

§ 4.3.8 NC-3 Overlay – Purpose

The NC-3 Overlay district is established to:

- A. Allow the development and improvement of ~~parcels larger than one and a half (1.5) acres~~ **of 201 Mill Street**, within the City's NC – 3 Zoning District.
- B. Encourage flexibility in the land uses permitted and require that proposed development has a residential nature as its principal element.
- C. Assure effective control over the phasing, location, type, and arrangement of uses appropriate to the NC-3 overlay district such that development and improvement of public open space(s) is part of the first phase of development.
- D. Cultivate a clear and consistent image for new development within the district.
- E. Bring about a general physical improvement of lands in the district through coordinated and comprehensive development.
- F. Promote the integration of new streets, circulation patterns, and recreational spaces into the City's existing settlement pattern.
- G. Promote the public welfare and otherwise achieve the intent of this Ordinance.

§ 4.3.9 District Boundaries

The boundaries of the NC-3 Overlay district are indicated on the Official Zoning Map.

§ 4.3.10 Application and Administration

- A. In a NC-3 Overlay district, the owner or owners of the **afore mentioned** property may apply on a form provided by the Zoning Official for designation as a NC-3 Overlay Project, which is necessary to permit the development of uses not permitted by right or special exception in the underlying district.
- B. The application shall include a Development Plan as described in § 4.3.4.
- C. Development shall not be permitted until and unless the Planning Commission has approved the application, including the Development Plan, and the Historic Preservation Commission has approved the same as being consistent with the Historic District Preservation Guidelines.
- D. Upon approval of the Development Plan by the Planning Commission and the Historic Preservation Commission, the owner shall follow the procedures set forth in Article 3 of this Ordinance for the review and approval of a subdivision plat and/or a Category 1 site plan.

§ 4.3.11 Development Plan

- A. The application shall include an overall Development Plan, drawn to an acceptable scale, which shall show:
1. Existing topography and existing significant natural features.
 2. Proposed street, sidewalk, and overall circulation system and parking facilities including approximate location of points of ingress and egress to existing public streets and highways.
 3. All existing easements of any kind. If easements are to be granted, a separate and preliminary easement plat shall be provided.
 4. The number of construction phases proposed, if any, with the plan showing the approximate boundaries of each phase, and the proposed completion date of each phase.
 - a. **If it is a phased project, the revitalization of the school building shall be part of the initial phase. The school building shall be completed with a 50 % occupancy prior to any subsequent phase being constructed. Each subsequent phase shall commence within 24 months from the issuance of the last Certificate of Occupancy of the previous phase.**
 - b. **If it is not a phase project; the school building shall be required to be completed with a 50% occupancy prior to any Certificate of Occupancy be issued for any other dwelling.**
 5. **Construction shall commence one year after the Planning Commission's approval. If construction has not commenced within the time frame, the applicant shall appear before the Planning Commission and provide legal documentation regarding the construction schedule/delay.**
 6. A tabulation of total number of acres in the project and the percentage thereof proposed to be devoted to the residential development, off-street parking, streets, parks, and other reservations.
 7. Proposed and existing buildings and structures with dimensions, setbacks and heights.
 8. Approximate location and size of recreational areas and other open spaces.
 9. Existing vegetation, proposed removal of vegetation, proposed replacement of vegetation, and monuments.
 10. Proposed lot layout.

11. Architectural elevations in color including at least one (1) presentation board of no smaller than twenty-four (24) inches by thirty-six (36) inches.
12. Residential densities and use types for each residential area and overall tract density.
13. A statement describing the proposed stormwater management, water supply and sewerage disposal facilities and systems.
14. A statement of the method intended to be used to assure that a consistent and compatible image for new development will be developed within the district, including architectural design, and signage.
15. Any other requirements set forth in this Ordinance.

§ 4.3.12 Permitted Uses, Special Exception Uses

- A. **As part of the Special Exception process, the applicant shall provide a detailed development proforma to the Planning Commission and a full financial disclosure to the City attorney and City manager for their review in conjunction with the development application. The financial disclosure will be considered a confidential document and not available to the general public or any other City official.**
- B. All uses permitted by right in the underlying NC-3 district shall be permitted by right in a NC-3 Overlay district project.
- C. All uses permitted by special exception in the underlying NC-3 district shall be permitted by special exception in a NC-3 Overlay district project.
- D. Any multi-family development shall:
 1. Occupy no less than one and **eight tenths** ~~a half~~ (1.5**86**) acres of site area;
 2. **Have a residential density no greater than thirteen (13) units to the acre – Keep?;**
 3. Have a maximum building height of thirty-five (35) feet;
 4. Have thirty percent (30%) of useable open space; and
 5. Have all required parking on site.
- C. No building or use shall occupy a location other than indicated on the approved Development Plan.

D. All changes in land use and use locations, or other material changes, shall require amendments to the Development Plan and the approval by the Planning Commission of such amendments as noted in § 4.3.7.

E. All development is subject to Historic Preservation Commission architectural review.

§ 4.3.13 Dimensional Requirements

The dimensional and density and yard and bulk requirements applicable to the NC-3 zoning district shall govern development in a multi-family project unless otherwise set forth herein and where deviations are authorized or required by the Planning Commission.

§ 4.3.14 Procedures for Approval of Development Plan

A. In reviewing the application, the Planning Commission shall consider the purposes of the NC-3 Overlay district with a view toward achieving the maximum public benefit of development. To this end, the Planning Commission shall consider the location of buildings, parking areas, and other features with respect to the topography, the adequacy and location of the open areas provided; the location and screening of parking lots, dumpsters, above grade utilities, and loading areas; the consistency in building patterns and architectural styles; the compatibility of the project with the neighborhood; and such other matters as the Planning Commission may find have a material bearing upon the stated purposes of the NC-3 Overlay district.

B. If the Planning Commission finds that a proposed Development Plan meets the purposes and standards of these regulations, it shall approve the Development Plan. If the Planning Commission finds the Plan fails to meet the purposes and standards of these regulations it shall deny the Development Plan.

C. Any departure from the proposed Development Plan without approval by the Planning Commission shall be cause for revocation of the approved NC-3 Overlay district development application and any permits approved. Any material change proposed to an approved Development Plan shall be submitted for approval in accordance with this section. If the change is minor, as determined by the Zoning Official, the change may be approved administratively.