

ARTICLE VIII.I OVERLAY DISTRICTS

SECTION 801. COMMERCIAL CORE OVERLAY DISTRICT (CCO)

A. *Purpose and intent.* The purpose of this overlay district is to preserve and enhance the small-scale commercial character of a certain area within the town while providing for low-impact business opportunities and allowing for consistency of development within the overlay area as it continues to be developed or redeveloped. The district is intended to accommodate small-scale, low-intensity and convenience retail and service uses that provide goods and services to the town's residents and their guests. This overlay district is established to prevent unsightly conditions as a result of development which may destroy or detract from the small town character and to exercise such reasonable control over land within the district as may be necessary to accomplish the objective.

B. *Commercial Core Overlay District area defined, generally.* The area within the corporate limits of the town subject to the provisions of this article are properties located approximately within 300 feet along each side of Dunn Road (SR 1838/US HWY 301) between Reese Creek (also known as Reedy Creek/Reedy Branch) and 600 feet north of Beard Road (SR 1722). In addition, the properties along SR 1832 (Murphy Road) from US HWY 301 to a point approximately 2,000 feet east of the northbound I-95 on-ramp, extending 500 feet on each side of SR 1832 (Murphy Road) and within the corporate limits of the town; and all properties fronting on School Street and Church Street (SR 2996) between Dunn Road (SR 1838) and Middle Road (SR 1728) are included within this overlay district. A map of the district is shown on Exhibit A of this ordinance for general reference purposes. The official Commercial Core Overlay district is included on the zoning map referenced in Section 3-310.

C. *Uses allowed; rezoning applications.* The uses as allowed in the underlying general zoning district as listed in Section 4-403, Use Matrix, are allowed uses in this district provided that all other provisions of this section are complied with. Applications for rezoning to O&I(P)/CZ or C1(P)/CZ will be considered within this overlay district. Small scale mixed use development/conditional zoning or mixed use buildings are encouraged, so long as all residential development is located on the second floor or to the rear of the structure or lot.

D. *Development standards.* The provisions below shall apply to all new construction; renovation and/or remodeling of the exterior areas of any structure or property shall comply with the below provisions to the extent practicable.

1. Lot dimensions and setbacks.

- (a) The minimum lot area shall be 10,000 square feet;

(b) Front and corner side setbacks shall be as required by this ordinance from the ultimate right-of-way provided that the improvements and amenities required by the following sub-sections are provided.

[Note: Provisions exist in the ordinance for allowing the same or average setback of non-residential buildings within the same block in addition to the standard dimensional provisions.]

(c) When not connected to an adjacent structure, side yard setbacks shall be a minimum of 20 feet and a maximum of 40 feet;

(d) Where adjacent to a service alley or another non-residential zoning district, the rear yard shall be a minimum of three feet, and when adjacent to residential zoning, the rear yard shall be a minimum of 20 feet.

2. Structural dimension and site layout specifications.

(a) The base building area shall be no larger than 65% of the total land area or 15,000 square feet, whichever is less; and

(b) The maximum building height shall be 30 feet or a maximum of two stories, whichever is less.

(c) Developers of properties located on corner lots at all street intersections shall locate motor vehicle oriented uses or facilities, including but not limited to gas pumps, drive-throughs, pick-up windows, or other accessory uses intended for access while inside a vehicle to the side or rear of the principal building. In no instance shall a motor vehicle oriented feature or accessory use be located between a principal building and the street it fronts.

3. Pedestrian pathways/sidewalks and amenities. (Note: See attached Exhibit 1 for example.)

(a) All pedestrian pathways shall be established in order to connect internal and external development and all proposed pathways shall be included on the site plan. Types of sidewalks may include: public, private with public access easement, or private (internal pathways from parking to building entrances or building to building);

(b) A grassed area, minimum five feet in width, shall be located between the curb and a required five foot wide sidewalk that has been constructed in compliance with *American with Disabilities Act* (ADA) provisions. Adjacent to the sidewalk opposite from the curbside, a minimum six foot grass, tree and landscaping area shall be provided with the number and types of trees and landscaping meeting or exceeding the standards of this ordinance. If desired, the developer may provide off-street parking and turnaround between the landscaping and storefront area – see sub-section 5 below.

A minimum 10 foot wide storefront and clear walkway area shall be constructed along the entire building front. This storefront/walkway area shall be designed in such manner that it affords safe pedestrian passage, can accommodate amenities such as benches, potted flowers or plants and may be partially covered by awnings or porticos; and

(c) Pedestrian walkways should be delineated from parking area by separate paved routes using a variation in paved texture and/or color, and protected from adjacent vehicle circulation areas.

4. Landscaping.

(a) Street trees of a type listed in the NC Department of Transportation's *Guidelines for Planting within Highway Right-of-Way* (undated) as being hardy plants for landscaping purposes shall be provided in an amount equivalent to at least one tree for every 30 feet of road frontage and shall be located within the amenity area required in sub-section 3(b) above including along any side street. In the event one or more of the listed types of trees are not available or conducive to the proposed development, specific approval from the Town Council for the alternative tree specimens to be planted is mandatory. All street trees shall be a minimum of two inch caliper at time of planting. Additional plantings in pots or boxes are strongly encouraged; and

(b) Developments within this overlay district shall be exempt from the street tree requirements of Section 1102.N. Landscaping for the yard space and off-street parking areas shall be the same as required by Section 1102.N for any proposed development.

5. Off-street parking and driveways.

(a) Off-street parking shall be provided as required by Article XII, and the preferred design being that the individual spaces are parallel, with internal drives perpendicular, to the right-of-way. Furthermore, the developer is encouraged to align off-street parking spaces in a manner consistent with adjacent developed non-residential properties and engage in shared parking or using remote parking as allowed by Article XII;

(b) Off-street parking areas shall be separated from buildings and public sidewalks with decorative amenities, landscaping or grassed open areas or other appropriate means to afford pedestrian safety;

(c) For corner lots along Dunn Road, driveway access shall be restricted to the side street; and

(d) In order to facilitate traffic flow on Dunn Road, driveways shall be restricted whenever an existing driveway is located within 300 feet with interconnectivity to the affected property; and

(e) Regardless of any provision or requirement of this section, all improvements of properties adjacent to the right-of-way shall be located so that parking, stopping, storage, and maneuvering of vehicles on the right-of-way will not be necessary in order for the vehicles or patrons to be properly served, and shall not restrict the sight distance of adjacent drives.

6. Interconnectivity.

(a) Pedestrian or motor vehicle connections shall be required for new construction and where appropriate for any re-development of properties within the overlay district; and

(b) Rear alleys for service, utilities and employee access are strongly encouraged and will be mandatory when a proposed development is adjacent to a developed property having an existing alley.

7. Signage. All freestanding signs for new construction shall be ground signs and comply with the standards of Article XIII, specifically for the C1(P) district as regulated by Section 1306.B.2 except that the maximum sign area shall be 44 square feet for sites with five occupants or less, and sites with more than five occupants may have an additional six square feet of area for each occupant over five, with a maximum freestanding ground sign area not to exceed 80 square feet. The maximum height of the sign including all portions of the support structure, measured from the grade to the top of the sign/support structure, shall be five feet. Attached signage as allowed in the C1(P) district shall be permitted.

Consideration shall be given to freestanding signs proposed for new development within close proximity to the I-95 interchange, provided that the developer specifically requests relief from the height and/or sign size at the time of application for conditional zoning.

Two copies of the signage plan shall be submitted with the conditional zoning application. The signage plan must address the following:

(a) *Location.* Identification of sign locations on buildings and the building lot;

(b) *Materials and illumination.* A description of the proposed sign structure, sign face materials, and type of illumination, if any. The materials and general sign design must be the same as or at a minimum complement the design of the principal structure on the lot;

(c) *Size.* Itemization of sign size and band areas at identified locations. Allocation of sign area for multi-tenant structures may favor one tenant or series of

tenants over another, provided the property owner identifies the available sign area per tenant;

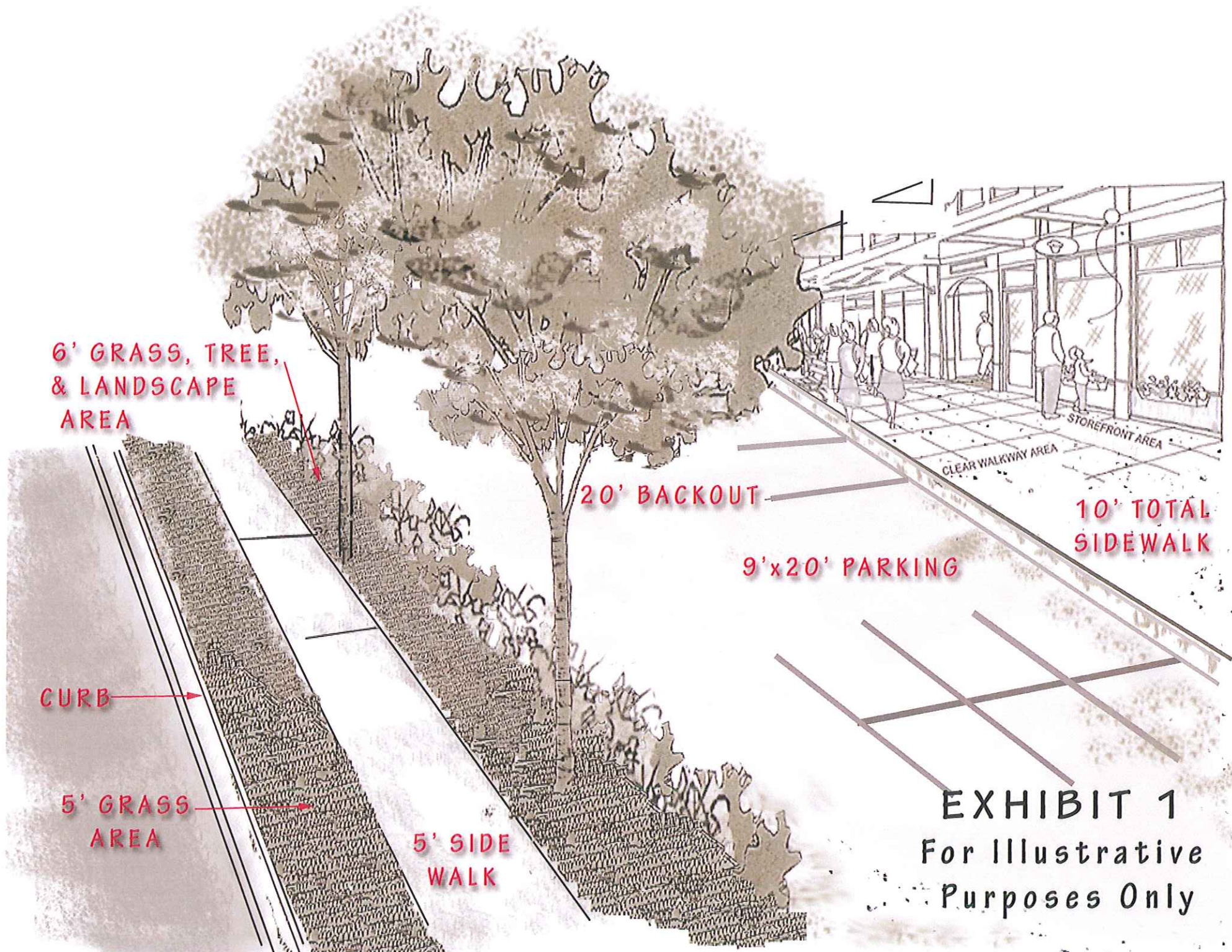
(d) *Letter style.* Description of dominant letter style and letter height proposed to be used on the sign(s);

(e) *Color.* Listing of the colors to be used on each sign and lettering. Neon lighting must be specifically noted and approved by the Town Council prior to installation of any sign.

8. Lighting. All pedestrian areas, including off-street parking areas are to be lighted with shielded, controlled lighting, and shall complement the proposed development in color and style while being consistent with existing lighting of adjacent or nearby developed non-residential properties. The provisions of Section 1102.M shall apply in this district.

9. Open space. Where possible, property owners are encouraged to preserve and provide open space areas. If preserved open space or developed parks are offered to and accepted by the town, the property owner will receive a density bonus for the equivalent land area outside the commercial core overlay district. The density bonus shall be calculated at the R40 density rate.

10. Conflict with other ordinance or regulatory provisions. Wherever there is conflict or inconsistency between the Commercial Core Overlay district provisions and other regulations with any local, state or federal law, the most restrictive standard shall apply. When the provisions of this district conflict with other provisions of this ordinance, the overlay district provisions shall prevail.



6' GRASS, TREE,
& LANDSCAPE
AREA

CURB

5' GRASS
AREA

5' SIDE
WALK

20' BACKOUT

9'x20' PARKING

10' TOTAL
SIDEWALK

CLEAR WALKWAY AREA

STOREFRONT AREA

EXHIBIT 1
For Illustrative
Purposes Only

Guidelines for Planting within Highway Right-of-Way

Roadside Environmental Unit
Landscape Design & Development
1557 Mail Service Center
Raleigh, NC 27699-1557
(919)733.2920

Common Plants Used By NCDOT

The list below represents a sampling of hardy plants used in landscape application on North Carolina roadsides. Plants are listed by botanical (Genus/ species) and common name. Only 'standard' plant names are listed. Many plants have exceptional cultivars that may have qualities more desirable than the 'standard'. Check with local nurseries for superior cultivars, plant adaptability to the location, plant availability, and the best use of the specific plants.

When possible, the Department promotes the practical use of native species.

No planting on state right-of-way is allowed without written approval from your local North Carolina Department of Transportation Division office.

TREES

- Acer rubrum, Red Maple- D, LT, XFC
 Acer saccharum, Sugar Maple- D, LT, XFC
 Amelanchier arborea, Downy Serviceberry, D, ST, FL, FR, BK, XFC
 Betula nigra, River Birch- D, LT, BK
 Cercis canadensis, Eastern Red Bud- D, ST, FL
 Chionanthus virginicus, White Fringetree- D, ST, FL, FR
 Cladrastis lutea (kentukea)- American Yellowwood- LT, FL, XFC
 Cornus florida, Flowering Dogwood- D, ST, FL, FR, XFC
 Cryptomeria japonica, Japanese Cryptomeria- E, LT, H/S
 Fagus grandiflora, American Beech- D, LT, FR, BK, XFC
 Fraxinus pennsylvanica, Green Ash- D, LT
 Halesia carolina, Carolina Silverbell- D, LT, FL, FR
 Juniperus virginiana- Eastern Red Cedar- E, LT, H/S
 Koelreuteria paniculata, Golden Raintree- D, LT, FL, FR, XFC
 Lagerstroemia indica, Crape Myrtle (come in a great selection of sizes, colors, and shapes)- D, ST, FL, BK, XFC
 Lagerstroemia fauriei, Japanese Crape Myrtle-cultivars are highly resistant to mildew and more cold hardy)- D, ST, FL, BK, XFC
 Liquidambar styraciflua, Sweetgum (the fruitless variety may be more practical for residential use)- D, LT, FR, XFC
 Liriodendron tulipifera, Tulip Poplar- D, LT, FL, XFC
 Magnolia grandiflora, Southern Magnolia- E, LT, FL, FR, H/S
 Magnolia- a large selection of deciduous native and cultivated magnolia species are worthy of use- LT to ST, FL, FR, BK
 Malus, Flowering Crabapple- variety of sizes fit well into the landscape (research selection for disease and insect resistance) - D, ST, FL, FR
 Metasequoia glyptostroboides, Dawn Redwood- D, LT, H/S, XFC
 Nyssa sylvatica, Black Gum- D, LT, FR, BK, XFC
 Oxydendrum arboreum, Sourwood- D, ST, FL, FR, BK, XFC
 Picea abies, Norway Spruce- E, LT, FR
 Pinus strobus, White Pine- E, LT, H/S
 Pinus taeda, Loblolly Pine- E, LT
 Pinus thunbergiana, Japanese Black Pine- E, LT

KEY:

E-evergreen
 D-deciduous
 LT- large tree
 ST- small tree
 LS- large shrub
 MS- medium shrub
 SS- small shrub
 G-groundcover
 FL- conspicuous flower
 FR- conspicuous fruit
 BK- attractive bark or stem color
 H/S-good hedge/screen
 XFC- exceptional fall color

SIZE CATEGORIES

(based on average size at maturity)
 LT (Large Tree): 30'- taller
 ST (Small Tree): 15'- 30'
 LS (Large Shrub): 8'-taller
 MS (Medium Shrub): 4'- 8'
 SS (Small Shrub): less than 4'



Pinus virginiana, Virginia Pine- E, LT, H/S
Pistacia chinensis, Chinese Pistachio- D, ST, FR, BK, XFC
Platanus x acerfolia, London Plane Tree (or Sycamore)- D, LT, FR, BK
Platanus occidentalis, American Plane Tree (or Sycamore)- D, LT, FR, BK
Prunus cerasifera, Flowering Plum- D, ST, FL
Prunus mume, Japanese Apricot- D, ST, FL
Prunus serrulata, Japanese Flowering Cherry- D, ST, FL, BK
Prunus subhirtella, Higan Cherry- D, ST, FL, FR, BK
Prunus x yedoensis- Yoshino Cherry- D, LT, FL, FR, BK
Quercus alba, White Oak, D, LT,
Quercus acutissima, Sawtooth Oak- D, LT, FR
Quercus coccinea, Scarlet Oak- D, LT, FR, XFC
Quercus falcata, Southern Red Oak- D, LT, FR
Quercus palustris, Pin Oak- D, LT, FR, XFC
Quercus phellos, Willow Oak- D, LT, FR
Quercus virginiana, Live Oak- E, LT, FR
Sophora japonica, Japanese Sophora- D, LT, FL, FR
Taxodium distichum, Bald Cypress- E, LT, BK, XFC
Tsuga canadensis, Canadian (Eastern) Hemlock- E, LT, FR, H/S
Tsuga caroliniana, Carolina Hemlock- E, LT, FR, H/S
Vitex agnus-castus, Chastetree (or Vitex)- D, ST, FL
Zelkova serrata, Japanese Zelkova- D, LT, BK, XFC

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SHRUBS, ETC.

Abelia x grandiflora- Glossy Abelia (many wonderful cultivars)- E, MS, FL, H/S
Aesculus parviflora, Bottlebrush Buckeye- D, LS, FL, FR
Aronia arbutifolia, Red Chokeberry- D, LS, FR, XFC
Berberis thunbergii, Japanese Barberry- D, MS, FR, XFC
Buddleia davidii, Butterfly-bush- D, MS, FL
Callicarpa americana, American Beautyberry- D, MS, FL, FR
Callicarpa dichotoma, Purple Beautyberry- D, SS, FL, FR
Caryopteris x clandonensis, Bluebeard (or Blue-spirea)- D, SS, FL
Chaenomeles speciosa, Common Flowering Quince- D, LS, FL, FR
Clethra alnifolia, Summersweet- D, MS, FL, FR, XFC
Cornus alba, Tatarian Dogwood- D, LS, BK, XFC
Cornus sericea, Redosier Dogwood – D, LS, BK, XFC
Cotinus coggygria, Smokebush (or Smoke Tree)- D, LS (ST), FL, XFC
Elaeagnus pungens, Thorny Elaeagnus- E, LS, H/S
Euonymus alata 'compacta', Compact Burning-bush- D, LS, FR, BK, H/S, XFC
Forsythia x intermedia, Border Forsythia- D, LS, FL
Fothergilla gardenii, Dwarf Fothergilla- D, SS, FL, XFC
Hamamelis virginiana, Witchhazel- D, LS (ST), FL, XFC
Hamamelis x intermedia- group of hybrid Witchhazels- D, LS (ST), FL, XFC
Hemerocallis- Daylily (thousands of varieties available)- D to E, G, FL

Hydrangea quercifolia, Oakleaf Hydrangea- D, MS, FL, XFC
Hypericum frondosum, Golden St. Johnswort- D, SS, FL
Ilex x attenuata- group of hybrid hollies (Foster)- E, LS (ST), FR, H/S
Ilex cornuta, Chinese Holly- E, LS, FR, H/S
Ilex crenata, Japanese Holly- E, LS, H/S
Ilex glabra, Inkberry- E, LS, FR, H/S
Ilex latifolia, Lusterleaf Holly- E, LS (ST), FR, H/S
Ilex opaca, American Holly (good selection of upright hollies)- E, LS (ST), FR, H/S
Ilex verticillata, Winterberry- D, LS, FR
Ilex vomitoria, Yaupon Holly- E, LS (ST), FR, H/S
Ilex x 'Nellie R. Stevens', Nellie R. Stevens Holly- E, LS (ST), FR, H/S
Itea virginica, Virginia Sweetspire- D, MS, FL, XFC
Jasminum nudiflorum, Winter Jasmine- D, SS, FL
Juniperus- multitude of junipers ideal for various landscape uses- E, LS to G
Kerria japonica, Japanese Kerria- D, MS, FL
Lagerstroemia- many smaller (shrubby) Crape Myrtles are introduced annually- D, SS(MS), FL, XFC
Liriope muscari, Big Blue Liriope- E, G
Loropetalum chinense, Loropetalum- E, LS, FL, H/S
Myrica cerifera, Southern Wax Myrtle- E, LS, FR, H/S
Myrica pensylvanica, Northern Bayberry- E, LS, FR, H/S
Osmanthus x fortunei, Fortune's Osmanthus- E, LS, FL, H/S
Pyracantha coccinea, Scarlet Firethorn- E, LS, FL, FR, H/S
Pyracantha koidzumii, Formosa Firethorn- E, LS, FL, FR
Raphiolepis umbellata (indica), Indian Hawthorn- E, MS, FL, FR
Spiraea cantoniensis, Reeves Spirea- D, MS, FL
Spiraea x bumalda- Bumald Spirea- D, SS, FL
Taxus x media, Spreading Yew- E, height varies, FR, H/S
Ternstroemia gymnanthera, Japanese Cleystera (also sold as *Cleyera japonica*)- E, LS, FL, FR, H/S, XFC
Viburnum- multiple species and cultivars worthy of use- E to D, LS to MS, FL, H/S
Weigela florida, Weigela (various sizes, colors, etc.)- D, LS, FL

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