

**ARTICLE 7  
OVERLAY DISTRICTS**

Section 7.1	General Purpose; Relationship to Zoning Districts
Section 7.2	Downtown Overlay District
Section 7.3	Blackwell Road Overlay District

**SECTION 7.1  
GENERAL PURPOSE; RELATIONSHIP TO ZONING DISTRICTS**

The overlay districts of this Article are intended to apply in combination with the underlying zoning districts to impose regulations and standards in addition to those required by the zoning districts. The requirements of an overlay district shall apply whenever they are in conflict with those in the general use district. The following overlay districts are hereby created:

- A. Downtown Overlay District
- B. Blackwell Road Overlay District

**SECTION 7.2  
DOWNTOWN OVERLAY DISTRICT**

Section 7.2.1	Purpose
Section 7.2.2	District Boundaries
Section 7.2.3	Applicability
Section 7.2.4	Reserved
Section 7.2.5	Master Development Plan
Section 7.2.6	Transect Zones, Specialized Zones, Preserve Sectors & Reserve Sectors
Section 7.2.7	Density Calculations
Section 7.2.8	Civic Spaces
Section 7.2.9	Streetscape Standards
Section 7.2.10	Architectural Standards
Section 7.2.11	Parking and Vehicular Access
Section 7.2.12	Signage

**Section 7.2.1 Purpose**

The purpose of the Downtown Overlay District is to establish regulations consistent with the findings and recommendations of the Vision 2020 Plan and to enable, encourage and qualify the implementation of the following policies applicable to the region, community, block and building:

**A. The Region**

1. That growth strategies should encourage infill and redevelopment in parity with new communities.

2. That green corridors should be used to define and connect developed areas.
3. That the region should include a framework of transit, pedestrian, and bicycle systems which provide alternatives to the automobile.

#### **B. The Community**

1. That the Town should include a Regional Center (Downtown Overlay District) which should be compact and pedestrian-oriented with mixed use development.
2. That ordinary activities of daily living should occur within walking distance to most dwellings allowing independence to those who do not drive.
3. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
4. That appropriate building densities and land uses should be provided within walking distance of transit stops.
5. That civic, institutional, and commercial activity should be embedded in downtowns, not isolated in remote single-use complexes.
6. That a range of open space including parks, squares, and playgrounds be distributed within neighborhoods and Regional Centers.

#### **C. The Block and the Building**

1. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.
2. That development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public space.
3. That the design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
4. That architecture and landscape design should grow from local climate, topography, history and building practice.
5. That civic buildings and public gathering places should be provided in locations that reinforce community identity and support self-government.

#### **Section 7.2.2 District Boundaries**

The boundaries of the Downtown Overlay District are as shown on the Town of Belville Zoning Map.

### **Section 7.2.3 Applicability**

All applications for a CZC, for properties and uses located in the Downtown Overlay District involving grading, construction of new buildings, additions to existing buildings, construction of signs, and similar site improvements shall demonstrate compliance with the requirements and standards of this Article. Prior to the issuance of a CZC, a Master Development Plan shall have been approved in accordance with the provisions of Section 7.2.5, *Master Development Plan*, herein.

### **Section 7.2.4 Reserved**

### **Section 7.2.5 Master Development Plan**

**A. Master Development Plan Required** – Prior to the approval of a CZC and/or commencing development involving grading, construction of new buildings, additions to existing buildings, construction of signs, and/or similar site improvements, a Master Development Plan shall be approved. A Master Development Plan approved as part of a development agreement that has been made and entered into in accordance with the provisions of Article 10 of Chapter 160D shall be valid for the purposes of receiving approval of a CZC without any additional approvals provided that such a plan otherwise complies with the requirements of this Ordinance.

**B. Master Development Plan Submittal** – An applicant for a Master Development Plan shall submit an application, as furnished by the Zoning Code Administrator or his/her designee, fees as specified in the Town of Belville Fee Schedule (“Fee Schedule”), and required plans to the Town. The Zoning Code Administrator shall determine, within five (5) business days after the application is received, whether the subject application is complete and compliant per the requirements of this Ordinance.

If a submitted application is determined to be incomplete and/or noncompliant, the Zoning Code Administrator or his/her designee shall notify the applicant in a writing delivered by first-class mail, postage pre-paid, of the reasons for such incompleteness or noncompliance within five (5) days after the application was received by the Town. In that event, the applicant shall have a maximum of ten (10) additional days after the written notification of incompleteness or noncompliance has been delivered to resubmit a revised application, at which time the Zoning Code Administrator or his/her designee shall determine, within five (5) days after receiving the resubmitted application, whether the resubmitted application is complete and compliant. Should the Zoning Code Administrator determine that the resubmitted plans are incomplete and noncompliant, then the applicant shall be required to submit a new application, consistent with the processes and procedures provided for herein. For the purposes of this section, any written notification of incompleteness or noncompliance shall be deemed to have been delivered on the third (3<sup>rd</sup>) calendar day after it was mailed.

**C. Master Development Plan Application Content** – Master Development Plan applications shall include the following material and information:

1. Application – An application as furnished by the Zoning Code Administrator; 20 sets.
2. Fee – As established by the Fee Schedule.
3. Letter of Intent – A letter explaining the application and content of the Master Development Plan; 20 sets.
4. Survey – A survey, executed and sealed by a professional surveyor registered in the State of North Carolina, indicating the property to be developed; 20 full-size sets, to scale; 20 11” x 17” sets.
5. Legal Description – A written metes and bounds description of the subject property that is consistent with the submitted survey; 20 sets.
6. Master Development Plan – A plan indicating the location of all Transect Zones, Specialized Zones, Preserve Sectors, Reserve Sectors, and streets, proposed or existing; 20 full-size sets.

**D. Master Development Plan Review and Consideration** - Upon the determination by the Zoning Code Administrator that an application is complete and compliant, the application shall be placed on the agenda of a Planning Board meeting that is scheduled no less than four (4) weeks after the date on which the determination of completeness and compliance is made. The Planning Board shall, following a public hearing on the subject application, review the application to consider whether the subject plan is consistent with the Vision 2020 Plan, meets the intent and purposes of this Ordinance and Section 7.2.1, and is compliant with the requirements set forth in this Article.

Following its review, the Planning Board shall provide the Board with a written recommendation that addresses plan consistency and other matters it deems appropriate provided that a comment by the Planning Board that the proposed plan is consistent with the Comprehensive Plan, or any other officially adopted plan that is applicable, shall not preclude the Board’s consideration or approval of the proposed plan.

Following review and comment by the Planning Board, a Master Development Plan application shall be considered by the Board of Commissioners at a meeting that is scheduled no less than four (4) weeks after the Planning Board’s review and comment on the subject application. The Board, following a public hearing on the subject application, shall consider whether the subject plan is consistent with the Comprehensive Plan, meets the intent and purpose of this Ordinance and Section 7.2.1, and is compliant with the requirements set forth in this Article. Following its consideration, the Board shall either approve or deny the application. When approving or denying an application for approval of a Master Development Plan, the Board shall also approve a statement describing whether its action is consistent with the Comprehensive Plan, and any other officially adopted plan that is applicable, and briefly explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review. The Planning Board and the Board shall each hold

public hearings for, respectively, reviewing and acting on the Master Development Plan. Notice of the respective public hearings shall be provided, and the public hearings shall be conducted, in accordance with the provisions of Sections 9.1.7 and 9.1.8.A herein.

**E. Compliance With Master Development Plan** – All applications for a CZC and/or other land use and development proposals for property located within the territory subject to an approved Master Development Plan, shall demonstrate compliance with said plan.

**F. Amendment of Master Development Plan** – The following changes to a previously approved Master Development Plan shall require the plan to be re-reviewed and commented on by the Planning Board and considered and acted upon by the Board in accordance with the processes and procedures set forth in this Article:

1. The elimination of Transect Zones, Specialized Zones, Preserve Sectors, Reserve Sectors, and/or streets.
2. The alteration, modification or revision of any Transect Zones, Specialized Zones, Preserve Sectors, and/or Reserve Sectors.
3. The moving or relocation of any Transect Zones, Specialized Zones, Preserve Sectors, Reserve Sectors, and/or streets.

**G. Vested Rights Under An Approved Master Development Plan** – Pursuant to the provisions of G.S. 160D-108, a vested right shall be deemed established with respect to any property within the territory subject to an approved Master Development Plan upon the Board’s approval of said plan. The duration and termination of any such vested right shall be in accordance with the provisions of said statute or any amendments thereto.

### **Section 7.2.6 Transect Zones, Specialized Zones, Preserve Sectors & Reserve Sectors**

All Master Development Plan applications shall indicate the location and areas of all Transect Zones, Specialized Zones, Preserve Sectors and Reserve Sectors as required by this Section. All development therein shall comply with and meet the requirements for density, dimensional requirements, uses, and open spaces set forth in this Section.

#### **A. Transect Zones**

1. There are three (3) transect zones that can be utilized in the Downtown Overlay District. These zones and their general elements are as follows:
  - a. Transect Zone A – Also known as the General Urban Zone, this zone is primarily a commercial and retail zone with less density and intensity than other Transect Zones and with a wide range of building types, all of which are less than two (2) stories in height. Setbacks and landscaping are variable. Buildings are generally connected by hardscaping or pedestrian paths.
  - b. Transect Zone B – Also known as the Urban Zone, this zone is generally a transition zone with medium density and intensity and with building types

accommodating retail, commercial, residential, row houses and mixed-use uses, and generally bordering a secondary street grid and public spaces with civic buildings and spaces connected by cross block passages.

- c. Transect Zone C – Also known as the Urban Core, this zone is generally a higher density and intensity zone with primarily mixed use development and building types accommodating retail, commercial, and residential uses, and generally bordering a primary street grid and major thoroughfares with pedestrian corridors.
2. Master Development Plans for property consisting of five (5) or more acres shall include a minimum of two (2) transect zones (A, B, or C). Master Development Plans for property consisting of less than five (5) acres may utilize one (1) transect zone (A, B, or C).
  3. Within any single Master Development Plan, development within Transect Zones A, B, and C shall not exceed those limits specified in Table 7.2.1, *Development Standards for Transect Zones and Specialized Zones*.

**B. Specialized Zones**

1. The Specialized Zone, or SD Zone, is a zone established for uses such as stand alone hotels and mid-rise residential development which do not conform to one of the three normative Transect Zones (A, B, and C).
2. Master Development Plans for properties consisting of five (5) or more acres may include a Specialized Zone. Master Development Plans for property consisting of less than five (5) acres shall not incorporate a Specialized Zone.
3. Within any single Master Development Plan, development within a Specialized District (SD Zone) shall not exceed those limits specified in Table 7.2.1, *Development Standards for Transect Zones and Specialized Zones*.

<b>Table 7.2.1 Development Standards for Transect Zones and Specialized Zones</b>				
<b>STANDARD TYPE</b>	<b>ZONE TYPE</b>			
<b>MAXIMUM DENSITY</b>	<b>ZONE A</b>	<b>ZONE B</b>	<b>ZONE C</b>	<b>SD ZONE</b>
By Right	16 units/acre	24 units/acre	36 units/acre	96 units/acre
By TDR	24 units/acre	36 units/acre	48 units/acre	NA
Allocation	20-30 % min.	30-40 % min.	40-50% min.	NA

<b>DIMENSIONAL REQUIREMENTS</b>				
Lot Width	100 foot min.	150' min.	200' min.	300' min.
	200 foot max.	250' max.	300' max.	400' max.
Lot Coverage	50% max.	60% max.	70% max.	70% max.
Front Setback <sup>A</sup>	6' min.	0' min.	0' min.	0' min.
	18' max.	12' max.	12' max.	12' max.
Side Setback <sup>A</sup>	0' min.	0' min.	0' min.	0' min.
		24' max.	24' max.	24' max.
Rear Setback	3' min.	3' min.	0' min.	0' min.
Setback From River	10' min.	10' min.	10' min.	10' min.
Road/NC-133 R.O.W.				
<b>BUILDING HEIGHT</b>				
				7 stories
		3 stories max.	5 stories max.	max.
		2 stories min.	4 stories min.	6 stories min.
		2 stories max.	2 stories max.	2 stories
Principal Building	2 stories max.	if 75' or	if 75' or closer	max. if 75' or
	1 story min.	closer to the	to the right-of-	closer to the
		right-of-way	way of River	right-of-way
		of River	Road/NC-133	of River
		Road/NC-133		Road/NC-
				133
Accessory Building	2 stories max.	2 stories max.	NA	NA
<b>BUILDING FUNCTION</b>				
Residential	Prohibited	65%	90%	
Office	70%	*	Prohibited	Specific Use
Retail, Restaurant, or	30%	35%**	10%**	
Entertainment				
<p><sup>A</sup> Maximum building setbacks shall not apply when the area between the property line/right-of-way is used for outdoor seating associated with a café or restaurant, open space, plazas, squares, or similar features permitting public access. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback.</p> <p>* Office uses will be allowed in Zone B, density will be multiplied by a factor of two (2) and will count towards percentage allowed for retail, restaurant or entertainment uses.</p> <p>** Restaurant uses will be allowed in Zones B &amp; C, density will be multiplied by a factor of two (2).</p>				

### C. Preserved Sector

1. The Preserved Sector shall consist of preserved open space that is protected from development in perpetuity. The Preserve Sector includes areas under

environmental protection by law, regulation or standard, as well as land acquired for conservation by purchase, easement, or TDR.

2. The Preserved Sector shall consist of the aggregate of the following categories:
  - a. Protected Wetlands
  - b. Protected Habitat
  - c. Riparian Corridors
  - d. Transportation Corridors
3. The Preserved Sector shall not be allowed to qualify for density in this Article, except that the Preserved Sector area may be used to determine the overall density for the area of a Master Development Plan and for such density calculations as determined by State Stormwater Regulations.

#### **D. Reserved Sector**

1. The Reserve Sector consists of the aggregate of the following categories:
  - a. Upland areas adjacent to wetlands
  - b. Steep slopes or transitional areas between building sites
  - c. Usable area within buffers
  - d. Reserved Civic Space
2. The open space of the Reserved Sector may be considered a TDR transfer area that is available for the transfer of development rights from the Reserved Sector to adjacent or contiguous Transect Zones. The TDR's shall be available for use in meeting, but not exceeding, the allocated densities of the Transect Zones (see Table 7.2.1, *Development Standards for Transect Zones and Specialized Zones*). Areas from which development rights have been transferred from the Reserved Sector become integrated into the Preserved Sector.

#### **Section 7.2.7 Density Calculations**

- A. Net Site Area** – The area of a Master Development Plan shall be considered the Net Site Area. The Net Site Area shall be allocated to the various Transect Zones and Specialized Zones.
- B. Overall Density** – The overall density for each Transect Zone, as established in Table 7.2.1, shall be calculated in terms of units per acre. For purposes of density calculation, the area of a Transect Zone shall include the thoroughfares and land allocated to Civic Use or Open Space by TDR provided that Civic Buildings shall be calculated in the overall density in the same manner as are private use buildings.
- C. Establishment of Density Units** – A single unit of density shall equal the following number of units or square footage as per the respective use:
  1. Residential – 1 Residential Unit equals 1 Density Unit



2. Lodging (Hotel, etc.) – Two (2) lodging bedrooms equals one (1) Density Unit
3. Office, Retail, Restaurant, or Entertainment – 1,500 gross square feet equals one (1) Density Unit.

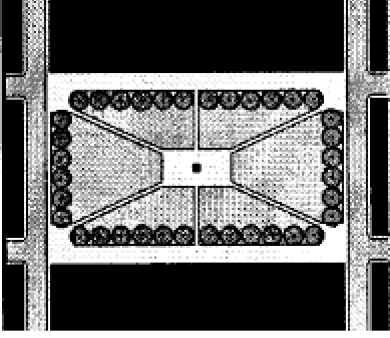
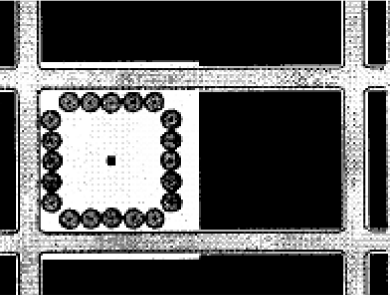
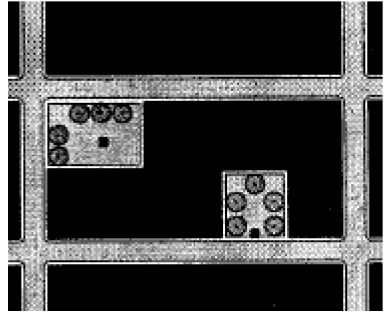
### **Section 7.2.8 Civic Spaces**

#### **A. General**

1. Civic Spaces are public sites permanently dedicated to open space.
2. Civic Buildings are sites dedicated for buildings generally operated by the Municipal, State or Federal government.

#### **B. Civic Space Specific to Transect Zones**

1. Each Transect Zone (A, B, and C) shall assign at least five percent (5%) of its Net Site Area to Civic Space except that Zone A may transfer any Civic Space area in excess of five percent (5%) to Zone B to qualify Zone B for the five percent (5%) minimum.
2. A Civic Space shall be located within one-quarter (0.25) mile (1,320 feet) of the geographic center of each Transect Zone.
3. A Civic Space shall be located within eight-hundred (800) feet of every lot in residential use.
4. At least one (1) Civic Space within every Master Development Plan consisting of an area in excess of five (5) acres shall be designed and equipped as a playground.
5. Each Civic Space shall have a minimum of fifty percent (50%) of its perimeter enfronting a Thoroughfare.
6. Civic Spaces shall be designed as generally described in Table 7.2.2, *Civic Space Design Standards*. Table 7.2.2 diagrams the intended types of Civic Space. These diagrams are illustrative only; specific designs should be prepared in accordance with these verbal descriptions rather than closely based on these diagrams.

Table 7.2.2 Civic Space Design Standards		
TRANSECT ZONE(S)	CIVIC SPACE TYPE	CIVIC SPACE DIAGRAM
A, B & C	<b>Square:</b> An open space available for unstructured recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important thoroughfares.	 A diagram showing a square at the intersection of two main thoroughfares. The square is a central open space with a small square in the center, surrounded by paths and trees. The thoroughfares are shown as wide, light-colored lines.
B & C	<b>Plaza:</b> An open space, available for civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of pavement. Trees are optional. Plazas shall be located at the intersection of important streets.	 A diagram showing a plaza at the intersection of two streets. The plaza is a rectangular open space with a small square in the center, surrounded by a row of trees. The streets are shown as light-colored lines.
A, B & C	<b>Playground:</b> An open space designed and equipped for the recreation of children. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within parks and greens	 A diagram showing a playground within a block. The playground is a fenced area with a small square in the center, surrounded by trees. The block is shown as a grid of streets.

### Section 7.2.9 Streetscape Standards

- A. **Streets** – All projects which are required to meet the requirements of this Article per Section 7.2.3, *Applicability*, shall install streets along their respective frontages consistent with the following requirements provided that such requirements may be varied as required by the NCDOT or the Zoning Code Administrator if it is determined that the standards provided herein do not meet future transportation needs, inhibit public safety, and/or do not comply with the adopted standards of either the NCDOT or the Town.

**1. River Road/NC133**

- a. Number of Travel Lanes – A maximum of four (4) travel lanes shall be provided, not including turn lanes as required.
- b. Maximum Travel Lane Width – Thirteen (13) feet (not including width of curb and gutter).
- c. Median – A median shall be required of no less than sixteen (16) feet in width.
- d. Curbs and Drainage – Standard curbing and drainage is required.

**2. All Other Streets**

- a. Number of Travel Lanes – A maximum of two (2) travel lanes shall be provided, not including turn lanes as required.
- b. Maximum Travel Lane Width – Thirteen (13) feet (not including width of curb and gutter).
- c. On-Street Parking – On-street parking shall be required where it does not inhibit sight distance or traffic, as determined by the Zoning Code Administrator. On-street parking shall be either parallel or diagonal.
- d. Curbs and Drainage – Standard curbing is required along all streets with on-street parking. Mountable curbing is permitted around center medians, roundabouts, and other features. All drainage grates, if provided, must be perpendicular or diagonal to the street centerline.

**B. Sidewalks and Other Paths** – All projects that are required to meet the requirements of this Article per Section 7.2.3, *Applicability*, shall install sidewalks along their respective frontages which comply with the following requirements. All sidewalks shall be located within a public or private right-of-way.

**1. River Road/NC133**

- a. Sidewalk Location – Sixteen (16) feet from back of curb (behind Street Tree Strip), unless natural physical barriers such as wetlands, flood plain, specimen tree, or other similar features necessitate locating the sidewalk closer to the curb, as approved by the Zoning Code Administrator.
- b. Minimum Sidewalk Width – Ten (10) foot multimodal (bicycle and pedestrian) sidewalk.

**2. All Other Streets**

- a. Sidewalk Location – Zero (0) feet from back of curb.

- b. Minimum Sidewalk Width – Ten (10) feet in width for the entire length of one (1) side of a block on which more than one (1) commercial use (retail, office, or service) is platted or planned for and/or maintains frontage (front, side, or rear yards); eight (8) feet in width in all other circumstances.

**C. Street Trees** – All projects which are required to meet the requirements of this Article per Section 7.2.3, *Applicability*, shall install street trees along their respective frontages and in medians consistent with the following:

**1. River Road/NC133**

- a. Street Tree Strip – A sixteen (16) foot Street Tree Strip shall be provided, located zero (0) feet from back of curb. Street Tree Strips shall be planted with one (1) or more deciduous overstory tree species as listed in Table 10.5.1, *Tree Species Selection List*. Trees shall be planted forty (40) feet on-center and at the time of planting, trees shall be no less than three (3) inches in caliper. Sidewalks may be located within the required Street Tree Strip per Section 7.2.9.B.1.a. The remaining portion of the Street Tree Strip not planted with trees shall be planted with grass sod, shrubs, other plants, or any combination thereof, not to exceed a height of three (3) feet when mature.
- b. Medians – Medians, where required and permitted, shall be planted with one (1) or more understory tree species as listed in Table 10.5.1, *Tree Species Selection List*. Trees shall be planted forty (40) feet on-center. At the time of planting, trees shall be no less than three (3) inches in caliper. The remaining portion of the median not planted with trees shall be planted with grass sod.

**2. All Other Streets**

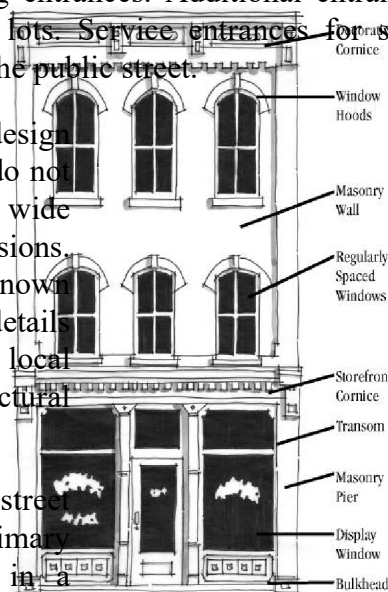
- a. Street Trees – Street trees shall be planted in tree wells with tree grates, at the back of curb, within the required sidewalk. Street trees shall be planted forty (40) feet on-center. Street tree species shall be limited to one (1) or more deciduous overstory tree species listed in Table 10.5.1, *Tree Species Selection List*, and shall be no less than three (3) inches in caliper at the time of planting. Such trees, wells, and grates shall not compromise compliance with the requirements of the Americans with Disabilities Act (“ADA”).

## Section 7.2.10 Architectural Standards

Any structure that is not subject to regulation under the North Carolina Residential Code for One- and Two- Family Dwellings shall adhere to the requirements of this Section.

### **A. General Building Design Standards**

1. Building Entrance: A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall be designed to convey their prominence on the fronting façade. Use building massing, special architectural features, and changes in the roof line to emphasize building entrances. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
2. Architectural Style: The building design standards of this Article intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, when a design exhibits a known architectural style (i.e. Italianate) the details shall be primarily consistent with the local coastal Carolina low country architectural style.
3. Termination of Vistas: Important street vistas (such as along gateways and primary pedestrian streets) should terminate in a prominent focal point, such as a building or other architectural or landscape feature.
4. Compatibility: Adjacent buildings should relate in similarity of scale, bulk, height, architectural style, and/or configuration.
5. Proportions: Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible.
6. Wall Materials: When two or more materials are used on a façade, the heavier material (i.e. brick) should be placed below the lighter material (i.e. siding) to give the sense of support and grounding.



7. Roof Pitch: Roof pitches less than 3:12 and flat roofs will require a parapet wall. A pitched roof shall be profiled by eaves a minimum of six (6) inches from the building face or with a gutter.
8. Façade Treatment: Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods, awnings, canopies, and other similar details shall be used on all facades facing public rights-of-way.
9. Building Wall Offsets: Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

**B. Building Types**

The building types outlined in this Section shall provide for the predominant form for new development in the Downtown Overlay District. While it is anticipated that some new building types will be introduced in this district, these variations should be based upon the types listed in this section. Innovative planning or design ideas for development where the proposed building types are different than those allowed in the Downtown Overlay District may be approved subject to review by the Planning Board.

**1. Civic Buildings**

<b>A. Building Type Defined</b>	The Civic Building type includes public buildings such as libraries, semi-public buildings such as museums, and private buildings such as churches.
<b>B. General Standards</b>	Because of the unique characteristics of the Civic Building, it is generally exempt from the standards imposed on other buildings in this Section with the following exceptions:  <div style="margin-left: 40px;">They should be sited to terminate a street vista whenever possible.</div> <div style="margin-left: 40px;">They should be of sufficient design to create visual anchors for the district.</div>
<b>C. Façade</b>	Not applicable
<b>D. Roof</b>	Not applicable

A. Building Type Defined	2. Detached House	3. Townhouse	4. Flat/Loft Building
	<p>The House has four yards (Front/Sides/Rear) though variations include setting the building on one of the side property lines to create a larger side yard on the opposite side (i.e. Charleston Single). The House is flexible in use, accommodating single family uses, multi-family uses up to four units, home occupations, professional offices, and limited retail uses. There are two House types – with Alley or with Driveway – based on how the lot is accessed with an automobile. In general, within a block, building types should be uniform in their use of driveways or alleys.</p>	<p>The Townhouse typically has 1 yard (Rear) though variations include a small front setback to provide some landscaping. The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit. The use permitted within the building is determined by the approved plan.</p>	<p>The Multi-Family Dwelling typically has 1 yard (Rear) though variations include a small front setback to provide landscaping. A multiple-unit building with units vertically arranged (generally) and with parking located below or behind the building. Units may be for rental or for sale in condominium ownership or may be designed as continuing care facilities. The ground floor may be available for commercial uses. The uses permitted within the building are determined by the approved plan.</p>

B. Ground Level Treatment	<ol style="list-style-type: none"> <li>1. <b>Raised Entries:</b> To provide privacy, all residential entrances within fifteen (15) of the sidewalk shall be raised from the finished grade (at the building line) a minimum of one and one-half (1.5) feet.</li> <li>2. <b>Porches:</b> Useable porches and stoops should form a predominate motif of the building design and be located on the front and/or side of the building. Useable front porches are at least eight (8) feet deep and twelve (12) feet in width.</li> <li>3. <b>Crawlspace:</b> The crawlspace of buildings shall be enclosed.</li> </ol>
C. Façade	<p>Not applicable</p> <ol style="list-style-type: none"> <li>1. <b>Detailed Design:</b> All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of fifty percent (50%) of front elevations, and a minimum of thirty percent (30%) of side and rear building elevations, as applicable, shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.</li> </ol>
D. Roof and Eaves	<ol style="list-style-type: none"> <li>1. Main roofs on residential buildings shall have a pitch between 8:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12.</li> <li>2. Overhanging eaves may expose rafters. Flush eaves shall be finished by profiled molding or gutters.</li> <li>3. All rooftop equipment shall be screened from view.</li> </ol>
E. Garage	<ol style="list-style-type: none"> <li>1. Garage doors are not permitted on the front elevation of any detached house on a lot less than sixty (60) feet wide.</li> <li>1. Garage doors are not permitted on the front elevation.</li> </ol>



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2. Garages with front loading bays shall be recessed from the front facade of the house by a minimum of five (5) feet and visually designed to form a secondary building volume. Garage doors shall be a minimum of twenty (20) feet from the back of sidewalk.
  3. At no time shall the width of an attached garage exceed forty percent (40%) of the total building facade.

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F. Materials

1. **Building Walls:** Residential building walls shall be primarily clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, vinyl, or synthetic materials similar and/or superior in appearance and durability.
  2. **Roof Materials:** Residential roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.
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## 5. Mixed-Use Building

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### A. Building Type Defined

A multi-story small scale structure which can accommodate a variety of uses. A group of mixed-use buildings can be combined to form a mixed-use neighborhood center. Individual mixed-use buildings can be used to provide some commercial service, such as a neighborhood store, in close proximity to homes. The Mixed-Use Building typically has one (1) yard (Rear) although variations may include a small front plaza or courtyard to provide public space for outdoor seating as well as a building with complete lot coverage where an alternative to on-site surface parking is provided.

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### B. Ground Level Treatment

- 1. Street Walls:** The first floors of all commercial buildings shall be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:
- 2. Canopies/Awnings:** A building canopy, awning, or similar weather protection may be provided and should project a minimum of three to five (3-5) feet from the façade.
- 3. Blank Walls:** Expanses of blank walls may not exceed twenty (20) feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)
- 4.** Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.

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### C. Fenestration

- 1. Windows and Doors:** The first floor of all buildings fronting directly on a street shall include transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least sixty percent (60%) of the length of the first floor building elevation along the first floor street frontage.
  - 2. Building Entrances:** A primary entrance facade shall be oriented toward the street, be designed for pedestrians, and be distinguishable from the rest of the building. Such entrances shall provide a sense of entry and add variety to the streetscape. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.
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**3. Window dimensions:**

Maximum Sill Height (1st Floor): forty-two (42) inches (as measured from the finished floor elevation)

Minimum Area: sixteen (16) sq ft

Minimum Width: three (3) feet

Minimum Height: four (4) feet

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D. Materials

**1. Building Walls:** Mixed-use building walls shall be brick, stone, cementitious fiber board, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only. All accessory buildings shall be clad in materials similar in appearance to the principal structure.

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**Section 7.2.11 Parking and Vehicular Access**

**A. Parking Required** – All properties and uses shall provide the following minimum number of off-street parking spaces, on-site:

1. Retail/Office: Three (3) spaces per 1,000 square feet.
2. Restaurant: One (1) space per four (4) seats.
3. Residential: One and one-half (1.5) spaces per unit.

**B. On-Street Parking** – On-street parking spaces may be counted towards the minimum number of spaces required per a use, if located within two-hundred (200) feet of a public entrance to such use. On-street parking spaces may only be used to meet the minimum required parking for one (1) use.

**C. Location of Off-Street Parking Areas** – Off-street parking facilities shall meet the following requirements:

1. No parking space shall be located between a building and a street right-of-way, with the exception of those spaces serving single family detached dwellings.
2. Parking spaces, when located on the side of a building, shall be set back a minimum of ten (10) feet from the front line of the building along any street (front and side streets included).
3. All off-street parking spaces serving multi-family buildings shall be located in the rear of a building only.
4. Parking lots as principal uses and parking garages shall not 1) abut any street intersection, 2) be located adjacent to any plaza, square or park, or 3) occupy lots which are located at the termination of a street.

**D. Interparcel Access** – All properties shall provide interparcel vehicular and pedestrian access to abutting properties. In the event that abutting property owners are unable to reach an agreement to provide interparcel access, written documentation of such a denial of access shall be provided and an easement allowing such access in the future shall be provided prior to the issuance of a CZC and/or CO.

**E. Bicycle Parking** – Bicycle parking is required for each building based on the use of the building and the percentage of motor vehicle parking provided for each use, as indicated in the table below. Bicycle parking is not required for Single Family Dwellings, Townhouses, and Multi-Family Dwellings of less than four (4) units per building. Where fewer than two (2) spaces are required, at least two (2) bicycle parking spaces or one rack must be provided.

<b>Table 7.1 Bicycle Parking Required</b>	
<b>Use Type</b>	<b>Required Bicycle Parking Spaces per 100 Auto Spaces</b>
<input type="checkbox"/> Multi-Family Residential (4 or more units per building only) <input type="checkbox"/> Office/Business Services <input type="checkbox"/> Retail Trade (except Lodging) <input type="checkbox"/> Institutional/Civic (Non-Assembly Uses)	5
<input type="checkbox"/> Lodging <input type="checkbox"/> Wholesale/Manufacturing/Industrial <input type="checkbox"/> Institutional/Civic (Assembly Uses Only)	2
Institutional/Civic (Schools)	10

1. An “Inverted U” or other bicycle parking rack that supports the bicycle at two (2) points on the bicycle frame is the minimum standard for fulfillment of the bicycle parking standards. A single inverted U rack will count as two (2) bicycle parking spaces. Long term bicycle parking, such as bike lockers and locked rooms, may be provided for use by employees and students and may count toward fulfillment of one-half (0.5) of the bicycle parking requirements.
2. Bicycle racks shall be located no closer than three (3) feet from any wall.
3. Bicycle parking shall be placed along a major building approach line and clearly visible from the approach and no more than fifty (50) feet from building entrances or no further than the closest motor vehicle parking space, whichever is less.
4. Uses with several public entrances shall locate a portion of the required bicycle parking at each entrance.

**F. Off-Street Parking Area Landscaping** – Notwithstanding the requirements of Article 10, *Landscaping and Tree Protection*, parking areas with twenty (20) or more parking spaces shall be landscaped in the following manner:

1. A landscape island comprising an area equaling that of one (1) parking space shall be located at the end of each row of parking and be planted with one (1) shade tree, a minimum of three (3) inches in caliper, and eight (8) shrubs, three (3) feet in height or less when mature.
2. The interior of a row of parking shall be landscaped in one (1) of the following manners:
  - i. One (1) landscape island shall be located after every tenth (10<sup>th</sup>) parking space within a row; rows with fifteen (15) parking spaces or less shall locate the landscape island in the middle or approximate middle of the row. Such landscape islands shall be planted with one (1) shade tree, a minimum of three (3) inches in caliper.
  - ii. A landscape island/strip, five (5) feet in width, shall be located along the entire length of a row of parking with eleven (11) or more spaces. Such landscape islands/strips shall be planted with one (1) shade tree, a minimum of three (3) inches in caliper, every sixty (60) feet.
4. Off-street parking areas not visible from the right-of-way or common area of a public or private street shall not be required to meet the landscaping requirements of this subsection (F.); however, such areas, including drive aisles, that do not meet the landscaping requirements of this subsection (F.) shall be required consist of pervious pavers or pervious paving systems, consisting of an area no less than twenty percent (20%) of the total area of the off-street parking area.

**G. Off-Street Parking Area Screening** – All parking areas visible from a public or private right-of-way shall be screened from view. Parking areas located in a side yard shall have the portion of the lot that fronts the street screened up to a height of three (3) feet. Screening shall be accomplished through the use of shrubs, masonry walls (using material that matches the adjacent building), wrought iron fencing, or any combination thereof. If landscaping alone is used, then the minimum width of the planting area shall not be less than four (4) feet.

**H. Off-Street Parking Area Pervious Paving** – For off-street parking areas visible from a public or private street and/or landscaped per subsection F. of this section, pervious pavers or pervious paving systems shall occupy a minimum of ten percent (10%) of the total area of an off-street parking area, excluding the area occupied by required landscape islands and strips (see subsection F.3. of this section for requirements pertaining to parking areas not visible from a public or private street and not landscaped).

## **I. Parking Structures**

1. **Ground Level Screening:** The ground level of a parking structure located along a public or private street right-of-way shall be wrapped by retail, office, or some other active use.
2. **Materials:** Along all street facing facades, parking structures shall be treated with high-quality materials, to include brick, stone, or similar masonry material. Architectural treatments shall be provided consistent with abutting structures. The façade shall be designed to screen vehicles. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
3. **Clear Entries:** Pedestrian entries shall be clearly visible. Vertical circulation shall not be located in the center of the structure so as to be difficult or circuitous to locate.
4. **Vents and Utility Openings:** In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design. These openings as well as pedestrian and vehicular entrances shall be designed to minimize visibility of parked vehicles. The remainder of the street level frontage shall be either commercial space or an architecturally articulated façade designed to minimize the visibility of parked vehicles.

**SECTION 7.3**  
**BLACKWELL ROAD OVERLAY DISTRICT**

Section 7.3.1	Purpose and Intent
Section 7.3.2	District Boundaries
Section 7.3.3	Applicability
Section 7.3.4	Streetscape Standards
Section 7.3.5	Building Setbacks & Regulations
Section 7.3.6	Architectural Standards

**Section 7.3.1 Purpose and Intent**

The purpose of the Blackwell Road Overlay District is to establish regulations consistent with the findings and recommendations of the Vision 2020 Plan, specifically with regard to those recommendations concerning the Blackwell Road streetscape.

The intent of the Blackwell Road Overlay District is to establish aesthetic design standards for the Corridor and to improve upon the existing vehicular, pedestrian, and bicycle transportation network in the Corridor.

**Section 7.3.2 District Boundaries**

The boundaries of the Blackwell Road Overlay District are as shown on the Town's Zoning Map.

**Section 7.3.3 Applicability**

All applications for a CZC for properties located in the Blackwell Road Overlay District, involving grading, construction of new buildings, additions to existing buildings, construction of signs, similar site improvements, and/or changes in use shall demonstrate compliance with the requirements and standards of this Article.

**Section 7.3.4 Streetscape Standards**

All projects covered by Section 7.3.3, *Applicability*, shall make improvements along the entire respective property frontage, provided that such requirements may be varied as necessary, by the North Carolina Department of Transportation (NCDOT) or the Zoning Code Administrator, if it is determined that the standards do not meet future transportation needs, inhibit public safety, and/or do not comply with adopted standards of either the NCDOT or the Town.

A. Street Construction.

1. Development of properties along River Road (NC 133) and Blackwell Road SR 1551) shall adhere to NCDOT driveway permitting and requirements for street improvements (ie. widening for additional travel and/or turn lanes).

2. All new streets shall be constructed to the NCDOT standards for a curb & gutter section, both sides.

## **B. Sidewalks and Other Paths –**

### **1. River Road/NC133**

- a. A minimum five (5) foot wide sidewalk shall be installed across the frontage of properties.
- b. All such sidewalks shall be located within a public right-of-way, where immediately behind the right-of-way in a recorded public / non-vehicular access easement.
- c. All development shall provide sidewalk access from the street frontage sidewalk or multi-use path to the main entrance of the building.

### **2. Blackwell Road**

- a. A minimum ten (10) wide multimodal (bicycle and pedestrian) sidewalk or paved path be installed across the frontage of properties.
- b. All such sidewalks shall be located within a public right-of-way, where immediately behind the right-of-way in a recorded public / non-vehicular access easement.
- c. All development shall provide sidewalk access from the street frontage sidewalk or multi-use path to the main entrance of the building.

### **3. All Other Streets**

- a. A minimum five (5) foot wide concrete sidewalk shall be installed across the frontage of properties.
- b. All such sidewalks shall be located within a public right-of-way, where immediately behind the right-of-way in a recorded public / non-vehicular access easement.
- c. All development shall provide sidewalk access from the street frontage sidewalk or multi-use path to the main entrance of the building.

## **C. Setbacks.**



1. There shall be a fifteen (15) foot setback and landscape strip on all property frontages along River Road (NC 133) and Blackwell Road within which no structures, buildings, or parking areas shall be located. However, portions of the lot's frontage used for perpendicular driveway crossings are exempt from this requirement. This portion of the street yard may be used for walkway crossings between the frontage sidewalk and buildings, but no parking shall be permitted in these designated areas. Refer to Article 10, Section 10.4.1 Street Yard Landscaping, for specific planting standards.
2. Freestanding signs may be located within the setback and landscape strip provided they meet all other requirements of Article 12, Sign Regulations.
3. All building setbacks and/or parking facility offsets from other property boundaries shall be as required by the underlying zoning district in which the property is located.

### **Section 7.3.5 Building Setbacks & Regulations**

#### **A. Vehicular Access**

1. All properties with non-residential development shall provide inter-parcel vehicular and pedestrian access to abutting non-residential properties. An easement allowing such access in the future shall be provided prior to the issuance of a certificate of occupancy on the first developed property.

#### **B. Bicycle Parking**

1. Each new multi-family, commercial, or office development, or major redevelopment requiring twenty-five (25) or more automobile parking spaces, shall make provisions for parking a minimum of five (5) bicycles.
  - a. Bicycle parking shall be placed along a major building approach line, be clearly visible from the approach, and be no more than fifty (50) feet from the primary entrance to the facility. In the event of multiple entrances, bicycle-parking facilities shall be dispersed for easy access to the multiple entrances.
  - b. Bicycle racks shall be located no closer than three (3) feet from any wall.

- c. The bicycle parking provision shall allow for bicyclists to secure their vehicle against theft.

### **Section 7.3.6 Architectural Standards**

Any structure that is not subject to regulation under the North Carolina Residential Code for One- and Two- Family Dwellings shall adhere to the requirements of this Section.

#### **A. Facades and Walls**

1. No street facing façade or wall shall exceed twenty (20) vertical feet without interruption by an architectural feature, such as color, texture, material, or design element.
2. Garages
  - i. For single family detached dwellings, at no time shall the width of an attached garage exceed forty percent (40%) of the total building façade.

#### **C. Materials**

- a. Concrete block, metal, aluminum siding, or vinyl siding shall not be used as a finished façade.
- b. Mirrored window tinting shall not be permitted.
- c. Residential building walls shall be clad in wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, vinyl, or synthetic materials similar and/or superior in appearance and durability.
- d. Commercial and mixed-use buildings shall be clad in brick, stone, cementitious fiber board, or wood clapboard. Regular or decorative concrete block and EIFS-type stucco may be used on building walls not visible from a public street or as an accent material only (No more than fifteen percent (15%) of the area of any wall).

#### **D. Building Entrances**

- a. Entrances used for shipping and receiving shall not be located along front elevations and shall be screened by use of a fence and/or landscaping when visible from a public or private street.

#### **E. Roofs**

- a. Main roofs on residential building shall have a pitch between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall have a pitch less than 4:12.
- b. Roofs shall be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or synthetic materials similar and/or superior in appearance and durability.
- c. Roof lines shall have a vertical or horizontal deviation of at least twenty-four (24) inches for every forty (40) linear feet.

Amended 2021-8-30