area, or object designated as a historic landmark.

d. Recordation and Notice of Landmark Designation

Upon adoption of an ordinance applying the HLO District classification to a historic landmark, the City Manager shall:

- i. Send notice of the historic landmark designation and HLO District classification to the owners and occupants of the landmark property, insofar as reasonable diligence permits;
- ii. File a copy of the ordinance with the Cumberland County Register of Deeds for recording and indexing of the name of the property owner in the grantor and grantee indexes;
- iii. File a copy of the ordinance with the City Clerk, to be made available for public inspection;
- iv. File a copy of the ordinance with the City Manager; and
- v. File a copy of the ordinance with the Cumberland County Tax Administration Office for designation of historic landmark status on tax maps and consideration in appraising the property for tax purposes.

2. Standards

In addition to the review standards in Section 30-2.C.1.g, Map Amendment (Rezoning) Standards, the City Council shall adopt a Map Amendment (Rezoning) application to classify land as a HLO District only after determining that the proposed historic district or historic landmark is of special significance in terms of its historical, prehistorical, architectural, or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling, and/or association.

c. Certificate of Appropriateness Required

After land is classified as a HLO District, no exterior portion of any building or other structure (including appurtenant features), aboveground utility structure, or outdoor advertising sign on the property shall be constructed, erected, altered, restored, moved, or demolished without approval and issuance of a Certificate of Appropriateness in accordance with Section 30-2.C.8, Certificate of Appropriateness.

d. Review Guidelines

1. Except as provided in Section 30-3.H.3.d.2 below, the report entitled Design Guidelines for Fayetteville's Historic Districts and Local Landmarks, as adopted and subsequently amended by the Historic Resources Commission and the City Council, is hereby adopted and incorporated by reference as part of this Ordinance to serve as guidance in reviewing applications for Certificates of Appropriateness:
2. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole guidance used in reviewing applications for Certificates of Appropriateness submitted by the State of North Carolina.

e. Prevention of Demolition by Neglect

1. Responsibility to Maintain Property

The owner or other person having legal possession, custody, or control of a property classified as in a HLO District shall maintain the exterior and structural features of the property and not allow the occurrence of conditions of neglect that constitute or substantially contribute to deterioration threatening the structural integrity of structures or architectural details important to the property's historic, prehistoric, architectural, or cultural character. Failure to do meet this responsibility shall be a violation of this Ordinance. Conditions that, if substantial or serious enough, could constitute a condition of neglect include, but are not limited to, the following:

- a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
- b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling;
- c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
- d. Deterioration or crumbling of exterior plasters or mortars;
- e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
- g. Rotting, holes, and other forms of decay;

- h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
- i. Heaving, subsidence, or cracking of sidewalks, steps, or pathways;
- j. Deterioration of fences, gates, and accessory structures;
- k. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the historic landmark; and
- l. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

2. *Enforcement*

Enforcement of violations of the requirement to not allow conditions of neglect shall be in accordance with [Article 30-8](#): Enforcement, except that the Historic Resources Commission is expressly authorized to file complaints with the City Manager about deteriorating properties in HLO Districts in accordance with Section [30-8.E.2](#), Complaints Regarding Violations, and the following procedures shall apply instead of those in Section [30-8.E.4](#):

- a. On finding that a condition of neglect has been allowed to occur, the City Manager shall provide written notification of violation, by personal service or certified mail, return receipt requested, to the owner of the property or other persons having legal possession, custody, or control of the property. Such notification shall:
 - i. Describe the location and nature of the conditions of neglect;
 - ii. State the actions necessary to abate the conditions of neglect; and
 - iii. Order that the conditions of neglect be corrected or an administrative hearing be requested within a stated period of time not to exceed 30 days after receipt of the Notice of Violation.
- b. If the violator requests an administrative hearing within the specified time period, the City Manager shall schedule a hearing with the violator not less than ten days nor more than 30 days after receiving the request, and shall provide written notice of the time and place of the hearing to the violator.
- c. The purpose of the hearing is to discuss the conditions of neglect and how they might be corrected, and to determine whether the violator wishes to petition the Historic Resources Commission to consider a claim of undue economic hardship in accordance with Section [30-3.H.3.e.3](#) below.
- d. At the conclusion of the hearing, the City Manager shall make a final determination of whether conditions of neglect exist and, if finding that conditions of neglect exists in violation of this Ordinance, shall order the violator to undertake actions to correct the violation within a stated period of time. If the violator petitions for consideration of a claim of undue economic hardship, the City Manager's order shall be stayed until after the Historic Resources Commission has reached a decision on the claim.

3. *Safeguards from Undue Economic Hardship*

a. *Petition for Consideration of Claim*

- i. The violator may petition the Historic Resources Commission to consider a claim that compliance with the order to correct the violation would create undue economic hardship by submitting a written petition to the City Manager within seven days after the hearing.
- ii. The City Manager shall forward the petition to the Historic Resources Commission to hear and review at its next available regular meeting, and provide notice of the time and place of the meeting to the petitioner.

b. *Evidence of Hardship*

The petitioner shall bear the burden of presenting sufficient evidence to allow the Historic Resources Commission to determine that undue economic hardship exists. Such evidence shall include at least the following:

- i. *For All Properties:*

- A. Nature of property ownership (individual, business, or nonprofit) or other legal possession, custody, or control;
- B. A description of the structures involved;
- C. Petitioner's financial resources;
- D. Cost of required repairs or other corrective measures;
- E. Assessed value of the land and improvements;
- F. Real estate taxes for the previous two years;
- G. Amount paid for the property;
- H. Date of purchase;
- I. Party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;
- J. Annual debt service, if any, for previous two years; and
- K. Any listing of the property for sale or rent, price asked, and offers received, if any.

ii. *For Income-Producing Properties:*

- A. If the property is income-producing, the annual gross income from the property for the previous two years;
- B. Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed; and
- C. Annual cash flow, if any, for the previous two years.

f. Temporary Boarding Up of Windows and Doors

No windows or doors of a deteriorating structure classified as in a HLO District shall be boarded up or barricaded unless authorized for only a short period of time by a Certificate of Appropriateness approved in accordance with Section 30-2.C.8, Certificate of Appropriateness, as a means of protecting the structure against further deterioration pending replacement of the boarded-up or barricaded windows or doors. Any temporary boarding up or barricading of a window or door that will remain in place for more than one month shall be painted as specified by the Certificate of Appropriateness.

Effective on: 11/18/2013

30-3.H.4. Manufactured Home Overlay (MHO) District

a. Purpose

The Manufactured Home Overlay (MHO) district is established and intended to accommodate the placement of manufactured homes in the City in accordance with City- adopted plans, local housing needs, and appearance and dimensional standards designed to protect property values, preserve the character and integrity of the community and individual neighborhoods within the community, and promote the public health, safety, and welfare of area residents.

b. Applicability

1. The Manufactured Home Overlay (MHO) District shall be applied only to lands where:
 - a. The underlying zoning allows single-family detached dwellings (see Table 30-4.A.2, Use Table);
 - b. Characteristics of the area are not conducive to construction of new site-built homes; and
 - c. Manufactured homes designed in accordance with applicable appearance and dimensional standards are compatible with the characteristics of the surrounding neighborhood.

2. In accordance with Section 160A-383.1(e) of the North Carolina General Statutes, the MHO district may not be applied to an individual lot or scattered lots, but shall be applied to a defined area in which additional requirements or standards are placed on manufactured homes.

c. District Standards

1. Uses

Irrespective of whether manufactured homes are allowed in the underlying zoning district, a Class A manufactured home on an individual lot shall be a permitted use in the MHO district.

2. Other Standards

Manufactured homes in the MHO district shall comply with the use-specific standards in Section 30-4.C.2.a.3, Manufactured Home, Class A.

Effective on: 11/18/2013

30-3.H.5. Noise-Accident Potential Overlay (NPO) District

a. Purpose

The Noise-Accident Potential Overlay (NPO) zoning district is established and intended to reduce the concentration of people exposed to the higher than average noise levels and potential for aircraft accidents associated with proximity to airports and military installations.

b. Applicability

Irrespective of what standards the underlying zoning district applies, land within the Noise-Accident Potential Overlay (NPO) district shall be subject to the standards of this subsection.

c. District Standards

1. Because of accident hazard potential, residential use in this zone should not be allowed without strong demonstration of need to utilize this area for residential use. If allowed, it should be limited to the minimum necessary area, and not exceed one dwelling unit per five acres. Additional consideration should be given to modify the NLR levels based on peak noise levels. Such criteria, however, will not eliminate outdoor environmental noise levels.
2. Clubhouses and other structures for gatherings should not be allowed. Passive recreation uses that do not congregate people are allowed.
3. The indicated noise reduction level (20, 25, 30 or 35) applies to those portions of structures where the public is received.
4. Uses are compatible if they do not result in a gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time.

Effective on: 11/18/2013

30-3.H.6. Airport Overlay (APO) District

a. Purpose

The purpose of this district is to protect the public health, safety, and welfare in the vicinity of the Fayetteville Regional Airport by minimizing exposure to and giving public notice of probable high noise levels and accident hazards generated by the airport operations and to encourage future development that is compatible with the continued operation of the airport and the economic well being of the City.

b. Applicability

1. The provision of this section shall apply to all new development within the Airport Overlay District (APO) and any addition, remodeling, relocation or construction of property requiring a Building Permit. These provisions shall also apply to all trees located within the boundary of APO.
2. Where the provisions of this section conflict with the remaining provisions of this Ordinance and any other provision of the City Code of Ordinances, or other Federal, State, or local regulation, the more restrictive regulation shall apply.

3. The boundary of the APO is established as a layer on the Official Zoning Map in digital format and is hereby adopted and incorporated into these provisions.

c. District Standards

The land uses allowed under the terms of this Ordinance shall continue to be allowed in the same manner as established by this Ordinance; however, upon the consideration of any petition for the rezoning of property within the APO, the City Manager, the Zoning Commission, and the City Council shall give considerable weight to the following factors when formulating their recommendations or decisions:

1. Uses

All allowed uses within the district being requested should be compatible with the continued operation of the airport and consistent with the 2023 Off-Airport Land Use Plan, or subsequent amendments to the plan.

2. Incompatible Uses in Other Districts

Any district that allows a use incompatible with the airport operations should not be favorably considered without a favorable recommendation from the Fayetteville Airport Director to include such uses as high concentration of residential units, buildings having large assembly of people, smoke or other substances that would impair aircraft visibility or interfere with its operation, light emissions that interfere with pilot vision, electrical interference, tall smokestacks or telecommunication towers and uses that attract birds and water fowl.

3. Structures

Structures shall not be erected, altered, or maintained and no tree shall be allowed to grow to a height in excess of the applicable height limits established and regulated by the Federal Aviation Administration (FAA), and prior to application for any Building Permit the developer shall provide the City a copy of the FAA's acknowledgement of receipt of FAA Form 7460-1, Notice of Proposed Construction or Alteration, as required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77). In the event, the FAA's acknowledgement indicates the proposed development would provide an obstruction and/or a hazard to air navigation, the developer must provide either written consent from the Airport Director as related to the proposed development or seek a Variance under the provisions of this Ordinance. Notwithstanding the provisions of this section, height limitations shall not apply to any structure or any vegetation that is 35 feet or less in height, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits of the FAA. The FAA height limitations generally include the following:

a. Approach Zone

Height limitations for approach zones shall be determined by measuring outward and upward at a 50:1 slope for Runway 4/22 and slope of 50:1 for Runway 10/28. This measurement is commenced from the end of and at the same elevation as the end of the respective runway centerline to the prescribed horizontal distance.

b. Transitional Zone

Height limitations for the transitional zone shall be determined by measuring outward and upward at a 7:1 slope from the sides of and at the same elevation as the Approach Surface, and extending to the point of intersection with a horizontal surface or conical surface.

c. Conical Zone

Height limitations in the conical zone are established by measuring from the periphery of the horizontal zone and at 150 feet above elevation outward and upward at a 20:1 slope to a height of 350 feet above airport elevation.

d. Horizontal Zone

Height limitations in the horizontal zone are established at 150 feet above airport elevation (190 MSL).

4. Notice Required

Any Site Plan, Subdivision Plan or Final Plat for land located within the APO that is submitted for review and approval under the terms of this Ordinance shall contain the following notice: "Property shown on this plan/plat is within the City of Fayetteville Airport Overlay District"

5. *Lighting*

Any allowed use, subdivision, or other development located within the APO shall not include outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations and in no case shall lighting be in contradiction to the provisions of this Ordinance.

6. *Penetrating Structures or Vegetation*

The owner of any existing structure or vegetation that is currently penetrating any referenced surface within the APO shall permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration or by the Fayetteville Airport Director to indicate to the operators of aircraft in the vicinity of the airport the presence of an airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the Fayetteville Regional Airport.

7. *Nonconforming Structures or Vegetation*

- a. The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any existing structure that is found to be nonconforming to the provisions of this section as of the effective date of this Ordinance, or otherwise interfere with the continuance of an existing use.
- b. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which valid permits have been issued prior to the effective date of this Ordinance, and is diligently exercised.
- c. The provision of this subsection do not apply to any tree, which may be trimmed in the event the tree is found to be encroaching into the airspace zones established in subsection (6) above.
- d. Whenever it is determined that a nonconforming tree or structure has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations within the APO.

Effective on: 11/18/2013

30-3.H.7. Special Highway Overlay (SHO) District

[Placeholder]

Effective on: 11/18/2013

30-3.H.8. Murchison Road Corridor Overlay (MCO) District

[Placeholder]

Effective on: 11/18/2013

30-3.H.9. Neighborhood Conservation Overlay (NCO) District

a. Purpose

The Neighborhood Conservation Overlay (NCO) District is established and intended to protect and preserve the unique design features and character of established neighborhoods throughout the City, and to promote new construction that is compatible with the existing neighborhood character. The Neighborhood Conservation Overlay District is a flexible tool that may be applied to multiple neighborhoods, each of which will have its own unique architectural, natural, cultural, and historic attributes.

b. Establishment of Individual Neighborhood Conservation Districts

The City Council may establish individual Neighborhood Conservation Overlay Districts in accordance with this section and Section 30-2.C.1, Map Amendment (Rezoning), after approving an area plan for the neighborhood specifying the development context in the district. Each district shall comply with the standards in Section 30-3.H.9.d, General Development Standards for All NCO Districts. In establishing a new NCO District, the City Council may also establish a unique set of development standards applicable to all development in the particular district (see Section 30-3.H.9.e, District-Specific Development Standards).

c. Minimum Standards for Designation of an NCO District

The City Council may approve an application for designation of a NCO District only if:

1. At least 65 percent of the land area within the proposed NCO district, not including street and other right-of-way, is developed;
2. Development patterns in the district demonstrate an on-going effort to maintain or rehabilitate the character and physical features of existing buildings in the district;
3. There is existing or potential pressure for new development or redevelopment within the district;
4. The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association:
 - a. Scale, size, type of construction, or distinctive building materials;
 - b. Lot layouts, setbacks, street layouts, alleys or sidewalks;
 - c. Special natural or streetscape characteristics, such as creek beds, parks, gardens or street landscaping;
 - d. Land use patterns, including mixed or unique uses or activities; or
 - e. Abuts or links designated historic districts and/or landmarks.
5. The development standards proposed to be applied to the district will encourage the retention of the general character and appearance of existing development in the district.

d. General Development Standards for All NCO Districts

1. Compliance with Underlying Zoning District Standards

These standards supplement and might supersede the applicable standards found in the underlying base zoning district, conditional zoning district, or planned development district.

2. Compliance with Approved Design and Development Standards

When an NCO district is established, no permit for any new construction or expansion of an existing structure resulting in an increase in building footprint area of 25 percent or more may be issued until the City Manager determines that the proposal complies with all design standards established for the NCO district where the land is located.

3. Conflict with Other Standards

In the case of conflict between the NCO district standards and any other standards of this Ordinance, the NCO district development standards shall control.

e. District-Specific Development Standards

Each area designated as a Neighborhood Conservation Overlay District shall identify, with specificity, the standards to be applied to all new construction and expansion of existing structures. Aspects of development that these standards may address, include, but are not be limited to:

1. Lot size;
2. Location of proposed buildings or additions;
3. Setbacks or required yards;
4. Building height;
5. Building size (for principal and accessory structures);
6. Building orientation;
7. Exterior building materials and colors;
8. Building roof line and pitch;
9. Building foundation treatment;
10. Landscaping and screening;
11. Impervious surface coverage;
12. Paving requirements or limitations;

13. Exterior lighting;
14. Required features on a front façade;
15. Uses;
16. Views of or from specific locations;
17. Riparian areas, wetland areas, or drainage patterns; and
18. Demolition of structures.

f. Specific Neighborhood Conservation Overlay District [Placeholder]

Effective on: 11/18/2013

30-3.H.10 Cape Fear Overlay (CFO) District

[Placeholder]

30-3.H.11. Coliseum Tourism Overlay District (CTOD)

a. Purpose

The primary purpose of this overlay district is to ensure that development within the district boundary is compatible with the objective of promoting the Crown Coliseum Complex and establishing the image as a contemporary, vibrant retail area that is harmonious with the complex events. By ensuring that new construction and re-development is oriented to serving the users of the coliseum complex, particularly the traveling public, the economic well-being of the entire county will be maximized.

b. Applicability and Permits Required

Except as noted in this subsection, the provisions of this section shall apply to the proposed development and re-development of properties within the Coliseum Tourism Overlay District, including any addition, remodeling, relocation or construction requiring a zoning or building permit. In the event there is a conflict between the requirements of other provisions of Chapter 30 and this overlay district, the overlay provisions shall prevail.

The boundary of the CTOD is established as a layer on the *Official Zoning Map, City of Fayetteville, North Carolina* in digital format and is hereby adopted and made a part of the provisions of this section as if the map itself were contained herein - see Appendix for informational sketch maps. This overlay excludes the Dogwood Acres Subdivision. Further, any existing single-family detached structure legally conforming with the standards of the underlying zoning district as of date of adoption of this ordinance shall be exempted from the overlay standard.

c. Permitted Land Uses and General Requirements

1. *Definitions:* For the purposes of this overlay, the following definitions shall apply:

- a. **Hotel:** An establishment which provides compensated lodging on a short-term basis with access to units from interior lobbies or hallways, and provides numerous amenities intended to increase guests' lodging satisfaction.
- b. **Motel:** An establishment that provides short-term and long-term lodging for compensation, usually with less guest amenities than a hotel, has independent exterior entrances/exits to each unit from the off-street parking area and is typically one or two stories.

2. *Principal Uses*

To ensure the primary objective of the district is attained and, not including officially sanctioned government events, land uses within the district are limited to the following:

TABLE 30-3.H.11.C USE TABLE			
P = PERMITTED USE S = SPECIAL USE MP = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN "/" = PROHIBITED USE [1]			
USE CATEGORY	USE TYPE	ZONING DISTRICTS	ADDITIONAL REQUIREMENTS
		CROWN COLISEUM TOURISM OVERLAY DISTRICT (CCTOD)	
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION			
Community Services	Community Center	P	
	Cultural Facility		
	Library		
	Museum		
	Senior Center		
Institutions	Auditorium	P	30-4.C.3.d.1
	Convention Center		
Transportation / Communication	Utility, major	S	30-4.C.3.j.2
	Utility, minor	P	
COMMERCIAL USE CLASSIFICATION [1]			
Conference and Training Center	Conference or training center	P	30-4.C.4.c
Eating Establishments	Dinner theater	P	
	Restaurant, with indoor or outdoor seating	P	30-4.C.4.d.1
	Specialty eating establishment	P	
Offices	Business services	P	30-4.C.4.e
	Corporate headquarters		
	Financial services		
	Professional services		
Parking, Commercial	Parking structure	P	30-4.C.4.f.3
Recreation / Entertainment, Indoor	Commercial recreation, indoor	P	
	Theater		
Recreation / Entertainment, Outdoor	Arena, amphitheater or stadium	P	30-4.C.4.g.1
Retail Sales and Services	Financial institution, without drive-through service	P	
	Financial institution, with drive-through service	P	30-4.C.4.h.4
	Laundromat	P	
	Convenience store with gas sales	P	30-4.C.4.h.2
	Liquor store	P	
	<i>Other retail</i> - apparel, accessory		
	<i>Other retail</i> - Books, newsstands		
	<i>Other retail</i> - Flower shop		
<i>Other retail</i> - Farmers market			
<i>Other retail</i> - Gift and specialty shop			
Vehicle Sales and Services, Light	Automobile rentals	P	30-4.C.4.j.4
Visitor Accommodation	Hotel	P	

[1] Some commercial uses require additional separation or buffer standards or may require special use permit approval when located adjacent to or across a local street or alley from single-family residential development, in accordance with Section 30-5.K.3 *Transitional Standards*.

3. Accessory Uses

To ensure the primary objective of the district is attained and, not including officially sanctioned government events, land uses within the district are limited to the following:

TABLE 30-4.D.2.E: TABLE OF PERMITTED ACCESSORY USES		
P = PERMITTED USE S = SPECIAL USE MP = ALLOWED SUBJECT TO A PLANNED DEVELOPMENT MASTER PLAN "/" = PROHIBITED USE [1]		
ACCESSORY USE TYPE	ADDITIONAL REQUIREMENTS	
	CTOD	
Accessory Dwelling Unit		30-4.D.3.a
Amateur Ham Radio/TV Antenna		30-4.D.3.b
Canopies		30-4.D.3.c
Child Care, Incidental	P	30-4.D.3.d
Food Trucks	P	30-4.D.3.g
Garages	P	
Limited Personal Services	P	30-4.D.3.v
Limited Supporting Retail	P	30-4.D.3.v
Outdoor Storage	P	30-4.D.3.m
Rain Water Cistern	P	30-4.D.3.o
Satellite Dish	P	30-4.D.3.q
Small-Scale Wind Turbines	P	30-4.D.3.r
Solar Energy Equipment	P	30-4.D.3.s
Storage or Parking of Heavy Trucks or Trailers	P	30-4.D.3.t
Storage or Parking of Major Recreational Equipment	P	
Swimming Pool/Hot Tub	P	30-4.D.3.u

d. Numerical Performance Standards

The height, lot and yard setback provisions shall meet the standards of the underlying base zoning district and, where applicable, the transition standards in Section 30-5.K.

e. Signs

1. Signs shall meet the standards of City Code 30-5.L except in LC and CC districts, all ground and wall signs shall meet the size standards of Cumberland County's C1(P) zoning district (zoning standards, Section 1306-B.2), which are listed below. Also, an alternative signage plan may be proposed for private development of over 10 acres and for institutional and public uses regardless of size (City Code 30-5.L.10.(g)).
 - a. One freestanding sign not exceeding 100 square feet in area is allowed for sites with a maximum of five occupants. Sites with more than five occupants may have an additional 10 square feet maximum area for each occupants over five, with a total maximum freestanding sign area not to exceed 200 square feet in area.
 - b. Attached signs shall not exceed two square feet in area for each front foot of structure the occupant occupies.
 - c. Attached signs may be placed on any side of the building.
2. Off-premise signs (billboards) shall meet the standards of City Code 30-5.L.8 in the Table for Permitted Signs in Non-Residential Zoning Districts or, if applicable, in City Code 30-7.E for non-conforming signs. In addition, billboards shall be allowed only along the right-of-way of full-control or limited-control access roadways and prohibited within 1,000 feet of either side of the right-of-way of the following:
 - a. U.S. Highway 301 (South Eastern Boulevard/Gillespie Street) from NC Highway 87 (Martin Luther King Jr. Freeway) south to SR 2286 (Seven Mountain Drive); and
 - b. Reserved for future use.

f. **Utilities**All utilities shall be located underground except where specifically prohibited by the utility provider.

g. Development Standards

Except as specifically provided for in this Overlay, all development shall meet the standards in City Code Article 30-5 Design Standards. These standards provide for parking, landscaping, buffers, tree protection and open space, fencing, lighting, community form, and other standards as may be relevant, including the potential for alternative landscaping or parking plans. However, interconnectivity between parcels within the overlay district is mandatory and shall be included on the site plan indicating the location and width of the proposed interconnecting drive areas along with all driveways to the street right-of-way. Additionally, preservation of healthy existing trees is encouraged. Protection of specimen trees, or mitigation to allow their removal, is required. Healthy, well-formed existing trees may be used to meet certain landscaping requirements.

h. Nonconformities

To ensure the primary objective of the district is attained, strict implementation of the below provisions regulating nonconformities within the district, with the exception of legal single family detached residences conforming prior to the adoption of this amendment, is paramount. For purposes of this section, permissible repair is defined as those repairs, not replacement, that are limited to routine or ordinary maintenance and which would not result in the extension of the normal life of the structure. Impermissible replacement is defined as maintenance, construction or re-construction of a nonconforming structure or part thereof or structure housing a nonconforming use within the district that is damaged by fire, storm or other causes including natural deterioration to an extent exceeding 40 percent of the structure's reproducible value or its bulk (including foundations)

1. All nonconforming uses not carried on within a structure, except those which are specifically allowed as an accessory, ancillary or incidental to an allowed use subject to the provisions of this section, shall be discontinued within one calendar year from the effective date of this ordinance, regardless whether or not the nonconforming use status applies to structure(s) and premises in combination with the nonconforming outdoor use – any subsequent use of the land and structures placed thereon shall conform to the provisions of this section.
2. A nonconforming use may not be changed or expanded, or resumed if the nonconforming use has ceased for a period of 180 calendar days within the district.
3. Any structure that is nonconforming due to noncompliance with dimensional requirements, but which houses an allowed use within the district may continue provided that its nonconformity is not increased, except where specifically approved by the Board of Adjustment, and provided that prior to any upgrades to any nonconforming structure housing an allowed use beyond permissible repairs, the minimum landscaping and pedestrian improvements are implemented on the site.
4. Owners of properties within the district shall not allow for the impermissible replacement of any nonconforming structure located inside the district unless specifically approved by the City Council.

(Ord. No. S2014-011, § 1, 8-11-2014)

Effective on: 8/11/2014

30-3.H.12. Regional Activity Center Overlay District.

- a. **General description.** The Regional Activity Center Overlay District is created to promote the continued vitality of areas of the City that demonstrate a common, economically significant contribution to the community by ensuring continued compatibility between existing and future uses in terms of type, scale, and character and by promoting compatibility with other uses proximate to the designated Regional Activity Center.
- b. **Types of Regional Activity Centers.** Each Regional Activity Center is uniquely defined based upon its specific economic contribution to the community. For example, Regional Activity Center that is defined by a concentration of retail and restaurant uses would be designated in such a manner to support those uses as the dominant categories of land use within the activity center. Likewise, a Regional Activity Center based around a large medical use would include a land use focus supportive of the medical use.
- c. **Application.** Prior to designating an area as a Regional Activity Center Overlay District, an analysis shall be prepared to identify the defining land uses that make up the district, to identify land uses which are compatible with or incompatible with the defining land uses, and to identify development characteristics, including scale of development and site design features, that complement or threaten the defining land uses. In

establishing a Regional Activity Center Overlay District, City Council may establish limitations on permitted uses and special uses allowed in the underlying zoning district or districts within the Regional Activity Center. City Council may also establish standards with regard to development characteristics that support the defining uses of the Regional Activity Center, such as setbacks, location and amount of parking, access to and buffering of land uses proximate to the Regional Activity Center Overlay District, and similar standards intended to ensure that the Regional Activity Center is maintained as a discrete contributor to the city’s economic mission. Such use limitations and development standards shall be clearly set forth in the ordinance adopting the Regional Activity Center Overlay District.

d. **Designation of Specific Overlays.** Each specific Regional Activity Center Overlay shall be entered as a numbered subset of this enabling section and the overlay designated on the Official Zoning Map as RACO-[#].

(Ord. No. S2014-018, § 1, 10-27-2014)

Effective on: 10/27/2014

30-3.H.13. Suburban Activity Center Overlay (SACO) District

a. Purpose

The purpose of this Suburban Activity Center Overlay (SACO) District is to facilitate infill development and redevelopment in key areas along arterial road corridors. The resulting concentrated mixture of uses in a walkable development pattern is intended to achieve a critical mass of predominantly mixed-use development to:

1. create centers of activity;
2. enhance the viability of existing businesses;
3. promote reinvestment and redevelopment;
4. implement adopted plans;
5. serve as a catalyst for future compatible development and redevelopment in the vicinity of the node;
6. ensure reasonable access from flanking development to retail and neighborhood services; and
7. increase the efficiency and utilization of transportation facilities and services.

a. Applicability

A district may be established along any arterial road corridor, provided it is no larger than 125 acres in area (equivalent to a ¼ mile radius around the center of the node) and no closer than approximately two miles from another SACO District, unless otherwise specified in an adopted corridor plan.

Within the SACO District, all development standards of Section 30-5 apply, unless specifically exempted herein or addressed by a different standard (for example, sidewalk width).

Establishment of the overlay district may be initiated by the City or by owners of property in the specified area, in accordance with Sec. 30-2.C.1 Map Amendments. The standards would apply to development that involves the construction of new buildings or the expansion of an existing building equal to or greater than fifty percent of the gross floor area of the original structure.

b. Allowable Uses

The following uses shall be allowed as permitted or special uses (S) within the SACO district. Some uses may be subject to additional requirements as noted below; such requirements may be modified by a positive recommendation from the TRC and approval by the City Manager for good cause, usually in the context of a larger development. Ground floor uses shall not include residential, health care facility, or industrial uses except in outparcels.

USE CLASSIFICATION	USE CATEGORY	USE TYPE	Additional Req'ts.
Residential	Household Living	Attached single-family dwellings	30-5.H
		Two-to-four family dwellings	only as part of a larger master plan
		Multifamily dwellings	30-5.H

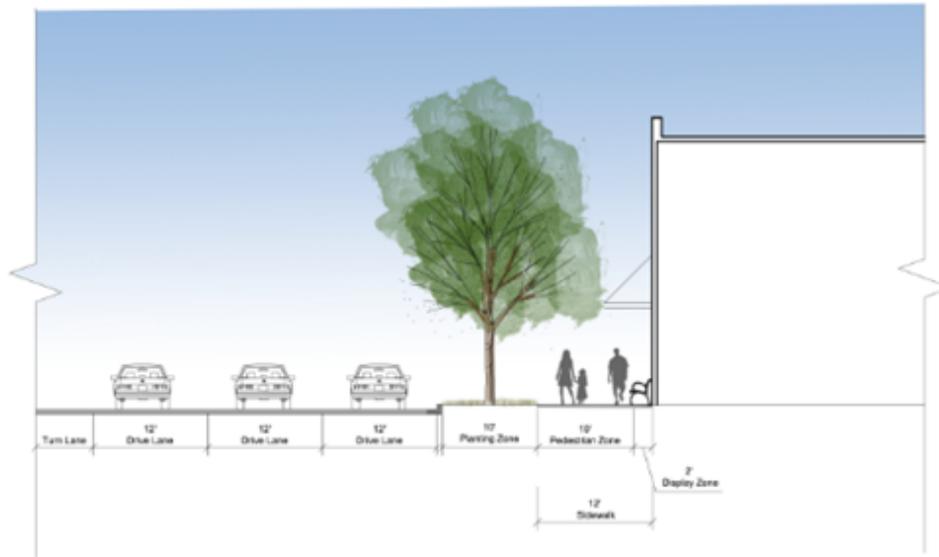
USE CLASSIFICATION	USE CATEGORY	USE TYPE	Additional Req'ts.	
		Live-work dwellings/units	30-4.C.2.a.1	
Public and Institutional	Community Services	All		
	Day Care	All	only as part of a larger master plan	
	Educational Facilities	All	30-4.C.3.b	
	Government Facilities	Government offices		
		Post offices		
	Health Care Facilities	Medical or Dental clinics		
		Medical or Dental labs		
		Medical treatment facilities		30-4.C.3.c.2
		Outpatient facilities		
	Institutions	Auditoriums		30-4.C.3.d.1
		Convention centers		30-4.C.3.d.1
	Parks and Open Areas	Greenways; parks; public squares and plazas		
	Public Safety	Police substations		
Transportation	Helicopter landing facilities (S-Special Use)		30-4.C.3.h.1	
Utilities	Minor utilities			
Commercial	Conference and Training Centers	All		
	Eating Establishments	Restaurants with indoor and outdoor seating		30-4.C.4.d.1
		Restaurants with drive-thru service		30-4.C.4.d.2
		Specialty eating establishments		
		Dinner theaters		
		Pubs		
	Offices	All		30-4.C.4.e
	Commercial Parking	All		30-4.C.4.f.1-3
	Indoor Recreation/Entertainment	All		
	Retail Sales and Service	Personal services establishments		
Retail sales establishments			30-4.C.4.h.10	
Retail sales establishments, large			30-5.J	
Visitor Accommodations	All			
Industrial	Manufacturing and Production	Research and technology production		

d. District Standards

Figures 30-3.H.13.d.1 through 4 illustrate some of the dimensional and form standards of this section.

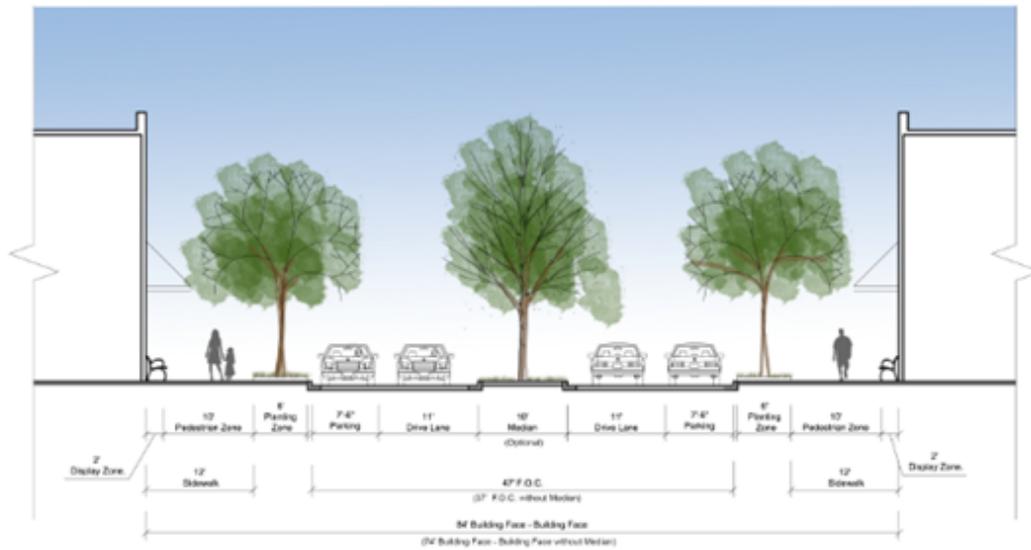
1. *General Development Form and Orientation* - SACO districts shall be designed with new access ways which create a traditional urban "block" pattern with no "block " dimension less than 400 feet in length or exceeding 800 feet in length unless specifically authorized by the city manager or his designee. On at least two sides of each "block", a minimum of 75% of the linear frontage shall be occupied with structures and/or public open space meeting the specific standards established below. The other sides of each "block" may be occupied with outparcels and/or parking; parking areas shall be screened from the street as described below. The intent of this section is to ensure that an urban development pattern is established and maintained on at least two sides of each "block".

Figure 30-3.H.13.d.1



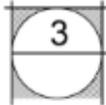
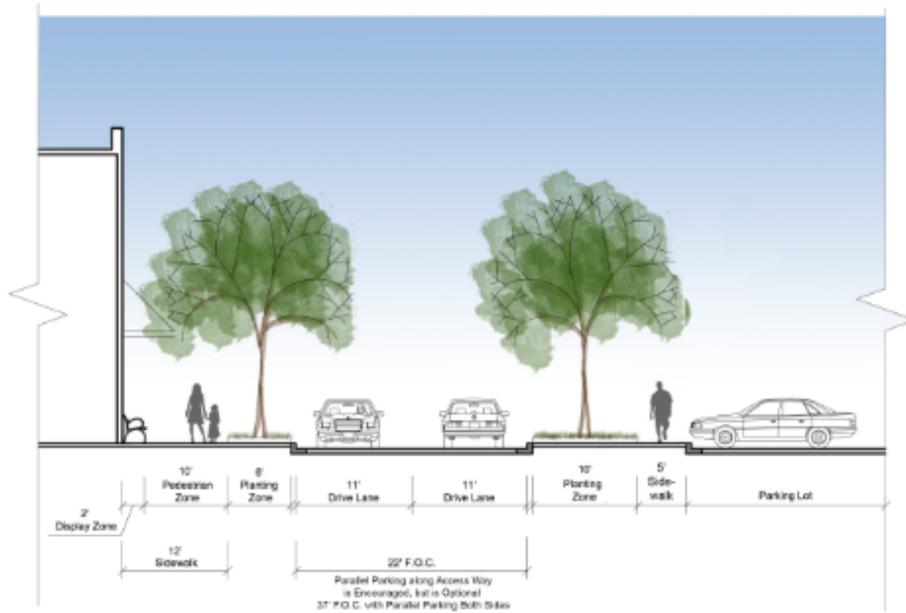
1 ARTERIAL STREET WITH BUILDING FRONTAGE
SECTION

Figure 30-3.H.13.d.2



2 PRIMARY INTERNAL ACCESS WAY
SECTION

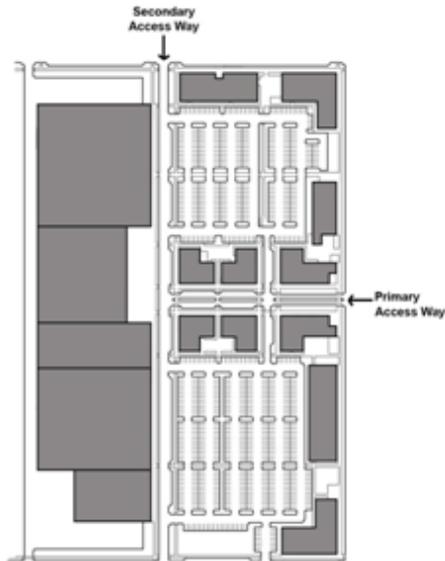
Figure 30-3.H.13.d.3



3 SECONDARY INTERNAL ACCESS WAY

SECTION

Figure 30-3.H.13.d.4



2. *Specific Development Form and Orientation Standards.* Except as specifically modified or waived in this section, the dimensional and design standards of [Article 30-5](#) shall be met in the development of a SACO district.

a. Principal SACO development (a minimum of two sides of each block):

- i. *Façade orientation and design.* Facades shall be oriented to the adjoining street or access way and shall comply with the design standards of Article 30-5I or Article [30-5.J](#). Any façade in view from a public space, street, or access way shall include at least three of the same design features as the front facade. Other facades shall contain at least two of the three façade features of the front façade.
- ii. *Access way design.* Access ways shall be designed to appear as an extension of the public street network and are encouraged to include parallel or angle parking with landscaped bulb-outs at the terminus of each parking area and at corners. Marked crosswalks shall be provided at each corner and may be provided at mid-block locations. Street trees shall be provided approximately every 35 feet in approved tree pits with silva cells to accommodate tree roots. Low impact development may be part of the access way design as approved by the city manager. Utility placement is not to conflict with street trees. Sidewalks of at least 12 feet in width shall be provided on both sides of each street or access way where there are primary or secondary building frontages and a minimum of five feet elsewhere.
- iii. *Setbacks.*
 - a. **Front.** Structures shall be set back a minimum of 12 feet and a maximum of 20 feet from the edge of curb, except courtyards not to exceed 50% of the depth and width of each structure may be provided. Courtyards shall contain landscaping and street furniture designed to complement the pedestrian environment.
 - b. **Side.** None, except 35 feet from adjoining residentially-zoned property, and except for additional required setbacks for taller structures as provided in subsection v below.
 - c. **Rear.** None, except 35 feet from adjoining residentially-zoned property, and except for additional required setbacks for taller structures as provided in subsection v below.
- iv. *Streetyard, bufferyard and landscaping.* Street trees shall be provided as required under “Street Design”, above. Site and building landscaping ([Article 30-5.B.4\(b\)](#)) is waived for principal SACO development. Out parcels are not exempted from this requirement. Vehicular use landscaping ([Article 30-5.B.4\(c\)](#)) and property perimeter landscape buffers ([Article 30-5.B.4\(d\)](#)) shall be provided.
- v. *Height.* Generally, a minimum of two stories and a maximum of four stories. The city manager may allow one-story development for big-box anchor structures, theaters and grocery stores. The city manager may allow mixed-use/residential and tourist accommodation structures up to eight stories provided such structures are located a minimum of 75 feet from adjoining residentially-zoned property.
- vi. *Density.* A maximum of 45 dwelling units per acre unless a greater density is approved at the time the SACO district is mapped.
- vii. *Parking and other vehicular use areas.* Shall be provided in accordance with [Article 30-5](#), except, in order to accommodate a flexible mix of uses, the developer may provide a minimum of one space per 300 square feet of gross floor area and shall not exceed a maximum of one space per 250 square feet of gross floor area. Parking lots shall be consolidated and circulation systematized to avoid smaller sized parking lots divided by arbitrary lot lines with landscape buffers.
- viii. *Curbcuts.* No more than one per each side of a “block”, located a minimum of 200 feet from any corner or crosswalk except as specifically authorized by the city manager or his designee.
- ix. *Open Space/Parkland.* Open space / parkland shall be as approved in the master plan. See [Article 30-5.C](#) for guidance.

b. Outparcel development:

Development of outparcels shall comply with the applicable dimensional requirements of the underlying zoning district and the applicable development standards of [Article 30-5](#).

c. Transitional Standards:

Transitional standards in [Article 30-5.K](#) shall not apply to the SACO district.

d. Parking lots:

All parking areas shall comply with the applicable development standards of [Article 30-5](#).

e. Parking Structures:

Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity, and shall be designed so that motorized vehicles parked on all levels of the facility inside are screened from public view from the street and/or from adjacent residentially-zoned property. Decorative elements such as grillwork or louvers may be utilized to accomplish this objective.

- i. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.
- ii. Liner uses are encouraged.
- iii. Parking structures shall meet the requirements of the city manager for controlled gate locations.
- iv. Parking structures shall be subject to the setback and streetscape requirements of the SACO District where such structures are part of the principal SACO development.

(Ord. No. S2014-017, § 1, 10-27-2014)

Effective on: 10/27/2014