

Section 23.3-4. Inclusionary as to Permitted Use.

The intent of this chapter is that it be "inclusionary." That is, principal uses, accessory uses, and conditional uses specifically stated for each zoning district shall be the only uses permitted. Any use proposed within any given zoning district which is not a stated use or use type within said district is expressly prohibited. Questions of whether a use is of a type listed shall be interpreted by either the Planning and Zoning Board or the Historic Resources Preservation Board, but no use variance shall be approved.

Section 23.3-21. NC - Neighborhood Commercial.

a) *Intent.* The "NC Neighborhood Commercial District" is designed to permit the establishment of convenience commercial uses in areas which are not suitable for a broader range of commercial uses, but where it is desirable to provide for the everyday shopping needs of nearby residents. The "NC Neighborhood Commercial District" permits the establishment and expansion of a limited range of neighborhood commercial uses. Certain other uses which would cause minimum problems for residential neighbors are also permitted to make the "neighborhood commercial district" more flexible in use.

b) *Use restrictions.* Uses permitted by right and uses permitted as either administrative or conditional uses shall be subject to applicable provisions of Article 4, Development Standards. Refer to Permitted Use Table at Section 23.3-6 for complete list of uses.

1. Principal uses permitted by right.
 - A. Commercial – Low Intensity
 - B. Office - Low Intensity
 - C. Retail – Low intensity
 - B. Personal Services – Low Intensity
 - C. Eating and drinking establishments (Take Out Only).
 - D. Essential services.
2. Principal uses permitted as either administrative or conditional uses.
 - A. Parking facilities.
 - B. Convenience Stores.
3. Accessory uses permitted by right. Any use accessory to and customarily incidental to a principal use permitted by right.

c) *Development regulations for uses permitted by right.*

Lot Area		6,500 sq. ft. with max density 1 d.u. per each 2,175 sq. ft. net lot area
		Max density 20 dwelling units per gross acre of 43,560 sq. ft., minimum of 2,175 sq. ft. per unit.
Lot Width		50 ft.
Height	Primary	30 ft. (not to exceed 2 stories) *Additional 5 ft of (not to exceed 3 stories) under

		Sustainable Bonus Incentive Program.
	Accessory	24 ft. (not to exceed 2 stories)
Setback	Front	20 ft. minimum not to exceed 32 ft.
	Rear	15 ft. or 10% of lot depth for primary structures, 5 ft. for accessory structures.
	Side	10 % lot width, minimum of 3 ft. up to a minimum of 10 ft. for lots over 100 ft. in width.
		Two story buildings shall be set back a minimum of 5 ft.
		Roof overhangs shall not exceed more than 2 feet.
	Bonus Height	N/A
Living Area	Single-Family	800 sq. ft. first dwelling
		400 sq. ft. second dwelling
	Multiple-family	400 sq. ft. Eff.
		600 sq. ft. 1BR
		750 sq. ft. 2BR
		900 sq. ft. 3BR
1,350 sq. ft. 4BR		
Accessory Structure Limitations	The total area for accessory structures is limited to 40% of the principal structure area or 1,000 sq. ft., whichever is less.	
Impermeable Surface Total	A. Small lot - 65% B. Medium lot -60% C. Large Lot - 55%	
Maximum Lot Coverage for all Buildings	A. Lots up to 4,999 sq. ft. (small lot) - 45% B. Lots 5,000 sq. ft. to 7,499 sq. ft. (medium lot) - 40% C. Lots over 7,500 sq. ft. (large lot) - 35%	
Maximum Wall Heights at Side Setback	Lots less than 50 ft. in width - 14 ft. wall height at 3'-0 setback up to 18 ft. wall height at 5'-0" setback.	
	Lots between 50 ft. and 100 ft. in width - 18 ft wall height at 5'-0" setback up to 23 ft. wall height at 10'-0" setback.	
	Lots over 100 ft. in width - 23 ft. wall height at 10 ft. setback.	

	For each additional foot of side setback an additional 1'-0" of wall height to a maximum of 30'-0".
Floor Area Ratio (F.A.R.) Limitation	Maximum F.A.R. is 1.10.
	The F.A.R. shall be 0.60 for lots up to 4,999 sq. ft.; 0.55 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and 0.50 for lots 7,500 sq. ft. and greater.
	An additional .50 of F.A.R. shall be granted under the Sustainable Bonus Incentive Program.

1. Minimum lot dimension.
 - A. Minimum lot area: six thousand five hundred (6,500) square feet.
 - B. Minimum lot width: fifty (50) feet.
2. Maximum height of buildings.
 - A. Principal building: thirty (30) feet in height and not to exceed two (2) stories.
 - B. Additional five (5) feet in height shall be granted under the Sustainable Bonus Incentive Program (not to exceed three (3) stories).
 - C. Garages and other accessory buildings: twenty four (24) feet.
3. Minimum setbacks for buildings.
 - A. Minimum front setback: twenty (20) feet not to exceed thirty two (32) feet.
 - B. Minimum side setback:
 - (1) Minimum side setback: ten percent (10%) of lot width, with a minimum of three (3) feet and a minimum of ten (10) feet for lots over 100 ft in width.
 - (2) Two-story buildings shall have side set back of five (5) ft minimum.
 - (3) Roof overhangs shall not project more than two (2) feet into the setback.
 - C. Minimum rear setback:
 - (1) Ten (10) feet in general.
 - (2) For lots next to residential zoning districts: fifteen (15) feet or ten percent (10%) of lot depth, whichever is greater.
 - (3) For accessory structures: five (5) feet.
4. Maximum impermeable surface. The maximum impermeable surface shall be:
 - A. Sixty five percent (65%) of the lots up to 4,999 sq. ft.;
 - B. Sixty percent (60%) for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. Fifty five percent (55%) for lots 7,500 sq. ft. and greater.
5. Maximum impermeable surface for all structures: The maximum impermeable surface shall be:
 - A. Forty five percent (45%) for lots up to 4,999 sq. ft.;
 - B. Forty percent (40%) for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. Thirty five percent (35%) for lots 7,500 sq. ft. and greater.
6. Floor Area Ratio (F.A.R.) limitations: Maximum F.A.R. is 1.10. The F.A.R. shall be:
 - A. 0.60 for lots up to 4,999 sq. ft.;
 - B. 0.55 for lots between 5,000 sq. ft. and 7,499 sq. ft.; and
 - C. 0.50 for lots 7,500 sq. ft. and greater.

D. An additional 0.50 of F.A.R. shall be granted under the Sustainable Bonus Incentive program.

7. Accessory structures. All accessory structures shall not exceed forty percent (40%) of the gross floor area of the principal structure, excluding approved prefabricated metal storage buildings totaling no more than 144 square feet.
8. Location of accessory buildings, pools, etc.: Accessory buildings, pools and similar structures shall be allowed within the rear or side yards of a double front or corner lot between the main structure and a public street, provided that minimum setbacks are maintained.
9. Required street trees. Street trees shall be installed at a minimum of every twenty five (25) feet of frontage. Approved native species shall be used.

d) *Locational and development regulations for uses permitted as either administrative or conditional uses.* Uses permitted as conditional uses shall be regulated pursuant to the requirements of sections 23.2-28 and 23.2-29 Article 4, Development Standards.