

ARTICLE 7 - OVERLAY DISTRICTS

7.1. General Regulations

Requirements of an overlay district shall be applied in addition to any other applicable land use controls. Permitted and prohibited uses of underlying zoning classifications shall remain in effect; however specific land uses may be further limited by the overlay districts. In the event that overlay district standards conflict with other existing development requirements, the more restrictive regulations shall apply.

Overlay district development standards shall be applied to the following:

- (1)** The development of vacant land;
- (2)** Redevelopment or expansion of existing site ground coverage, which includes buildings, accessory uses or structures, parking and outdoor storage areas; and
- (3)** Any change in use that increases development intensity and results in increased traffic, water or air pollution. Examples of changes in use that may increase development intensity include, but are not limited to: alteration from a residential use to a commercial use or from a commercial use to an industrial use.

7.2. Neighborhood Protection Overlay (NPO)

(1) Purpose

The purpose of the Neighborhood Protection Overlay (NPO) is to protect existing residential development from encroachment by industrial development in those areas where lands zoned for, and historically used for, industrial development are adjacent to existing residential districts. This purpose is achieved by increasing the required buffer and setback requirements for industrial development located within a minimum proximity to residential districts.

(2) Permitted Uses

All uses permitted in the Heavy Industrial and Light Industrial zoning districts (Article 3) shall be regulated as conditional uses when located within two-hundred fifty (250) feet of any existing residence at the time of adoption of the zoning ordinance.

(3) Dimensional Standards

(A) Applicability

These dimensional standards shall apply to those uses permitted in the Heavy Industrial and Light Industrial zoning districts.

(B) Bufferyard

Town of Navassa Zoning Ordinance

Bufferyards shall be provided and maintained along all property boundaries adjacent to land that is used or zoned for residential purposes. The bufferyard shall be a minimum Type II and may be a Type III or Type IV as specified in Article 13 with the associated land uses in Appendix 1 (Table of Permitted Uses). The most restrictive bufferyard language in Article 13 shall apply.

(C) Building Setback

All buildings shall be set back no less than one-hundred (100) feet from any property boundary adjacent to land that is used or zoned for residential purposes.

7.3. Bypass Overlay District (BYO)

(1) Applicability

The Bypass Overlay District (BYO) shall be in effect in the Town of Navassa for all property located within six-hundred sixty feet (660') of the North Carolina Department of Transportation (NCDOT) right-of-way or planned right-of-way of the US Highway 17 (Wilmington) I-140 Bypass, as measured from and perpendicular to each side of the highway. All structures, buildings, and land improvements associated with non-residential land uses shall fall under the authority of the BYO.

(2) Purpose

The purpose of the Bypass Overlay District is to encourage development practices that maintain and/or enhance the natural beauty and scenic quality of an identified highway corridor for the benefit of the motoring public and to protect the health, safety, and welfare of the motoring public by reducing impediments such as light glare, distractions, and visual clutter/obstructions. This purpose is achieved by addressing physical characteristics of development including: structure height, right-of-way setbacks, vegetative buffers, maximum impervious surface, parking and loading, outdoor storage, signage, and exterior lighting.

(3) Development Standards

(A) Structure Height

Structures within the BYO shall be limited in height to a maximum of forty (40) feet as measured from the finished ground floor elevation to the highest point of the roof or structure. Chimneys, cupolas, and steeples are not included in measuring a structure's height.

(B) Right-of-way Setback

Buildings within the BYO shall be set back no less than one-hundred (100) feet from the right-of-way of the I-140 Bypass, including the full

Town of Navassa Zoning Ordinance

length of controlled access right-of-way that extends away from the highway at intersections.

(C) Bufferyard

A bufferyard of fifty (50) feet shall be provided and maintained immediately adjacent to and along each side of the bypass right-of-way, including the full length of controlled access right-of-way that extends away from the highway at intersections. Where public necessity requires the location of major public utility lines adjacent to the 1-140 Bypass and the easement or right-of-way for a line precludes provision of a bufferyard immediately adjacent to the highway right-of-way, the required bufferyard shall be provided adjacent to the outer edge of the utility easement or right-of-way.

1. **Composition.** To the greatest extent possible, existing planting material within the buffer yard shall be retained – particularly mature trees and rare specimens. Where adequate plant material is absent or to be removed, a landscaped buffer consisting of two (2) canopy trees and two (2) understory trees per one-hundred (100) linear feet of property frontage shall be installed. In addition, one upright shrub per eight (8) linear feet of property frontage shall also be installed.
2. **Permitted Structures.** The following structures may be built within the required buffer yard.
 - a. Pedestrian or bicycle paths;
 - b. Planters, retaining walls, fences, park tables and seating, hedges, and other landscaping structures; and
 - c. Utility lines (above or below ground), their support structures, and minor structures accessory to utility lines, provided that they generally cross rather than run along the length of the buffer yard.

(D) Maximum Impervious Surface

The maximum permitted coverage by impervious surfaces shall be eighty percent (80%) of the total lot area.

(E) Parking and Loading

1. **Parking.**
 - a. **Locational Requirements.** No vehicular or equipment parking except automobile parking shall be permitted in the yard area adjacent to the I-140 Bypass. When more than

Town of Navassa Zoning Ordinance

source can be seen from the highway or thoroughfare or from above.

(H) Exterior Lighting

All exterior lighting shall be constructed or located so that the light source is not directly visible from a vehicle traveling the I-140 Bypass and does not project glare onto the highway or access roads. The use of full cutoff lighting fixtures is strongly encouraged.