

# Spring Lake Main Street Overlay District Draft

Main Street Overlay District  
Boundary



CCP&I 04/02/14 RMH



Chapter 42

ZONING\*

ARTICLE I. In General

Sec. 42-8. Definitions.

Amphitheatre means a freestanding, open-air round or oval structure with a central arena and tiers of concentric seats.

Bars & Nightclubs means establishments including private clubs, sports bars/clubs etc., that may be licensed to sell alcoholic beverages to be consumed on the premises and do not meet the criteria to be a restaurant, and does not include any use that qualifies to be regulated under Section 42-91.

Restaurant means an eating establishment, including cafeterias, cafes, grills, or fast-food establishments that have a gross receipts from food sales and non-alcoholic beverage sales of a least 30 percent of the total gross receipts including alcoholic beverage sales. This definition does not include any use that qualifies to be regulated under Section 42-91.

ARTICLE II. Zoning Districts

Sec. 42-35. Statement of district intent; purpose and zone characteristics.

- (7) *CB Central Business District.* This district is intended to preserve and enhance the original downtown area as a compact, viable and convenient location for a wide variety of commercial and office uses. Residential uses are permitted only in conjunction with a mixed use building or mixed use development, and shall be located to the rear or on the second floor or above of any structure. ~~Residential uses developed to R-5A standards are also permitted.~~ To preserve the compactness of the area and to lesson congestion the display, sales and storage of goods is ~~predominantly~~ conducted entirely within enclosed buildings. The yard requirements are based generally on the pattern of existing development so as to minimize dimensional ~~disparities~~ ~~nonconformities~~ and to preserve the continued usefulness and essential character of the existing buildings located in the downtown area. In order to promote coordination and the compatible intermixture or residential and commercial development, this district is a planned district and site plan review is required for every development, re-development or change-in-use. ~~Residential and nonresidential uses on the same floor of any building is not permitted.~~

*[Note: Mixed use buildings and mixed use developments are currently allowed in the Spring Lake ordinance.]*

(17) Main Street Overlay District (MSOD). An overlay district intended to protect and enhance the traditional downtown main street area by maintaining and stimulating a pedestrian-friendly, vibrant environment while encouraging economic growth that compliments and expands the unique character of the downtown area. Individual structures are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and/or residential. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through motor vehicle dominated or non-pedestrian oriented design or uses. To facilitate the purpose and intent of this overlay district, proposed uses and all development plans shall be consistent with the regulations as contained within this chapter for the CB Central Business district.

### ARTICLE III. PERMITTED PRINCIPAL USES AND STRUCTURES

#### Sec. 42-63. District use regulations.

[Editor's note: See *Table of Uses* starting next page.]

TABLE OF PERMITTED AND CONDITIONAL USES

Permitted Uses	RR	R-15	R-5	R-6A	O & I	C-1	CB	HS(P)	C(P)	M-1	M(P)
		R-10 R-6	R-5A				X <sup>2</sup> X X*	X	C-3		M-2
Alcohol sales							X	X	X		
Amphitheatre							X		X		X
Automobile washing							X*		X		C
Automobile wrecking yards and junkyards									C		
Baking on-premises and retail only					X		X		X	X	X
Bakery production and wholesale sales						X	X		X		
Bank, savings and loan company and other financial activities					X		X		X		
Bar/Nightclub							X		X		
Barber or beauty college instruction							X		X		
Barbering and hairdressing services							X				
Bicycle sales and repairing									X		
Bingo											
Blacksmith services	X										
Boarding house operations		C	C	C	C						
Boats and accessories, retail sales and service									X		
Boats and accessories, retail sales and service							X		X	X	X
Bookbinding						X	X		X	X	X
Books and printed matter, distribution					X		X		X	X	X
Bottled gas distributing, bulk storage											X
Bottling											X
Builders' supply (no outside storage)								X		C	XX
Builders' supply (with outside storage)										X	X
Bus repair and storage terminal activities									X	X	X
Bus repair and storage terminal activities							X*		X		
Bus station activities							X				
Bus station activities, local service only							X				
Cabinet making										X	X
Candy or confectionary making, on premises and retail only						X	X		X	X	
Carpet and rug cleaning									X	X	X
Catalogue sales							X		X	X	
Cemetery	C	C	C	C							

TABLE OF PERMITTED AND CONDITIONAL USES

Permitted Uses	RR	R-15		R-5 R-5A	R-6A	O & I	C-1	CB	HS(P)	C(P) C-3	M-1	M(P) M-2
		R-10 R-6	R-6									
Children's day care homes	C	C	C	C	C	C	C	C		C		
Children's day care centers						C	C	C		X		
Clinic services, medical and dental						X	X	X		X		
Club or lodge	C	C	C	C	C	X	X	X		X		X
Coal sales and storage												X
Construction storage (outside)												X
Convalescent home	C	C	C	C	C	X		X				
Curio and souvenir sales								X		X		
Dairy products sales and processing								X		X		X
Dairy products sales on-premises, retail sales only							X	X		X		
Delicatessen operations (including catering)						X	X	X		X		
Dry cleaning, commercial											X	X
Dry cleaning and laundry collection (no cleaning on premises)							X	X		X		
Dwelling, multiple-family		X	X	X	X	S'	S'	S'		S'		
Dwelling, single-family	X	X	X	X	X	S'	S'	S'		S'		
<del>Eating or drinking facilities (drive-ins excluded)</del>							X	X		X		
<del>Eating or drinking facilities (drive-ins included)</del>							X	X		X		
Employee's service (not designed for or available to public customers)											X	X
Exterminating service										X	X	X
Fairground activities (including carnivals and circuses)	C										C	
Farm machinery sales and servicing												
Farm machinery sales and servicing										C	X	X
Farmer's market, open-air	C						C			C		
Farm supplies merchandise (excluding farm machinery)								X		X	X	X

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Permitted Uses	RR	R-15	R-5	R-6A	O & I	C-1	CB	HS(P)	C(P)	M-1	M(P)
		R-10 R-6	R-5A C	C					C-3	M-2	
Fire station operations	C			C	X	X			X		X
Flower shop						X	X		X		
Food freezer operations						X	X		X	X	X
Food sales <= 12,000 sq ft in area						X	X		X		
Food sales (> 12,000 sq ft in area)						X			X		
Funeral home					X				X		
Fur sales, including cold storage									X	X	X
Greenhouse operations, commercial									X	X	X
Gunsmith									X		
Hardware, paint, and garden supply sales						X	X		X		X
Hatchery operations											
Home care unit	C	C	C	C							
Home for the aged	C	C	C	C	X						
Home furnishing and appliance sales	X	X	X	X			X				
Home occupation, incidental							X				
Hospital or sanitarium	C	C	C		X					X	X
Ice manufacturing										X	X
Industrial operations not otherwise prohibited											X
Industrial sales of equipment or repair service											X
Industry, pilot operation									X	X	X
Janitorial service									X		
Laboratory operations, medical or dental					X		X		X		
Laboratory, research					X		X		X		
Laundering, commercial									X		
Laundering or dry cleaning customer self-service							X		X		
Library	X	X	X	X	X		X		X		X
Livestock sales and auctioning	C										
Locksmith, gunsmith							X		X		X
Machine tool manufacturing or welding							X				X

TABLE OF PERMITTED AND CONDITIONAL USES

Permitted Uses	RR	R-15 R-10 R-6 X*	R-5 R-5A	R-6A	O & I	C-1	CB	HS(P)	C(P) C-3	M-1	M(P) M-2
Manufactured home, Class A											
Manufacturing (See Industries)											
Mobile home (individual) for exhibition	C	C	C	C	C	C	E	C	C	C	C
Mobile home park, but excluding any mobile home sales				X							
Mobile home sales but excluding any residential occupancy									X		
Monument sales									X	X	X
Monument works									X	X	X
Newspaper publishing					X	X	X	X	X	X	X
Newsstand sales											
Nursery operation (plants) retail and production	C									X	X
Nursing home	C	C	C	C	X				X		
Office supplies and equipment, sales and service							X		X		
Office use of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession					X	X	X		X		
Office use, with no on-premises stock of goods for sale to the general public and the operations and service of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material					X	X	X		X		
Optician services					X		X		X		X
Pawn shop and swap shop sales							X		X		
Pet sales, excluding kennel activities or outside storage of animals							X		X		
Pharmaceutical sales						X	X		X		

TABLE OF PERMITTED AND CONDITIONAL USES

Permitted Uses	RR	R-15 R-10 R-6	R-5 R-5A	R-6A R-6A	O & I	C-1	CB	HS(P)	C(P) C-3	M-1	M(P) M-2
Photography, commercial							X		X		
Plant husbandry, including sale of produce raised on premises									X		X
Post office					X	X	X		X		
Printing and reproduction					X	X	X		X		X
Private recreation or swimming club, nonprofit	C	C	C	C	X	X		X			
Public recreation (such as neighborhood center buildings, parks, museums, playgrounds), on a nonprofit basis and similar facilities operated	C	C	C	C	C	C	X	C	C		
Public and community utility stations or sub-stations	C	C	C		C	C		C	C		X
Public utility works, shops or storage yards									X		X
Quarry operations											C
Radio or television studio activities only					X		X		X		
Radio or television transmitting and receiving stations and towers (studios not included)	C	C	C	C	C				C		X
Railroad station operations									X		X
Railroad yard operations					X	X	X		X		X
Reducing salon care											
Recreation or amusement enterprise conducted inside a building and for profit, and not otherwise listed herein							X	X	X		
Recreation or amusement enterprise conducted outside a building and for profit, and not otherwise listed herein									X	X	
Religious worship activities	X	X	X	X	X	X	X		X		

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TABLE OF PERMITTED AND CONDITIONAL USES

Permitted Uses	RR	R-15 R-10 R-6	R-5 R-5A	R-6A	O & I	C-1	CB	HS(P)	C(P) C-3	M-1	M(P) M-2
Repair, rental, and/or servicing of any product the retail sale of which is a use-by-right in the same district						X	X		X		X
Restaurant						X	X	X	X		
Retailing or servicing with operations conducted and merchandise stored entirely within a building and not otherwise listed herein							X				
Riding academy activity	X										
Rooming house operation		C	C		C						X
Sawmill or planing activities									X		X
Secondhand, pawn and swap-shop sales							X		X		
School, business and commercial							X		X		
School for nurses or other medically oriented profession	C	C	C	C	X		X		X		
School, private, elementary or secondary	C	C	C	C	C						
School, public	C	C	C	C	C						
School, trade or vocational							X		X		
Secondhand sales							X		X		
Sheet metal fabrication											X
Sign (See article XI of this chapter)											C
Solid waste disposal facilities	C							C	C	C	C
Special information sign, insert	C	C	C	C	C	C	X	C	C	C	C
Storage, flammable											X
Storage, open											X
Storage warehouse						X					X
Tailoring (dressmaking)							X				
Taxicab stand operations							X				X
Teaching of art, music, dance, dramatics, or other fine arts					X	X	X				

TABLE OF PERMITTED AND CONDITIONAL USES

Permitted Uses	RR	R-15 R-10 R-6	R-5 R-5A	R-6A C	O & I	C-1	CB	HS(P)	C(P) C-3	M-1	M(P) M-2
	Telephone exchange operations	C	C	C	C	X	X	X		X	
Temporary construction building (including mobile structures, see section 42-64)	X	X	X	X	X	X	X	X	X		X
Theater productions, indoor							X	X	X		
Theater productions, outdoor	C								C		X
Tire recapping											
Tobacco, retail sales									X		X
Tobacco processing											X
Tobacco sales warehouse											X
Trades contractor activities excluding outside storage of equipment or supplies							X		X		X
Trades contractor activities with outside storage of equipment or supplies											X
Trading stamp redemption							X		X		X
Trailer rentals									X		X
Transient lodgings							X	X	X		X
Truck terminal activities repair and hauling and/or storage									X		X
Upholstering or furniture refinishing								X	X		X
Variety, gift and hobby supply sales						X	X		X		X
Vehicle (commercial, government) repair or storage									X		X

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Permitted Uses	RR	R-15 R-10 R-6	R-5 R-5A	R-6A	O & I	C-1	CB	HS(P)	C(P) C-3	M-1 M-2
Vending machine rental										
Warehouse (See Storage warehouse)										
Wholesale sales with operations conducted and merchandise stored entirely within a building and not otherwise listed herein										

<sup>1</sup> Special use permit required for mixed use building, see section 42-91(f), except for CB district – see Sec. 42-35.

<sup>2</sup> In conjunction with a restaurant or bar/nightclub only.

(Code 1978, § 12.88; Code 1995, § 156.035; Ord. of 1-10-1972; Ord. of 7-2-1973; Ord. of 9-26-1983; Ord. of 10-10-1994; Ord. of 9-11-1995; Ord. of 4-23-2001, § 156-035; Ord. of 3-13-2006, § 156.035; Ord. No. 2007-2, § 156.035, 11-26-2007; Ord. No. 2007-5, § 156.035, 11-26-2007; Ord. No. 2009-11, § 3, 5-26-2009; Ord. No. 2009-19, § 156.032, 12-14-2009)

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## ARTICLE VII. PLANNED DISTRICTS

### Sec. 42-168. Specifications for certain planned districts.

Plans for the ~~Central Business District (CB), the~~ Planned Highway Service District HS(P), the Planned Commercial District C(P), and the Planned Industrial District M(P) must meet all of the general provisions and the yard, lot, parking, building, sign, and other requirements pertaining to these districts as contained in this chapter. In addition, recommendations will be obtained from the county planning department and considered by the board of aldermen who may require that additional information be shown which is needed to properly evaluate the merits of the proposed development as to the adherence to the general land use plan and the impact of the proposed development on surrounding land uses.

Secs. 42-169—~~42-173~~ ~~42-189~~. Reserved

### Sec. 42-174. Specifications for the Central Business District (CB).

Plans for the central business district (CB) must comply with the below provisions along with other general provisions contained within this chapter. Incorporated by reference herein, the provisions of the *Facade Improvement Guide For: The Town of Spring Lake, North Carolina (undated)*, hereinafter "façade guide," shall be the prevailing standard for all development, change-in-use and re-development within this district.

- (a) Uses allowed. Only those uses specifically allowed within the Central Business District as specified in Article III shall be considered for development regardless whether new development, change-in-use or redevelopment, except that alcohol sales shall only be allowed as open beverages served in a restaurant or bar/nightclub.
- (b) 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 for any new divisions of property, except where specifically approved otherwise by the board of aldermen and when the application can show that the intent of the district regulations can be met.

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- b. Front and corner side setbacks shall be as required by this ordinance, specific allowances shall be given to ensure consistency with the setbacks of the adjacent and nearby buildings, and 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 provide for adequate site distance for vehicular traffic entering and exiting the subject and adjacent properties when a drive or side street is present or a minimum of 20 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. It is imperative that the developer and/or their design professional consult the facade guide and implement the provisions of said document into their proposed plans. The staff review of any development under the provisions of this section shall ensure that the purpose and intent of the guide are met or will be met upon construction prior to presentation of the proposed plans to the board of aldermen. Any criteria established within the guide that is not or cannot be implemented into the development, re-development or change-in-use project shall be specifically noted in the staff report when the project is presented to the board of aldermen.
- b. The maximum building height shall be 30 feet or a maximum of two stories, whichever is less; except where otherwise specifically approved by the board of aldermen when it has been determined that a proposed building higher than two stories would not pose an obstruction to air traffic.
- 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 not facing the street 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.

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- 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. Sidewalks shall be 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 where on-street parking is not provided; and with the number and types of trees and landscaping meeting or exceeding the standards of this ordinance. A 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.
- c. Pedestrian walkways should be delineated from any off-street parking area by separate paved routes using a variation in paved texture and/or color, and protected from adjacent vehicle circulation areas.
- d. Where sidewalk construction is not feasible due to a change-in-use or redevelopment, the developer shall pay a fee in lieu of sidewalk construction in an amount consistent with the actual cost of installing the sidewalk. The monies generated from this section shall be used by the town for sidewalk construction and/or maintenance of sidewalks within the central business district CB. [Note: Must first be coordinated with Town Finance before submitting for approval.]

#### (4) Landscaping.

- a. Flowering street trees shall be provided in an amount equivalent to at least one tree for every 20 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 a non-flowering tree is proposed to be planted that would be conducive to the proposed development, specific approval from the board of aldermen for the alternative tree specimens 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.
- b. Developments within this district shall be exempt from the street tree requirements of Article IX of this chapter subject to sub-section (a) above;

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however, for the yard space and off-street parking areas landscaping shall be required the same as required by Article IX for any proposed development.

### (5) Parking and driveways.

- a. Off-street parking shall be provided as required by Article X to the rear or side of the principal structure being served. 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 X. Where on-street parking is provided immediately adjacent to the property to be developed, such parking immediately adjacent and in front of the lot where the proposed/existing structure is located may be counted toward the calculation of the minimum number of required off-street parking.
- 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 North Main Street, driveway/service access shall be restricted to the side street.

### (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 district.
- 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 signs within the central business district CB shall comply with the dimensional provisions as regulated in Sec. 42-293(2)c. In addition, signage shall contain no more information than to identify the business to which it serves with no other commercial message and shall be constructed of materials consistent with and complementing the principal structure and other signs in the immediate area as specified in the aforementioned façade guide.

(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

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Section 1102.M shall apply in this district as well as the recommendations of the façade guide.

(9) Open space/public space. Where possible, property owners are encouraged to preserve and provide open space areas, and have the areas delineated on the site plan. If preserved open space or developed public spaces are offered to and accepted by the town, the property owner will receive a density bonus for the equivalent land area outside the main street overlay district. The density bonus shall be calculated at the R10 density rate.

(10) Conflict with other ordinance or regulatory provisions. Wherever there is conflict or inconsistency between the main street 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 chapter, the overlay district provisions shall prevail.

Secs. 42-175—42-189. Reserved

### **Sec. 42-293. Signs permitted by districts.**

*(2) Professional, commercial and industrial districts.*

c. *CB Central Business District.* Signs for uses permitted in the CB district shall be regulated as follows:

1. ~~One Two~~ attached signs ~~is are~~ permitted per occupant business except on through lots or lots having frontage on two or more streets, in which case one two signs per occupant business for each frontage shall be permitted. The maximum total area of all signs shall be limited to two square feet per frontage of the lot. ~~When two or more buildings are on the same lot, the sign area will be proportioned in accordance with the frontage of the buildings.~~
2. All signs shall be attached to the principal structure or appurtenance in a manner consistent with the provisions of the Façade Improvement Guide for: The Town of Spring Lake, North Carolina. Signs may be placed perpendicular to the building with the lower edge being no less than nine eight feet above the ground. Signs shall not project over public right-of-way.

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### Sec. 42.359. Zoning permit required; approval of plans; issuance.

(a) It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to commence the moving, alteration, or repair of any structure or the use of any land or building, including accessory structures, until the zoning inspector has issued a zoning permit for such work or use, including a statement that the plans, specifications, and intended use of such land or structure in all respects conforms with the provisions of this chapter. Application for a zoning permit shall be made in writing to the zoning inspector on forms for that purpose. Zoning permits shall be void after six months from date of issue unless substantial progress on the subject has been made by that time.

(b) It shall be unlawful for the zoning inspector to approve any plans or issue a zoning permit for any purpose regulated by this chapter until he has inspected such plans in detail and found them in conformity with this chapter. To this end, the zoning inspector shall require that every application for a zoning permit be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the zoning inspector to ascertain whether the proposed activity is in conformance with this chapter:

(1) The actual shape, location, and dimensions of the lot.

(2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and any buildings or other structures already on the lot.

(3) The existing and intended use of all such buildings or other structures.

(4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(c) If the proposed activity as set forth in the application is in conformity with the provisions of this chapter, the zoning inspector shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the zoning inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of this chapter.

(d) All modifications, including changes in use and/or increase in density, to approved plans, other than those listed below, shall be reviewed in the same manner as a new project. The following minor modifications to an existing or approved development may be permitted by the zoning inspector without presentation to the board of aldermen after the inspector's consultation with the county planning staff provided no variance is required, the use does not change to any use not specifically allowed within the zoning district, the intent and layout of the approved plan is generally followed or if an existing development that the site layout does not substantially change, density is not increased, conditions of approval are not violated, and such changes do not cause a significant adverse impact:

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(1) Slight variations in the building dimensions that do not depart from the general approved layout and not exceeding ten percent of the original approved dimensions;

(2) Minor changes in parking lot or traffic lane dimensions;

(3) Minor dimensional changes to individual lots;

(4) Minor site modifications due to necessary engineering requirements;

(5) Change of location of elements included on the site plan that generally maintains relative alignment and orientation to the approved site plan;

(6) For any proposed change in use to an existing development, the use is specifically listed as a permitted use within this chapter for the district in which the property is located, no exterior structural changes unless otherwise allowed by the terms of this section, and all resultant standards of this chapter are complied with; and

(7) Other similar insignificant changes.

In reviewing such changes, the zoning inspector and/or county planning staff may require that the modification be handled in the same manner as a new application.

(Code 1978, § 12.119\*b); Code 1995, § 156. 146; Ord. of 1-10-1972)