

## CHAPTER 5

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 14-501 Off-Street Parking Requirements
- 14-502 Off-Street Loading Requirements Requirements
- 14-503 Temporary Use Regulations
- 14-504 Home Occupations
- 14-505 Gasoline Service Station Restrictions
- 14-506 Swimming Pool Restrictions
- 14-507 Development Standards for Multi-Family Dwellings
- 14-508 Standards for Signs, Billboards, and Other Advertising Structures
- 14-509 Development Standards for Mobile Home Parks
- 14-510 Overlay Zone for Residential Development
- 14-511 Development Standards for Automobile Wrecking, Junk,  
and Salvage Yards
- 14-512 Development Standards for Cemeteries
- 14-513 Special Conditions for Bed and Breakfast
- 14-514 Development Standards for Transmission, Relay, and  
Communication Towers and Stations
- 14-515 Development Standards for Single-Family Attached Dwellings
- 14-516 Development Standards for Self-Service Storage Facilities
- 14-517 Gated Community

#### **14-501 OFF-STREET PARKING REQUIREMENTS**

In all districts, except C-1 District, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9' x 18')

and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses, as set forth below:

A. Residential Activities

1. Permanent

a. Dwellings: Single-Family, Detached and Attached; Duplexes and Mobile Homes

Two (2) spaces per each dwelling unit.

b. Dwellings, Multi-Family

Two (2) spaces per each dwelling unit.

2. Semi-Permanent

a. Boarding or Rooming House

One and one-half (1 1/2) spaces for each dwelling or rooming unit.

B. Community Facility Activities

1. Cultural and Recreational Services

Accessory off-street parking shall be provided for the specific number of square feet of gross area or seating capacity or other specified unit of measurement (or fraction or one-half (1/2) or more thereof) for the type following specified uses within the activity types indicated.

a. Art Galleries, Museums, Libraries

One (1) space for each eight hundred (800) square feet of gross floor area, plus one (1) space for each employee on the shift of maximum employment.

b. Swimming Pools

One (1) space per four (4) persons, based on design capacity of pool.

- c. Parks, Playgrounds and Athletic Fields  
Ten (10) spaces for every acre of land devoted to field, plus one (1) space for every four (4) spectator seats.
  - d. Recreation Centers and Gymnasiums (Public/Nonprofit)  
Fifty (50) percent of the capacity in persons.
2. Essential Public Transport, Communication, and Utility Services
- a. Electric and Gas Substations  
One (1) space for each employee on major shift, plus one (1) space per company vehicle.
3. Administrative Services; Government Office  
One (1) space for each three hundred (300) square feet of gross floor area.
4. Community Assembly  
One (1) space for every three (3) persons of rated capacity of the facility.
5. Education Facilities; Public and Private Schools
- a. Kindergarten and Nursery  
One and one-half (1 1/2) spaces for each employee.
  - b. Elementary and Middle Schools, Grade 1-9  
One (1) space for each teacher and staff member, plus one (1) space per two (2) classrooms.
  - c. High School, Grades 9-12 (Without Athletic Field or Gymnasium)  
One (1) space for each teacher and staff member, plus one (1) space for every three (3) students, based on design capacity.
  - d. High School, Grades 9-12 (With Athletic Field or Gymnasium)  
The minimum parking required shall be the greatest number of spaces required among 14-501, B, 1, c; 14-501, B, 1, d; or 14-501, B, 5, c.
  - e. Vocational or Trade Schools  
One (1) space for each student, plus one (1) space for each employee.

6. Extensive Impact Facilities

a. Airports, Heliports, or Other Aeronautical Devices

One (1) space for each employee, plus one (1) space for every one hundred (100) square feet of gross floor area in areas open to the public.

b. Detention or Correctional Institutions

One (1) space for each staff member and facility vehicle, plus one (1) space per twenty-five (25) inmates.

c. Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities

One (1) space for each employee.

d. Railroad, Bus, and Transit Terminals for Passengers

One (1) space for each two hundred (200) square feet of waiting room.

e. Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards

One (1) space for each employee.

f. Water and Sewage Treatment Plants

One (1) space for every employee.

7. Health Care Facilities

a. Hospitals

One (1) space for every two (2) beds, plus one and one-half (1 1/2) spaces for each emergency room examination table or bed, plus one (1) space per employee on major shift and allowing for shift overlap, other than doctors, plus one (1) space for each doctor on staff. Major shift would be defined as the shift with the most employees at any given time.

b. Medical or Dental Clinics

Three (3) spaces for each doctor or dentist, plus one (1) for each additional staff member.

8. Special Personal and Group Care Facilities

a. Day Care Facilities

One (1) space for each staff member, plus one (1) space for every eight (8) pupils.

b. Family and Group Care Facilities

Two (2) spaces for every employee.

c. Nursing Homes or Convalescent Homes

One (1) space for each staff member and allowing for shift overlap, plus one (1) space for each five (5) patients.

9. Religious Facilities

All uses: One (1) space for each three (3) seats.

C. Commercial Activities

Uses Located on Freestanding Sites

One (1) parking space shall be required for each of the following amounts of gross floor area. For example, where you see the number 250, in the column labeled GROSS FLOOR AREA, this means, one (1) parking space is required for every two hundred-fifty (250) square feet of gross floor area in the building, or rooms to be used for each activity.

	<u>Activity Type</u>	<u>Gross Floor Area (Square Feet)</u>
1.	<u>Nursery or Green House Retail Sales</u>	One (1) space per 1,000 square feet of sales area, plus one (1) space for each employee.
2.	<u>Retail Trade - Automotive, Marine Craft and Aircraft Sales, Rental and Delivery</u>	One (1) space per 500 square feet of enclosed sales or rental floor area, plus one (1) space per 2,500 square feet of open sales or rental display area, plus two (2) spaces per service bay, plus one (1) space for each employee.

3. **Retail Sale of Building Materials, Farm Equipment and Hardware** One (1) space per 400 square feet of enclosed sales area, plus one (1) space per 2,500 square feet of open sales display area, plus one (1) space for each employee.
4. **Food and Beverage Service** One (1) space for every three (3) seats, plus one (1) space for each employee on major shift.
5. **Food Service Drive-In**
- a. **Fast Food Restaurant with Drive-Thru Service** One (1) space for every two (2) seats, plus one (1) space for each employee on major shift.
- b. **Fast Food Restaurant (Carry-Out only with No Seating)** One (1) space per two hundred (200) square feet of building or four (4) spaces, whichever is greater.
6. **Retail Food Stores**
- a. **Convenience Store (Without an Internal Food Service with Sit Down Seating)** 150 sq. ft.
- b. **Convenience Store (With an Internal Food Service with Sit Down Seating)** One (1) space for every one hundred-fifty (150) square feet, plus one (1) space for every two (2) seats and one (1) space for each employee on the major shift.
- c. **Grocery Store** 200 sq. ft.
7. **General Retail Store**
- a. **Up to 25,000 Square Feet** 200 sq. ft.
- b. **Over 25,000 Square Feet** 250 sq. ft.

8.	<b><u>Furniture Store and Home Furnishings</u></b>	200 sq. ft.
9.	<b><u>Shopping Center</u></b>	
	100,000 Square Feet or Less	200 sq. ft.
	Over 100,000 Square Feet	250 sq. ft.
	<b><u>Service Activities</u></b>	
1.	<b><u>Animal Care and Veterinarian Services; Veterinary Hospital</u></b>	Three (3) spaces for every doctor, plus one (1) space for each employee.
2.	<b><u>Automobile Services and Repair</u></b>	One (1) space for each employee, plus two (2) spaces for each service bay.
3.	<b><u>Business Services</u></b>	
	(All Uses)	400 sq. ft. Plus one (1) space for each employee.
4.	<b><u>Contract Construction Office</u></b>	300 sq. ft. Plus one (1) space for each company vehicle.
5.	<b><u>Equipment Repair Services</u></b>	300 sq. ft.
6.	<b><u>Entertainment and Amusement</u></b>	
	a. <b><u>Art Galleries</u></b>	800 sq. ft.
	b. <b><u>Bowling Alleys</u></b>	Five (5) spaces for each alley, plus one (1) space for each employee.
	c. <b><u>Billiard Parlor</u></b>	Two (2) spaces per table.
	d. <b><u>Coin Operated Arcades</u></b>	250 sq. ft.
	e. <b><u>Commercial Recreation</u></b>	
	Dance Halls and Skating Rink	100 sq. ft.
	Golf Courses, Driving Range, Putt-Putt Course	Six (6) spaces per hole, plus one (1) space for each employee.

	<b>Exhibitions Halls, Auditoriums, Amphitheaters</b>	One (1) space for each three (3) seats, plus one (1) space for each employee.
f.	<b><u>Motion Picture Theater</u></b>	One (1) space for each three (3) seats, plus one (1) space for each employee.
g.	<b><u>Recording, Television, and Radio Studios</u></b>	One (1) space for each employee.
h.	<b><u>Resorts and Group Camps</u></b>	One (1) space for every campsite, plus one (1) space for each employee.
i.	<b><u>Fairgrounds, Amusement Parks, Carnivals, Circuses</u></b>	One (1) space for every 200 square feet of enclosed building, plus one (1) space for every three (3) persons the facility is designed to accommodate.
7.	<b><u>Finance, Insurance and Real Estate Services</u></b>  (All Uses)	200 sq. ft. Plus one (1) space per each employee.
8.	<b><u>Gasoline Service Station</u></b>	500 sq. ft. Plus two (2) spaces for each service bay and one (1) space for each employee.
9.	<b><u>Funeral, Mortuary, Undertaking Services</u></b>	One (1) space for every four (4) seats, plus one (1) space for each employee, plus one (1) space for every company vehicle.
10.	<b><u>Office Professional</u></b>	300 sq. ft.



11. **Transient Habitation**

a. **Hotel, Motels, Tourist Homes  
or Courts**

One (1) space for each room to be rented, plus one (1) space for each employee.

b. **Sporting and Recreational  
Vehicle Camps**

One (1) space for each travel vehicle or pad, plus one (1) space per each employee.

D. **Industrial and Technical Park Activities**

1. **Manufacturing Industry, or Technical Park**

Five (5) spaces, plus one (1) space for each employee on the shift of maximum employment.

2. **Warehousing, Foods or Freight Transport, and Storage**

One (1) space for each five thousand (5,000) square feet of gross floor area plus one (1) space for each ten thousand (10,000) square feet of open storage. A minimum of five (5) spaces shall be provided by any establishment.

3. **Automobile Wrecking Yards, Scrap Metal Processing, Junk Yards**

One (1) space for each one thousand (1,000) square feet of gross floor area.

E. **Other**

For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding use classification listings cited within Section 14-303, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

**14-501.1 Certification of Minimum Parking Requirements**

Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be show on a drawing of the parking lot. The drawing shall be drawn to scale. This information shall enable the Building Inspector to determine whether or not the requirements of this section are met.

**14-501.2 Combination of Required Parking Spaces**

The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be

assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

### **14-501.3 Remote Parking Spaces**

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

### **14-501.4 Extension of Parking Area into a Residential District**

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

1. The parking area adjoins a commercial or industrial district.
2. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
3. The parking area is separated from abutting properties in the residential districts by a ten (10) foot buffer strip.

### **14-501.5 Requirements for Design of Parking Lots**

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than one hundred sixty-two (162) square feet in area.
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 14-409, of this ordinance.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
5. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.

6. All off-street parking areas containing three (3) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced, dustless material. All parking areas shall be constructed so as to provide for adequate drainage both on-site and off-site, and to prevent the release of dust. All parking spaces shall be clearly marked. In no case, shall drainage be allowed to cross sidewalks.
7. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.
8. All parking lots shall be in compliance with the American Disabilities Act.

**14-501.6 Handicapped Parking Standards**

All off-street handicapped parking spaces shall conform to the Federal Americans with Disabilities Act requirements and be designated as reserved for the physically handicapped by a sign showing the symbol of accessibility. The following minimum standards shall be met:

1. Location of Handicapped Parking Spaces

Parking spaces designated for the physically handicapped shall be located to provide the shortest possible accessible circulation route to an accessible entrance of the building.

2. Number of Handicapped Parking Spaces Required

The number of parking spaces to be reserved for the handicapped shall be as follows:

**NUMBER OF PARKING SPACES TO  
BE RESERVED FOR HANDICAPPED**

<b><u>Total Spaces</u></b>	<b><u>Numbered of Spaces to Be Reserved for Handicapped</u></b>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of Total
Over 1000	20 Plus 1 for Each 100 over 1000

3. Minimum Handicapped Parking Size Requirements

All off-street handicapped parking spaces shall conform to the following size requirements:

- a. Handicapped parking spaces must be at least eight feet by eighteen feet (8' x 18'). **(Amended by Ordinance No. 2000-1, January 11, 2000)**
- b. Handicapped parking spaces must be adjacent to an access aisle measuring at least five feet by eighteen feet (5' x 18'). Two (2) handicapped accessible parking spaces may share a common access aisle.

**14-502 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

Every building or structure, hereafter, constructed and used for business or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<b><u>Total Usable Floor Area for Principal Building</u></b>	<b><u>Spaces Required (See CHAPTER 3, for Definition)</u></b>
0 to 9,999 square feet	One (1) space
10,000 to 14,999 square feet	Two (2) spaces
15,000 to 19,999 square feet	Three (3) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for each additional 20,000 square feet

**Off-Street Loading and Unloading Requirements for Industrial Uses:**

5,000 to 40,000 square feet	One (1) space
Over 40,000 square feet to 100,000 square feet	Two (2) spaces
Each additional 100,000 square feet or major fraction thereof	One (1) space

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

**14-503 TEMPORARY USE REGULATIONS**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Building Inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, to determine yard requirements setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. Carnival or Circus

May obtain a Temporary Use Permit in the C-2, C-3, I-1, or F-1 Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

B. Limited Duration Goods and Seasonal Merchandise

May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and seasonal merchandise not sold throughout the year on open lots in any district.

C. Temporary Buildings

In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Fayetteville Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2), six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

E. Religious Tent Meeting

In any district, except the I-1, General Industrial District, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

F. Temporary Dwelling Units in Case of Medical Hardships

In any district, a Temporary Use Permit may be issued to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Lincoln County Health Department and/or the Fayetteville Water and Sewer Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for six (6) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

G. Temporary Dwelling Unit in Cases of Other Special Services

In any residential district, a Temporary Use Permit may be issued to place a mobile home temporarily on a lot in which already contains a residential structure where the Fayetteville Board of Zoning Appeals finds that special circumstances or conditions fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Lincoln County Health Department and/or the Fayetteville Water and Sewer Department approving the sewage disposal system of the temporary structure. Such a permit may be renewed for up to six (6) months at a time, the total time for all permits shall not exceed eighteen (18) months. The temporary structure shall be treated as an accessory building.

H. Temporary Manufacture of Road Materials

In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Fayetteville Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this ordinance.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

## **14-504 HOME OCCUPATIONS**

Any home occupation shall meet the following requirements.

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, not to exceed five hundred (500) square feet.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- D. No home occupation shall be conducted in any accessory building.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.
- G. No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of the structure.
- H. Customary home occupations shall be limited to goods and services provided to individuals or groups, but not exceeding five (5) individuals in number at any given time.
- I. No fixed or temporary outdoor display of goods or outside storage of equipment, parts, or materials of any kind used in the home occupation shall be permitted. This shall include hazardous waste.
- J. All home occupation signs shall comply with Subsection 14-508.2, of this ordinance.
- K. The following are strictly prohibited as home occupations:
  - 1. The repair, washing, detailing, or upholstering of motor vehicles.
  - 2. A barber, beauty shop, or any similar activity where clientele or patrons are served on the premises.
  - 3. Tea rooms.
  - 4. Tourist homes (not to include bed and breakfast establishments).

5. Real estate offices.
6. Convalescent homes.
7. Mortuaries.
8. Animal clinics.
9. Retail sales business.
10. Photographic studios.

When questions arise regarding the legality of a specific home occupation, or if a previously permitted home occupation creates a potential nuisance or problems to the area residential neighborhood, the Board of Zoning Appeals shall determine whether said home occupation meets the criteria set forth in this section.

#### **14-505 GASOLINE SERVICE STATION RESTRICTIONS**

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than ten (10) feet to any street right-of-way line.
- C. Sign requirements, as established in CHAPTER 5, Section 14-508, shall be met.

#### **14-506 SWIMMING POOL RESTRICTIONS**

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, including aprons and walks, shall protrude into any required front and side yard in any residential districts.
- B. The swimming pool area shall be walled or fenced by a wall or fence no less than four (4) feet in height so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Openings in such barrier shall not allow the passage of a four (4) inch diameter sphere. Gates shall be self-latching and self-closing.
- C. Private swimming pools are permitted in residential, and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.
- D. A building permit is required.
- E. An alarm shall be installed on all newly constructed one and two-family dwelling swimming pools in accordance with the following: **(Amended by Ordinance No. 2011-01, January 11, 2011)**



1. The pool alarm shall be installed on any structure that is intended for swimming or recreational bathing and is designated to hold water to a depth greater than thirty-six (36") inches including but not limited to, in-ground, above ground, on-ground swimming pools, hot tubs and non-portable spas.
2. The pool alarm shall be a device that emits a sound of at least fifty (50) decibels when a person or object weighing fifteen (15) pounds or more enters the water in a swimming pool, excluding any protection devices designed for individual use.
3. The pool alarm shall be installed and fully functional prior to completion or use of the swimming pool.
4. Public swimming pools or multi-family housing swimming pools as defined in § 68-14-30 are exempt from this requirement.

## **14-507 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DWELLINGS**

The provisions set forth herein are intended to provide design criteria for multi-family dwellings located on a single zone lot or tract that abuts a public street. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Section 14-803, B, 2.

### **14-507.1 Development Standards**

#### **1. General Standards**

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single unbroken frontage; and
- c. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

#### **2. Detailed Standards**

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of twenty (20) feet shall be maintained between buildings.
- b. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking

courts, or garages and for convenient circulation and access to all facilities.

- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type, and number to the needs of the residents.

- g. Well equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Fayetteville Subdivision Regulations.
- i. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view by a fence or wall of no less than six (6) feet in height. Access shall be appropriately provided. Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear or serpentine alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. All hardware is to be galvanized, or, otherwise, rustproofed. All walls or fences shall have a minimum opacity of eighty (80) percent. Chain link fence may not be used to meet the requirements of this chapter. Fences and walls shall be maintained in good repair.

#### **14-507.2 Access and Parking Requirements**

##### **1. Access**

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 14-403 and 14-409, of this ordinance.
- b. Access and circulation routes shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans, and refuse collection.

##### **2. Parking**

- a. Parking spaces shall be provided in accordance with Section 14-501, of this ordinance.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one (1) of the two (2) required parking spaces per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where

appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

### **14-507.3 Open Space Requirements**

Any common open space established within a multi-family dwelling development shall be subject to the following:

#### **1. Quality Use and Improvement of Common Open Space**

- a. Common open space must be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common open space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water, and slopes in excess of fifteen (15) percent may be included in common open space. In making this determination, the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

#### **2. Maintenance of Open Space**

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the planned development plan. The provisions shall include, but not limited to, the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.

- d. The association(s) must be responsible for liability insurance, local taxes, and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

**14-508 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

**14-508.1 Intent and Objectives**

1. Statement of Purpose

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful, and attractive environment. Within this overall framework, it is the intent of these regulations to:

- a. protect the right to use signs for the identification of activities, products, services, events, and noncommercial messages;
- b. assure proper exposure of signs to their intended viewers;
- c. protect the right of individuals to privacy and freedom from nuisances;

- d. protect the value of property and improvements thereon;
- e. permit signs that are constructed and maintained in a safe condition;
- f. assure that signs are constructed and maintained in a safe condition;
- g. encourage design that enhances the readability and effectiveness of signs;
- h. prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
- i. reduce traffic hazards;
- j. eliminate obsolete signs;
- k. provide an efficient and effective means of administration and enforcement.

2. **Scope (Amended by Ordinance No. 2000-6, June 14, 2000)**

Except for governmental organizations or affiliations and signs that are prohibited in all districts in Subsection 14-508.3, 4, herein, these regulations shall apply to all signs and their appurtenances.

These regulations shall not in any manner attempt to censor the written or depicted copy on any permitted sign. Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations.

**14-508.2 Exempt Signs and Temporary Signs**

1. **Exempt Signs**

The following are exempt from the provisions of this chapter and from the requirement to obtain a sign permit.

- a. **Address and Name of Resident:** Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.
- b. **Artwork:** Works of art that do not include any commercial messages or references.

- c. **Construction Signs:** Temporary signs informing of general construction/development or warning of construction, excavation, or similar hazards so long as the hazard may exist. Warning signs are not limited in quantity nor in size. Construction signs shall include: individual contractor signs, architects, engineers, etc., related to the project, not to exceed six (6) square feet, either ground mounted or attached to temporary security fencing; one (1) on-site informational sign announcing a new building, or project, not to exceed thirty-two (32) square feet in area and eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a Certificate of Occupancy for the building is issued, whichever occurs first. The on-site informational sign may contain a list of the contractors, and/or professionals, financial institutions, etc., providing the maximum size is adhered to. Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a Certificate of Occupancy for the building is issued, whichever occurs first. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
- d. **Decals:** Decals affixed to windows or door glass panes, such as those indicating membership in a business group or credit cards accepted at the establishments.
- e. **Real Estate Directional Signs:** Temporary signs on public rights-of-way providing direction to real property for sale or lease, not to exceed two (2) square feet and no more than two (2) signs per function. No sign shall be placed in such a manner that would obstruct vision of motorists or be a detriment to the functions of business. All signs shall be removed within one (1) business day following closure. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.
- f. **Flags, Emblems, Insignia, and Banners:** Of any governmental agency or religious, charitable, public or nonprofit organization, and streamer type flags, or small colored flags strung together, or garland, subject to the following: no single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot. Wall-mounted flags, emblems, insignia, and banners shall be limited to one (1) per zoning lot and shall not exceed forty (40) square feet in area. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
- g. **Handicapped Parking Space Sign:** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.

- h. **Home Occupation Signs:** On-premise identification signs for home occupations shall not exceed two (2) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.
- i. **Public Signs:** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board.
- j. **Seasonal Signs:** Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- k. **Security and Warning Signs:** On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs, that do not exceed two (2) square feet in area in residential areas and five (5) square feet in commercial and industrial areas.
- l. **Temporary Political Signs:** Temporary political signs may be located in any residential, commercial, or industrial district. These signs are permitted in addition to any other signs permitted by this ordinance. These signs shall not be permitted on city property, city right-of-way, or State right-of-way. These signs shall be removed within seven (7) days after the election or political event.
- m. **Temporary Real Estate Signs:** Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one (1) sign per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area in residential zones and thirty-two (32) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the closure or lease of the property.
- n. **Temporary Directional Signs:** (See Special Event Signs, in Subsection 14-508.2, 2, a.)

2. **Temporary Signs Requiring Approval**

The following signs may be erected only after approval from the enforcing officer. For any temporary sign not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove such sign and charge the costs of removal to the individual or enterprise responsible.

- a. **Special Event Signs:** Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may



display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed fifteen (15) days for each event. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.

- b. **Temporary Farm Products Signs:** Temporary on-premise signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height. Temporary off-premise signs are limited to one (1), and shall require Planning Commission approval.
- c. **Construction Signs:** Temporary signs announcing new buildings, or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a Certificate of Occupancy for the building is issued, whichever occurs first. **(Amended by Ordinance No. 2000-6, June 14, 2000. Combined this Subsection to Subsection 14-508.2, 1, c)**
- d. **Auction Signs:** Signs announcing and directing the public to the auction site shall be limited to a maximum of two (2) signs per event and shall not exceed six (6) square feet, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorists or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this ordinance shall be removed at the owner's expense and be subject to penalty.
- e. **Temporary Banner Signs:** Temporary banners are signs composed of light weight material either enclosed or not enclosed in a rigid frame and constructed to withstand the force of the wind.
  - i. No person shall place or erect a temporary banner closer than five (5) feet to the right-of-way when ground mounted and parallel to the right-of-way. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
  - ii. No person shall place, erect or attach a temporary banner, whether on-site or off-premise to any utility pole, tree or other property of another person or business without first obtaining the consent of the property owner. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
  - iii. Temporary off-premise banners will require the approval of the Fayetteville Board of Mayor and Aldermen for the purpose of promoting a public event.

- iv. The total sign area of one (1) face banner shall not exceed fifty (50) square feet.
  - v. Temporary off-premise banners may be erected ten (10) days before the event and removed no later than five (5) days after the event. The removal date will be noted on the sign permit. No banner shall remain up over sixty (60) days and only two (2) event signs are permitted per year.
  - vi. The sign authorized herewith shall at all times be subject to the provisions of Subsection 14-508.3, General Provisions.
- f. **Pole Banner Signs**: Pole banner signs are composed of light weight material either enclosed or not enclosed in a rigid frame and constructed to withstand the force of wind.
- i. No person shall place, erect, or attach a pole banner sign to any utility pole without first obtaining the consent of the building inspector and property owner.
  - ii. The total sign area of one (1) face banner shall not exceed twenty-five (25) square feet.
  - iii. The sign authorized herewith shall at all times be subject to the provisions of Subsection 14-508.3, General Provisions.

### **14-508.3 General Provisions**

#### **1. General Standards**

- a. No sign, except for those specified in Subsection 14-508.2, 1, shall be erected until a permit has been obtained in accordance with the provisions of this ordinance.
- b. No sign shall resemble or approximate the size, shape, form, or color of any official traffic control sign, signal, or device.
- c. No sign shall be placed so as to obstruct or interfere with the visibility or effectiveness of any traffic control sign, or with driver vision at any access points.
- d. On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.
- e. No signs, except temporary directional, auction, realty, pole banners, and duly authorized governmental signs, shall be erected or maintained within any public street right-of-way. **(Amended by Ordinance No. 2000-6, June 14, 2000)**

- f. No sign shall be painted on or attached to any trees, rocks, fence posts, utility poles, or similar structures or objects, unless, otherwise, exempted in Chapter 3, Section 14-302, Definitions, "Sign Directional", and "Sign Incidental", Subsection 14-508.2, 1, c, or Subsection 14-508.2, 2, 3, iii. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
- g. No sign shall obstruct any doorway, window, or fire escape.
- h. The light from any illuminated sign shall be so directed, shaded, or shielded that the light intensity or brightness shall not adversely affect surrounding or facing premises nor affect in any way the safe vision of operators of moving vehicles. Light shall not be permitted to shine flash, or reflect on or into any residential structure.
- i. No pole sign shall exceed twenty-five (25) feet in height in any district.

2. Surface Area Display Standards

- a. The supports or uprights and any covering thereon on which one (1) or more signs is mounted shall not be included in the display surface area.
- b. On signs in which the copy together with the back-ground are designed as an integrated unit separate from the structure on which the sign is mounted, the display surface area shall be the total area within a perimeter that encloses the entire sign copy of background.
- c. On signs that do not have a distinct background separate from the structure on which the sign is mounted, the display surface area shall be the area within a continuous single perimeter composed of one (1) or more rectangles, circles, and/or triangles that enclose the extreme limits of the copy considered to be the sign.
- d. When two (2) sign faces of the same shape and dimensions are mounted back to back on the same sign structure and are either parallel to or from an angle not exceeding thirty (30) degrees, only one (1) of the sign faces shall be used to compute the display surface area. If the angle of the sign faces exceeds thirty (30) degrees, then both faces shall be used to compute the display surface area.
- e. In any district which permits advertising signs the computation of display surface area shall include both advertising and accessory signs.
- f. On a corner lot, a permitted sign may be located along each street frontage.

3. Height of Signs

The following general rules shall apply in the determination of the height of signs:

- a. The height of any sign shall be measured to the topmost point of the sign or sign structure from the average grade level at the base of the supports or the base of any sign directly attached to the ground.
- b. The height of signs placed on berms, mounds, or similar landscape features or on hills or mounds left after a lot is graded shall be measured from the finished or established grade around such features.

4. Signs Prohibited in All Districts

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal:

- a. Any sign that is abandoned, deteriorated, unsafe, or not otherwise identified as defined in this ordinance;
- b. Any sign which is painted on or attached to a vehicle or a vehicular trailer, unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner, thereof;
- c. Signs which are made structurally sound by guy wires or unsightly bracing;
- d. Signs which contain any kind of strobe or pulsating lights;
- e. Animated signs;
- f. Any sign with direct illumination provided by exposed bulbs or lamps;
- g. Off-premise signs, except as permitted in Subsection 14-508.2, 1, e, and 14-508.2, 2, b, d, and e, iii, 14-508.5, 1, c, ii. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
- h. Flashing signs;
- i. Handtacked signs on utility poles, fence posts and trees;
- j. Roof signs. **(Amended by Ordinance No. 2000-6, June 14, 2000, Deleted j, and k, becomes j)**

#### **14-508.4 Signs Permitted in Residential, and Agricultural Districts**

Within the residential districts, the following signs are permitted subject to the provisions as set forth herein.

##### **1. Community Facility Activities**

- a. A community facility activity may have one (1) civic sign constructed as a monument sign or a wall sign.
- b. A monument sign shall not exceed four (4) feet in height and twenty-five (25) square feet in size. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
- c. A wall sign shall not exceed fifty (50) square feet in size.
- d. Civic signs may be illuminated by indirect means or with luminous background, provided that the light source does not illuminate surrounding properties.
- e. Civic signs shall be set back from the street right-of-way and property lines, a minimum of five (5) feet.

##### **2. Development Signs**

- a. A development sign may be located at the major entrance to a new development. Said sign shall be removed within one (1) year of the approval of the development by the Planning Commission, provided that in the case of a multi-year development the time for removal may be extended by the enforcing officer one (1) additional year for each year the development is under continuous construction. Such signs may be either a pole or ground sign.
- b. A development sign shall not exceed three hundred (300) square feet in size nor fifteen (15) feet in height.
- c. A development sign shall not be lighted.
- d. Any development sign shall be set back from the street right-of-way a minimum of twenty (20) feet.

##### **3. Large Residential Signs**

- a. Subdivision identification signs may be permitted at the main entrances to a subdivision.
- b. Each subdivision is allowed a maximum of two (2) identification signs located at main entrances. These signs are to be located on private property or in a median if one is present.

- c. All subdivision identification signs shall be integrally designed as a part of a permanently constructed and maintained wall, fence, or similar feature or shall be a ground sign. All such areas shall be attractively landscaped.
- d. All subdivision identification signs and the attendant landscaped area shall be owned and maintained either by the owner/developer or by a legally established homeowner's association.
- e. Any lighting on such signs shall be integrated into the entrance feature and shall be subdued and shall light only such sign. No light shall shine or reflect on or into any residential structure.

**14-508.5 Permitted Signs in Commercial and Industrial Districts**

Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

1. Commercial District Signs

Within the C-1, C-2, C-3, C-4, and C-5 Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in Subsections d, e, and f. All other sign types are prohibited.
- b. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
  - i. Such sign shall not exceed eighty (80) square feet in display surface area.
  - ii. Such sign shall not project into the public right-of-way more than six (6) feet provided that in no case shall such sign be closer than two (2) feet from the curb or edge of pavement of the travelway, (C-1 Districts, only).
  - iii. Such sign shall not exceed twenty-five (25) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
  - iv. Such sign shall clear the established grade by a minimum of ten (10) feet.
  - v. Such sign shall be no closer than twenty-five (25) feet to any other projecting sign.
  - vi. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.

- c. Wall signs are permitted subject to the following standards:
- i. Such signs shall not exceed in combined display surface area ten (10) percent of the surface area of the front wall.
  - ii. Such sign shall be located on the front wall of the building, which is oriented to the street from which access is derived. For uses with two (2) street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage. An additional off-premises directional sign may be placed on the building wall, with the permission of the property owner, for the purpose of directing to another business. Such sign shall be limited to one (1) per wall, not to exceed ten (10) percent of the surface area of such wall. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
  - iii. Any side wall that can be viewed from the street may have wall signs that have a combined display area of no more than five (5) percent of the surface area of such wall.
  - iv. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
  - v. Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
  - vi. Such sign shall not cover or interrupt major architectural features of the building.
  - vii. If a use utilizes both wall and projecting signs, the total display surface area shall not exceed ten (10) percent of the surface area of the front wall.
  - viii. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- d. If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground sign or one (1) portable sign, and one (1) pole sign subject to the following standards enumerated in 14-508.5, 1, d, i through iv. All other signs on the same lot shall be wall signs.

- i. Such ground and pole sign shall have a maximum display surface area of eighty (80) square feet. Individual tenant panels shall not be included in the maximum display area calculations, but shall, however, be limited to a maximum eighty (80) square feet. All wall signs shall be subject to the provisions contained in Subsection 14-508.5, 1, c, vii.
  - ii. The maximum height of a pole sign shall be twenty-five (25) feet and of a ground sign four (4) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
  - iii. The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of twenty (20) square feet.
  - iv. Such sign shall be set back from the right-of-way a minimum of five (5) feet.
- e. A use may be permitted to have only one (1) banner sign subject to the following standards:
- i. Such banner sign shall not exceed fifty (50) square feet.
  - ii. No person shall place or erect a banner sign closer than five (5) feet to the right-of-way when ground mounted and parallel to the right-of-way.
  - iii. No person shall place, erect or attach a banner sign to any utility pole, or tree. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
  - iv. The banner sign authorized, herewith, shall at all times be subject to the provisions of Subsection 14-508.3, General Provisions.
- f. A commercial complex, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions:
- i. A commercial complex may be permitted one (1) pole, one (1) ground or one (1) portable and one (1) wall sign for each street frontage identifying the name of the complex or business. A commercial complex may also have one (1) banner sign subject to the provisions of Subsection 14-508.5, 1, e. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional pole sign and one (1) additional ground sign shall be permitted. The maximum size of each such sign shall be a ratio of one-half



to one (1/2:1) of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum sign area of two hundred (200) square feet. Individual tenant panels shall not be included in the maximum display area calculations, but, shall, however, be limited to a maximum eighty (80) square feet. Such sign shall not exceed twenty-five (25) feet in height if a pole sign; or four (4) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet. In the event the above ratio results in a sign less than fifty (50) square feet in size, then a minimum size sign of fifty (50) square feet shall be permitted.

- ii. Additional signage may be permitted on the building(s) within the complex and shall be either wall signs, projecting signs or signage painted on glass windows or a combination, thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display surface area of such signage shall be in scale with the size of the wall upon which it is located and be architecturally compatible. This display surface area of such signage shall not exceed ten (10) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.
  - iii. In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements, as in Paragraph (1), above.
  - iv. A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed ten (10) square feet and the maximum height shall be six (6) feet.
- g. Signs may be illuminated subject to the following standards:
- i. Exposed bulbs or luminous tubes are prohibited.
  - ii. No sign shall change color or intensity.
  - iii. In no event shall the light from any illuminated sign exceed one (1) foot-candle at the property line of any lot that is zoned residential or agricultural.

- iv. The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.
- h. This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional provisions shall apply, for each permitted sign usage:
  - i. One (1) permanent price sign per street frontage. Such sign shall not exceed sixteen (16) square feet in size. Such sign shall be setback from the right-of-way a minimum of five (5) feet and shall be no closer than thirty (30) feet from any street intersection. **(Amended by Ordinance No. 2000-6, June 14, 2000)**
  - ii. Two (2) nonilluminated identification signs per canopy. Such identification shall be limited to the name of the petroleum business, or signs advertising full-service or self-service, or changeable copy sign. The face of each sign shall not exceed eighty (80) square feet.
  - iii. Federal and State stamps, octane ratings, pump use directions, prices, and no smoking signs as required by Federal, State, and local authorities. Such signs shall be located on the body of the pump.
- i. This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:
  - i. In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.
  - ii. Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of sixty (60) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).

2. Research/Technology Park and Industrial District Signs

Within the T-P, I-1 and I-2, Districts, the following standards for signs shall apply:

- a. Accessory business and civic signs are permitted as follows:
  - i. A use on a lot shall be permitted to have one (1) ground or pole sign and one (1) wall sign per street frontage. The maximum display surface area shall be eighty (80) square feet. The maximum display surface area for all signs on the same lot shall be one hundred sixty (160) square feet.
  - ii. The maximum height shall be twenty-five (25) feet for a pole sign and four (4) feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of six (6) feet.
  - iii. Either type sign shall be set back from the right-of-way a minimum of five (5) feet.
  - iv. In addition to the signage permitted, a use on a lot shall be allowed to have signage painted on glass. Wall signs shall be subject to the standards contained in Subsection 14-508.5, 1, c.

#### **14-508.6 Temporary Sign Provisions**

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

##### **1. General Requirements**

- a. All temporary signs shall have a pleasing appearance at all times, not cracked, broken or needing to be repainted.
- b. Banners may be used as temporary signs.
- c. All such signs shall be securely installed or anchored and positioned in place so as not to constitute a hazard of any kind.
- d. No temporary sign shall be displayed on a roof.
- e. No temporary sign shall be permitted to project into or over any public street right-of-way, except a banner announcing a fair, festival, parade, or similar activity that will be open to the general public.
- f. Temporary signs are permitted at construction sites for the purpose of identifying names of owners, contractors, consultants, etc.

##### **2. Display Surface Area, Height, and Illumination**

- a. Maximum display surface area shall be thirty-two (32) square feet, except for street banners which shall not be limited.

- b. Maximum height shall be eight (8) feet, except that banners displayed over a public street shall have a minimum clearance of fifteen (15) feet.
  - c. Temporary signs shall not be illuminated except in commercial or industrial districts.
  - d. No sign shall flash or pulsate in any way.
  - e. Any sign that is lighted shall be done in compliance with the National Electrical Code.
3. Location of Temporary Signs
- a. All temporary signs shall setback a minimum of five (5) feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhang or encroach on any street right-of-way at any time. **(Amended by Ordinance No. 2000-6, June 14, 2000, by Deleting b and c.)**

#### **14-508.7 Nonconforming and Noncomplying Sign Provisions**

Any sign lawfully existing at the time of the enactment of this ordinance but which is not permitted either by type of sign, location, or district or which fails to meet the standards on regulations shall be classified as either nonconforming or noncomplying as per definitions.

##### 1. Alterations to Nonconforming and Noncomplying Signs

A nonconforming or noncomplying sign may be altered subject to the following conditions.

- a. The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.
- b. The total copy of an advertising sign may be changed in accordance with normal business practices.
- c. The proposed alteration conforms to the provisions of this ordinance.
- d. No new nonconformance or noncompliance is created.

##### 2. Damage or Destruction of Nonconforming and Noncomplying Signs

When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this ordinance.

Except that any advertising sign located within six hundred-sixty (660) feet, of a Federal highway, as defined by the Federal Highway Beautification Act, and oriented to that highway shall not be removed until compensation can be made to the extent required by law.

**14-508.8 Mixed Use Planned Unit Development Signage (Added by Ordinance 2008-5, February 12, 2008)**

Each applicant shall submit a sign program illustrating each proposed sign type, its size and location as part of the project's application materials. The size, number and location of signs shall be submitted at the same time as the Mixed Use PUD project. The Building Codes Department may be authorized to approve the entire sign program, or any part of the sign program, as part of the site plan review process.

1. General Guidelines

- a. Signs designed to enhance the pedestrian experience, reflect and complement the character of the building, and respect the overall character of the area in an attractive and functional manner are preferred.
- b. Signs shall not cover or obscure architectural features of buildings but should be located in logical "signable areas" which relate to the pattern of the façade.
- c. Signs shall be properly maintained.
- d. Signs or sign faces shall not be changed or installed without a new building permit and in accordance with an approved sign program.

2. The following sign types are permitted in the Mixed Use PUD District. Except as indicated below, the number and size of signs shall be approved as part of the project's application for the Mixed Use PUD approval.

- a. **Wall Signs**, defined as a sign mounted flat against, or painted on the wall of a building (not a window sign) with the exposed face of the sign in the plane parallel to the face of the wall.
  - i. Only one (1) primary wall sign for each business with direct access to a public street shall be permitted.
  - ii. Identification Signs are a type of wall sign that fit within an imaginary two (2) square foot rectangle. One (1) identification sign shall be permitted for the business name and/or logo and shall be located on the wall surface adjacent to a tenant's main entry. Restaurants may add an additional two (2) square feet to the rectangle for a menu.

- iii. Tenant Directory Signs are a type of wall sign used to identify businesses without direct frontage on a public street. One (1) tenant directory sign shall be permitted. The sign shall be located adjacent to the main entrance to the non-frontage suites and shall not exceed six (6) feet in height.
- b. **Canopy or Awning Signs**, defined as a sign incorporated into a canopy or awning. The sign and/or logo on a canopy or awning shall not exceed thirty (30) percent of the canopy nor shall it be internally lit.
- c. **Projecting Signs**, defined as a sign attached to and projecting perpendicularly from a building wall, excluding canopy or awning signs. One (1) projecting sign per business with direct access to a public street shall be permitted. Projecting signs shall fit within an imaginary six (6) square foot rectangle except projecting signs located under a canopy or first floor eaves or overhang shall fit within an imaginary rectangle with a maximum area of four (4) square feet. The lowest edge of a projecting sign shall be no lower than eight (8) feet above the sidewalk elevation.
- d. **Window Signs**, defined as a sign affixed to the interior or exterior of a window or placed behind a window pane so as to attract attention of persons outside the building. Window signs shall not exceed forty (40) percent of the window area except opaque signs shall be limited to ten (10) percent of the window area. Etched glass and similar artistic designs shall not be considered opaque.
- e. **Free-Standing Signs**, defined as any sign supported wholly or in part by some structure other than the building housing the business to which the sign pertains, are generally not permitted in the Mixed Use PUD District. Exceptions for free-standing signs of the monument type may be permitted when a building is setback a minimum of fifteen (15) feet from the right-of-way line with the resulting yard set aside for permanent public open space. In such case, the size, location and design of the sign shall be reviewed and approved as part of the overall sign program.

#### **14-509 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS**

The following regulations are intended to establish minimum standards for site development of mobile home parks where permitted in a zoning district.

##### **A. Mobile Home Park Building Permit**

- 1. The application for a "mobile home park permit" shall be filed with the Building Inspector after the applicant has secured all water and sewer permits required for the project. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this ordinance until a mobile home park building permit has been issued by the Building Inspector. The mobile home park building permit may be issued only upon approval of the site plan by the Fayetteville Regional Planning Commission

2. Site Plan Required

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by the Planning Commission of a site development plan containing the following information.

- a. The name and address of the applicant/owner.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. Date, northpoint, and graphic scale.
- d. The location, size, and number of all mobile home spaces.
- e. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, fire hydrants, and refuse disposal).
- f. The proposed use of buildings shown on the site plan.
- g. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- h. The location, size, and number of all off-street parking facilities.
- i. The location of park and recreation areas.
- j. A complete drainage plan with contour lines at five (5) foot intervals.
- k. A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- i. A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- m. Such other architectural, engineering, and topographical data as may be required to permit the Lincoln County Health Department, the Building Inspector and the Planning Commission, to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

3. Inspection

An inspection shall be required for approval of a mobile home park.

B. Development Standards

1. General

- a. A mobile home park shall be located only within those districts where permitted.
- b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- c. Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons or property to hazards.

2. Minimum Development Size

No mobile home park shall be approved which contains less than two (2) acres in area or has less than five (5) mobile home spaces.

3. Dimensional Requirements for Parks

- a. Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.
- b. Within the interior portions of the mobile home park, no yards, except as required to meet other provisions set forth in this section are required.
- c. No building structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- d. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

4. Spacing of Mobile Homes and Site Coverage

- a. Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet, but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.



- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access streets.
- c. Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

5. The Mobile Home Lot

a. General

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.

b. Mobile Home Stands

The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In addition, such stand shall comply with the publication of FHA, "Minimum Property Standards for Mobile Home Parks", May, 1977.

c. Outdoor Living Area

Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- a. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Lincoln County Health Department and the Board of Zoning Appeals.

- c. Solid waste collection stands shall be provided for waste containers for each mobile home. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view by a fence or wall of no less than six (6) feet in height. Walls shall be constructed of natural stone, brick or weatherproof materials arranged in a linear or serpentine alignment; while fences shall be constructed of wood or other weatherproof materials generally used in the exterior construction of buildings. All walls or fences shall have a minimum opacity of buildings. All walls or fences shall have a minimum opacity of eighty (80) percent. Chain link fence may not be used to meet the requirements of this chapter. Fences and walls shall be maintained in good repair.
- d. Service buildings, housing sanitation and laundry facilities, shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- e. Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.
- f. Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

7. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

b. Pavement Widths

**Pavement widths shall be as follows:**

<b>Collector Street with No Parking</b>	<b>20 feet</b>
<b>With on-Street Parking</b>	<b>36 feet</b>

<b>Minor Street with No Parking</b>	<b>18 feet</b>
<b>With on-Street Parking</b>	<b>34 feet</b>
<b>One-Way Minor Street with No Parking</b>	<b>12 feet</b>
<b>With on-Street Parking</b>	<b>28 feet</b>

c. Construction

The internal streets and drives shall be paved in accordance with City Road Standards.

8. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet and shall be paved.

All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet and shall be paved.

9. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

10. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than ten (10) feet in width, except where portions of the property abut a public right-of-way said ten (10) feet landscaped buffer strip shall be setback an additional ten (10) feet from the public right-of-way to provide a minimum of twenty (20) feet in width of greenspace.

Within the landscaped buffer, a continuous fence or wall of no less than six (6) feet in height, but not exceeding eight (8) feet in height shall be provided. Walls shall be constructed of natural stone, brick, or other weatherproof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction

of buildings. All walls or fences shall have a minimum opacity of eighty (80) percent. Chain link fence may not be used to meet the requirements of this chapter. Fences, walls or other necessary landscaping shall be maintained in good repair. No landscaped screen, fence, or wall shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

11. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings, and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

12. Parking

Parking shall be provided in accordance with Section 14-501.

a. Off-Street Parking

Paved off-street parking may be grouped in bays either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least, one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

C. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
3. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

**14-510 OVERLAY ZONE FOR RESIDENTIAL DEVELOPMENT (Deleted and Replaced by Ordinance No. 2004-16, August 10, 2004)**

The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in the placement of buildings and in the location of open spaces associated therewith. These provisions are intended to provide variations in lot size and open space requirements within the residential districts. The density standards established

for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty of the area, while at the same time maintaining the necessary maximum population density limitations of the district in which this procedure may be permitted.

A. General Provisions

The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites within the R-1, R-2, and R-3 Districts. As such, the provisions do not constitute a use, but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be assured and that proper light, air, and privacy be made available for each dwelling unit. The minimum land area required for such a development shall be three (3) acres.

A site development plan as provided for in this section is required not only as an accurate statement of the development, but as an enforceable legal instrument whereby the Planning Commission may be assured that the general purposes, standards, etc., contained in this section are being met.

B. Site Development Plan Required

1. Contents

A site development plan containing the information required by Section 14-803, shall be prepared and submitted to the Planning Commission for its review and approval along with a sketch plat as required by the Subdivision Regulations.

2. Coordinated Review

Upon receipt of a site development plan and sketch plat containing information as required above, the Planning Commission may:

- a. Concurrently review the site development plan and sketch plat; and any covenants as associated with such development.
- b. Jointly approve, approve with modification, or disapprove these documents; and
- c. In the instance of approval, or approval with modification, transfer the site development plan to the Building Inspector for enforcement.

3. Enforcement

Upon approval of a site development plan, the Building Inspector shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

C. Development Standards

The following standards and requirements shall apply to all alternative density developments.

1. General Standards for Development

In the interest of promoting the most appropriate economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:

- a. The protection of the character, property values, privacy and other characteristics of the surrounding neighborhood;
- b. The provision for surface drainage control, sewage disposal, water supply, recreation and traffic control; and
- c. The preservation and protection of existing trees, ground cover, topsoil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.

2. Availability of Public Utilities

Generally all public utilities, specifically including water and a central sewage collection and treatment system, as defined by this ordinance, shall be available. Where public sewer is not available, no lot or housing site may be created which is less than thirty-three thousand (33,000) square feet in area and all septic fields for each dwelling unit shall be located within the area of fee simple ownership of said dwelling unit.

3. Permitted Density

The density permitted is intended to be within the range of that permitted within more typical developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:

- a. From the gross acreage available within the development shall be subtracted: (1) Any portion of the site which is within the right-of-way and/or easement for major utilities such as gas or electric transmission lines where the full use of the land is not available to the landowner, because of restrictions thereon; (2) Any portion of the site which lies within a floodway district.
- b. The area remaining after the above adjustments shall be divided by the minimum development area per dwelling unit for the district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.

4. Minimum Lot Area and Lot Width

No lot of record may be created within the district indicated which has less area than required for the type dwelling indicated.

The following dimensional requirements shall be maintained in all alternative density developments:

	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
Minimum Lot Size	9,000 sq. ft.	7,000 sq. ft.	5,000 sq. ft.
Lot Width at Building Line	70 ft.	60 ft.	50 ft.
Front Yard Setback with Side Entry Garage	15 ft.	15 ft.	15 ft.
Front Yard Setback with Front Entry Garage	25 ft.	25 ft.	20 ft.
Rear Yard Setback	10 ft.	10 ft.	10 ft.
Side Yard Setback	10 ft.	10 ft.	10 ft.

5. Yard Requirements

Within any development approved under the provisions of this section, the following yard requirements shall apply:

- a. For all lots located along the periphery of the site, the basic yard provisions established for the base district within which the development is located shall apply along all portions of such lots as may abut the periphery. Exception: In no case shall the setback be less than twenty (20) feet.
- b. The covenant, restrictions and conditions filed with the plat shall be adequate to protect all interests of abutting property owners in any wall situated or located on a property line.
- c. All other lots shall meet the dimensions in Section 14-510, C, 4.

6. Lot Coverage

Individual dwellings may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregated site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to these dwellings located within it. No transfer of bulk is permitted among zoning districts.

7. Access to Dwellings

Access to each lot shall be in compliance with Section 14-403 and 14-409, of this ordinance.

8. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses which generate a considerable amount of pedestrian traffic.

9. Off-Street Parking Requirements

Off-street parking requirements for each lot shall be in compliance with Section 14-501, of this ordinance.

D. Open Space Not Required

In general, dedicated open space is not required for projects within the overlay zone, however, if any common open space is provided within a development, the following shall apply:

1. Quality Use and Improvement of Common Open Space if Provided

a. Common open space must be for amenity or recreational purposes. To uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.

b. No common open space may be put to any use not specified in the approved final development plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved.

2. Mandatory Provisions Governing Organization and Operation of Maintenance Association

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall include, but not be limited to, the following:

a. The maintenance organization must be established and operational before any homes are sold.

b. Membership must be mandatory for each homebuyer and must run with the land so that any successive purchaser will automatically become a member.



- c. The restrictions covering the use, etc., of the open space must be permanent, not just for a period of years.
- d. The association(s) must be responsible for liability insurance, local taxes and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

E. Zero Side Setback

1. Zero Side Setback Option

Zero side setback development may be used in any overlay district which permits single family uses if the development contains six (6) or more contiguous lots and is served by municipal sanitary sewer.

2. Development Standards

- a. Setbacks of zero (0) feet are permitted only where the lots on both sides of the affected lot line are part of a zero side setback development.
- b. A wall and roof maintenance easement (five (5) feet along one-story walls, ten (10) feet along two-story walls) shall be provided on the opposite side of the zero (0) setback lot line.
- c. All parts of the structure including foundation and roof overhangs must be located on one (1) lot with no encroachment on an adjoining lot. **(Amended by Deleting c; and d, becomes c, by Ordinance 2007-27, October 16, 2007)**

3. Dwelling Footprints Shown

The preliminary plat shall indicate the proposed single family dwelling footprint on each lot to show which side lot line will have zero (0) side setback and to show that all other required setbacks and maintenance easements are provided.

**14-511 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS**

A site development plan specified in Section 14-803, shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section. The Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, or wall, excepting driveway areas, between eight (8) and twelve (12) feet in height. Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear or serpentine alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. All walls or fences shall have a minimum opacity of eighty (80) percent. Chain link fence may be used to meet the requirements of this chapter only if wood slatting is utilized to meet the opacity requirement and such fence is accompanied by a ten (10) foot landscaped buffer strip. Fences, walls, or other necessary landscaping shall be maintained in good repair. Storage between the road and street and such fence, or wall shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Street Parking  
As regulated in CHAPTER 5, Section 14-501.
- F. Ingress and Egress  
The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Fayetteville, except where a more stringent State or Federal law applies.

#### **14-512 DEVELOPMENT STANDARDS FOR CEMETERIES**

- A. The following standards shall be imposed upon the development and construction of cemeteries in Fayetteville:
  - 1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
  - 2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
  - 3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty-five (25) feet from any property line or street right-of-way.
  - 4. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
  - 5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

#### **14-513 SPECIAL CONDITIONS FOR BED AND BREAKFAST**

- A. Bed and breakfast residences shall be established only within existing single-family detached residences.
- B. Bed and breakfast residences shall be solely operated by members of the family residing in the home or residence.
- C. Only one (1) meal to be provided to guests and it shall only be served to guests taking lodging in the facility. **(Amended by Ordinance No. 2005-02, March 8, 2005)**
- D. Rooms used for sleeping shall be part of the primary residential structure and shall provide a bathroom for each.
- E. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
- F. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than four (4) square feet in size, and shall be located no closer to the street right-of-way line than fifteen (15) feet.
- G. There shall be no more than twelve (12) registered guests at any one time and a current guest register shall be kept. **(Amended by Ordinance No. 2005-02, March 8, 2005)**
- H. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
- I. The residence is subject to the inspection and approval of the building inspector, fire marshal, and Lincoln County Health Department when applicable.

- J. Parking shall be limited to the side or rear yard.
- K. Special Events for Bed and Breakfast: (Weddings, cooking classes, showers and rehearsal dinners), may be permitted at the bed and breakfast with a maximum in attendance of twenty (20) and no more than twelve (12) events per year. **(Added by Ordinance No. 2005-02, March 8, 2005)**

There shall be one (1) parking space for each room, plus two (2) additional parking spaces for the owner. All parking spaces shall be off-street parking.

#### **14-514 DEVELOPMENT STANDARDS FOR TRANSMISSION, RELAY, AND COMMUNICATION TOWERS AND STATIONS**

In all districts, the minimum design standards for telephone, telegraph and communications transmitter stations shall apply. All transmitter stations, including towers and operating equipment, shall adhere to the following standards:

- A. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Fayetteville, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- B. A site plan in compliance with Section 14-803, B, 2, shall be approved by the Planning Commission prior to the issuance of a building permit.
- C. All towers shall be set back from all property lines fee simple or lease-hold by a distance that is equal to:
  - 1. for a guyed tower, twenty (20) percent of the height; and
  - 2. for a self-supporting tower, fifty (50) percent of the height.
- D. All applicants for permits to build towers in Fayetteville, Tennessee, must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- E. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height which shall prevent unrestricted access by the general public. Access gates will be locked at all times when the site is not occupied.
- F. Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening, and shall be of such plant material as will provide a year-round evergreen screening. Screening as provided herein, shall not be less than six (6) feet in height at the time of planting, and shall be permanently maintained.

- G. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light, unless required by the Federal Aviation Administration.

## **14-515 DEVELOPMENT STANDARDS FOR SINGLE-FAMILY ATTACHED DWELLINGS**

The provisions set forth herein are intended to provide design criteria for single-family attached dwellings located on a single zone lot or tract that abuts a public street. Each dwelling unit shall be separated by a type of fire wall, as per code, which shall facilitate separate legal ownership of the dwelling unit. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of attached dwelling units located on a single site. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan required for all such developments by Section 14-803, B.

### **14-515.1 Development Standards**

#### **1. General Standards**

It is the intent that single-family attached dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing.
- b. Shall not contain more than four (4) dwelling units on a single unbroken frontage; and, not more than twelve (12) dwelling units shall be contiguous.
- c. Shall not create a monotony of design in single or multiple building projects. Variation of detail, form, and siting shall be used to provide visual interest.
- d. Shall constitute groupings marking efficient, economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means of alternative arrangements of yards and buildable areas.

#### **2. Detailed Standards**

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views and uses and the reduction of noise.
- b. On-site walks shall be provided for convenient and safe access to all dwelling units from streets, driveways, parking courts, or garages and for convenient access to all units. At no time shall street sidewalks and on-site walks be used for parking.

- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, evergreens, ground covers, and other site features; to the extent that they enhance the project, are effective as screen planting or are useful in protecting slopes; and, additional new plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features. The planting plan shall be submitted with the site development plan.
- d. Attractive outdoor sitting areas shall be provided in the rear yard of the dwelling unit only which are appropriate in size, type, and number to the needs of the residents. Individual dwelling unit seating areas shall be separated from one another by a fence or wall on no less than six (6) feet in height and meeting the requirements of this chapter. On corner lots, sitting areas shall not occupy side and front yards abutting any public right-of-way.
- e. All walls or fences which shall be constructed or hereafter occupy the zone lot shall meet the following design and construction criteria. Walls shall be constructed of natural stone, brick, or other weatherproof materials arranged in a linear or serpentine alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. All walls or fences shall have a minimum opacity of eighty (80) percent. Chain link fence may not be used to meet the requirements of this chapter.

The owner or his agent, shall be responsible for the maintenance, repair, and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair.
- f. Individual trash receptacles or central refuse disposal areas shall be maintained in such a manner as to meet local health requirements and screened from public view as required herein.
- g. Service buildings housing laundry, sanitation, or other facilities shall be permanent structures complying with all applicable codes.
- h. Garages shall be located to allow a paved on-lot driveway of not less than twenty (20) feet in length as measured from the inside edge of the public sidewalk to the face of the garage door or twenty-five (25) feet to the curblin, and ten (10) feet in width.
- i. No portion of a dwelling or architectural features of any structure shall project over any property line.
- j. Individual water services and sewer services as well as maintenance easements and water meters for each zone lot shall be required.

### **14-515.2 Location**

The site shall abut a public street for at least fifty (50) feet. This provision shall not apply to site a which derives sole access from a cul-de-sac, in which case the site shall abut a public street for at least forty (40) feet.

### **14-515.3 Internal Drives**

1. Internal drives shall be privately constructed and maintained; and, not eligible for dedication to the city.
2. All private drives, alleys, parking areas or other vehicular ways used for common access shall be surfaced with asphalt, concrete, or other hard surfaced, dustless material. All parking areas shall be constructed so as to provide for adequate drainage both on-site and off-site, and to prevent the release of dust.
3. Where feasible, all drive intersections shall be at right angles.
4. The minimum pavement width of internal drives providing common access shall be twenty (20) feet.

### **14-515.4 Access and Parking Requirements**

1. Access
  - a. Each site developed for single-family attached dwellings shall meet the requirements for access set forth in Sections 14-403 and 14-409, of this ordinance.
  - b. Access and circulation routes shall adequately provide for fire fighting, other emergency equipment, service deliveries, furniture moving vans, and refuse collection.
  - c. Pedestrian access shall be provided at the rear of each single-family attached dwelling.
2. Parking
  - a. Parking spaces shall be provided in accordance with Section 14-501, of this ordinance. Two (2) parking spaces per dwelling unit are required. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking spaces shall generally be located in close proximity to the dwelling units they are designed to serve.

At least one (1) parking space per dwelling unit shall be located so as to provide maximum walking distance of one hundred (100) feet from the nearest entrance of the dwelling unit said space is to

serve. Where appropriate, common driveways, parking areas, walks, and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through the ample use of trees, shrubs, hedges, and screening walls. Screening shall be equally effective in winter and summer.

- b. In addition to the two (2) required parking spaces per dwelling unit, where common parking is utilized there shall be provided guest parking at the ratio of one (1) guest parking space for every three (3) dwelling units.
- c. All required parking for dwelling units shall be provided on-site. Such parking shall be accessed by a minimum of a residential collector street.
- d. All parking areas shall be clearly marked.
- e. A fully enclosed, attached garage may be used to substitute for one (1) of the two (2) required parking spaces for each dwelling unit; however, a freestanding garage or carport shall not meet this requirement.
- f. Where feasible, parking design should encourage the use of alleys which access rear lot parking for units, either individual or common, and to provide service access for trash collection and other public and private services. Such alleys shall not be used as storage or parking areas. Alleys shall not be constructed or maintained as through drives connecting public roads.
- g. Where common parking is utilized, the planning commission may require curb and gutter construction or other alternative methods of storm water management.

#### **14-515.5 Yard Requirements**

Within any development approved under the provisions of this section, the following yard requirements shall apply:

1. For units located entirely within the interior of the site no yards as such are required. However, each dwelling unit shall have on its own lot have one (1) yard containing not less than six hundred (600) square feet.
2. In addition to the provisions of Subsection 1, above, for units located along the boundary of the site the basic yard provisions established for the district within which the development is located shall apply along all portions of such lots as may abut the boundary, excepting any portion of such lots as may involve the use of party walls.

#### **14-515.6 Building Spacing**

Buildings shall be located no closer than twenty (20) feet from each other at any point.



#### **14-515.7 Lot Coverage**

Individual dwelling units may exceed the maximum lot coverage provisions established for the district in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings exceed the coverage provisions established for the district in which such site is located. In the event a project lies within two or more zoning districts, the coverage ratio applicable to each zone district shall apply to those dwelling units located within it. No transfer of bulk is permitted among zoning districts.

#### **14-515.8 Open Space Requirements**

Any common open space established within a single-family attached dwelling unit development shall be subject to the following:

##### **1. Quality Use and Improvement of Common Open Space**

- a. Common open space shall be for amenity or recreational purposes. The uses authorized for common open space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common open space may be put to any use not specified on the final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce the covenants is expressly reserved.

##### **2. Maintenance of Open Space**

In an instance where common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the single-family attached dwelling development plan. The provisions shall include but not limited to the following:

- a. The maintenance organization must be established and operational before any unit is sold.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.

- d. The association(s) must be responsible for liability insurance, local taxes, and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of fees to meet changing needs.

3. Conveyance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.
- c. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

**14-515.9 Landscaping for Service Structures**

All service structures shall be fully screened when located on a zone lot containing single-family attached dwelling units. For purposes of this chapter, service structures shall include propane tanks, dumpsters and other trash receptacles, air conditioning and heating units and condensers, electrical transformers and communication devices, and other similar items which service a building or site.

1. Location of Screening

A continuous planting hedge, fence or wall shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. If vegetative screening material is utilized to meet the screening requirement, such vegetative screening material shall be one (1) foot more than the height of the enclosed structure; but in no case shall any screening material exceed six (6) feet in height. Whenever a service structure is located next to a building wall, the building wall may fulfill the screening requirement for that side of the service structure if that building wall is of an average height sufficient to meet the height requirement set out in this section. No landscaping shall be permitted within an area screened for service structures.

2. Protection of Screening Material

Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regularly occurring basis, (e.g., weekly or bi-weekly), a fixed barrier to contain the placement of the container shall be provided within the screening material.

3. Special Restrictions on Trash Receptacles

No dumpster or other trash receptacle shall be located in such a manner that any unscreened portion is visible from any public right-of-way. Whenever in the opinion of the Building Inspector/Zoning Administrator, a trash container and/or screen cannot be located upon a particular site so as to conform to these requirements, or there are special circumstances that make the requirement wholly impracticable, the Building Inspector/Zoning Administrator may designate a location for the trash receptacle which is in his discretion is the most accessible and aesthetically appropriate.

**14-515.10 Accessory Buildings and Structures**

Accessory buildings and structures shall be subject to the following requirements:

1. No such building shall be located within a required front yard or a street abutting side yard.
2. No such building may exceed ten (10) feet in height.

**14-515.11 Site Plan and Modification Requirements**

No request for waiver or modification of screening and barrier requirements shall be considered until the applicant has submitted the following:

1. A site plan containing sufficient information to evaluate all off-site impacts on the developing use.
2. A written request describing in detail the need or special circumstances under which the requested waiver or modification is warranted.

**14-516 DEVELOPMENT STANDARDS FOR SELF-SERVICE STORAGE FACILITIES**

The following standards shall be imposed upon the development and construction of self-service storage, or mini-warehouse, facilities:

A. Use Regulations

1. Self-service storage facilities shall be limited to dead storage use only.
2. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.

3. Examples of activities prohibited in self-service storage facilities include but are not limited to the following:
  - a. Auctions, commercial wholesale or retail sales, or garage sales.
  - b. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  - c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  - d. The establishment of a transfer and storage business.
  - e. The storage of hazardous or flammable materials.
  - f. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.
4. Incidental manager's office.

B. Height Regulations

No building shall exceed one (1) story in height.

C. Parking Regulations

1. The off-street parking requirements of Section 14-501, shall not apply for this use.
2. A minimum of two (2) parking spaces shall be provided if an incidental manager's office is incorporated into the development. Each parking space shall be no less than one hundred and sixty-two (162) square feet. Such spaces shall be located where they are within easy walking distance to the office.
3. Required parking spaces shall not be rented as, or used for vehicular storage.

D. Buffering and Screening

A fence or wall of no less than six (6) feet in height not to exceed eight (8) feet in height may be installed around the self-service storage facility to provide increased security or buffering. Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. While chain link fencing may be used to increase the security of the facility, they are not to be construed as meeting any necessary buffer required elsewhere by the zoning ordinance. Walls or fences shall not be used for the erection or display of any sign or advertising device.

The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair.

E. Special Conditions

1. Internal driveway aisles for self-service storage facilities shall be a minimum width of thirty (30) feet. A driveway aisle where access to storage units is only on one side of the aisle may be twenty (20) feet. All internal drives and parking areas shall be surfaced with asphalt, concrete, or other hard surfaced, dustless material and so constructed as to provide adequate drainage both on-site and off-site
2. A minimum of two (2) points of ingress and egress shall be provided to a self-service storage facility lot.
3. No door openings for any self-service storage facility unit shall be constructed facing any residentially zoned property, unless screened by a fence or wall of no less than six (6) feet in height, having a minimum opacity of eighty (80) percent, and meeting the design and construction criteria described herein. Chain link fences shall not be used to meet the requirements of this chapter.
4. Outdoor advertising displays that do not identify the nature of the self-service storage facility shall not be permitted on the premises. All signs shall be in accordance with Section 14-508.
5. All outdoor lighting shall be shielded to direct light and glare only onto the self-service storage facility and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.
6. No outdoor storage shall be permitted.
7. Access to every individual storage unit shall be provided on-grade; neither requiring the use of stairs or steps.

**14-517 GATED COMMUNITY (Added by Ordinance 2008-13, September 3, 2008)**

The provisions set forth herein are intended to provide design criteria for a gated community, private subdivision, and private streets.

- A. The general provisions of the Subdivision Regulations and City Codes as they relate to development, streets, and utilities will apply to all such development. All plans concerning private streets or a gated community are subject to review and approval by the, Police, Fire, City Engineer, and Public Works Departments. Planning Commission, Utility Committee, and/or Board of Mayor and Aldermen.

B. The definition of a “subdivision” and “street”, as contained in the Zoning Ordinance and Subdivision Regulations will apply to all subdivisions or streets, whether public or private.

C. Design and Construction Standards

Private streets shall conform to the same standards regulating the design and construction as specified in the Subdivision Regulations of Fayetteville. These standards shall include, but are not limited to the following:

1. Design standards for paving, drainage, water and sanitary sewer and Standards Specifications for Public Works Construction;
2. Street naming and addressing policy which shall conform to the E-911 emergency response;
3. Any gate installation must conform to the following provisions:
  - a. All gate installations must be approved by the Police Department, Fire Department and Public Works prior to installation. The installation must be completed and tested prior to the City’s acceptance of the subdivision.
  - b. Gate design may incorporate one or two gate sections to meet the required minimum gate width of twenty-four (24) feet. If the entrance will incorporate a median, guard shack or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the Planning Commission and Public Works, but in no case shall any single gate or street pavement have a clear opening of less than twenty-eight (28) feet. Must meet the standards for the street design and width.
  - c. If a gate design incorporates any overhead obstruction, said obstruction must be a minimum of fourteen (14) feet above the finished road surface.
4. Approach and departures areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area. All entry gates must be setback a minimum of one hundred (100) feet from any adjacent public street right-of-way to allow for vehicle stacking out of the public travel lanes. Any exception must be approved by Public Works and the Planning Commission.
5. Automatic gate installations must conform to the design and performance guidelines established by the Fire Chief, Police Chief, City Engineer, and Director of Public Works.
6. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a bi-annual basis as needed to insure proper gate operation. A proper power

supply shall be maintained to all electrical and electronic components at all times. Inspections are at the expense of the Homeowners' Association. Back-up power in case of power loss. Manual over-ride or a manual open function is mandatory.

7. Each security gate regulated under this section will be subject to a performance test as determined by either the Fire Chief or Police Chief or Public Works. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the Fire Chief or Police Chief or Public Works or City Engineer,.
8. All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection and testing by the City and must be repaired immediately if found to be in condition of disrepair. The City shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the Developer, Homeowner's Association or their successors. Emergency repairs shall be assessed against the Developer, Homeowners' Association or their successors.
9. The person, entity, or corporation in control of the property is responsible for, and liable for any violations of this section. This includes, but is not limited to, the developer, property owner, the Homeowners' Association and its officers, if applicable, or other who may own or exercise control over the property.

D. Property Associations Required

Subdivisions developed with private street and alleys must have a mandatory property owners association which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets, parks and other Homeowners' Association appurtenances. The association shall own and be responsible for the maintenance of streets and other improvements. The association documents shall be reviewed by the City Attorney and subject to approval by the City to insure that they conform to this and other applicable City ordinances and concerns. The documents shall be a file of record prior to the approval of the final plat. Lot deeds may not be dissolved without the prior written consent of the City. No portion of the association documents pertaining to the maintenance of the private streets and alleys and assessments therefore may be amended without the written consent of the City. The legal instruments establishing the property owners association shall require that each property owner in the subdivision acknowledge the potential for delays in emergency responses due to limited access to the subdivision. Such legal instruments shall further provide that the property owners association shall hold harmless such agencies against all costs, including defense costs, resulting from claims based on delays in emergency responses due solely to limited access to the subdivision and properties therein.

E. Private Street Lot

Private streets and alleys must be constructed within a separate lot owned by the property owners association. This lot must conform to the City's standards for private street and alley right-of-way. An easement covering the street lot shall be granted to the City providing unrestricted use of the property for utilities and storm drainage systems and the maintenance of same. This right shall extend to all utility providers including telecable companies, operating within the City. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access. Variation to streets and right-of-way widths must be approved by the City Planning Commission.

F. Construction and Maintenance Cost

The City shall not pay for any portion of the cost of construction or maintaining a private street. The Homeowners' Association shall maintain an escrow account.

G. City Utilities

Water, sewer, and drainage facilities placed within the private street and alley lot shall be installed to City standards and dedicated to the City as part of the approval of the final plat. All City regulations relating to infrastructure, financing, and posting of required bonds and/or irrevocable letter of credit shall apply to developments with private streets. Street lights and signs shall be installed and maintained by the homeowners association subject to approval by the City.

H. Plans and Inspections

Developments proposed with private streets must submit to the City the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to issuance of building permits shall apply. The City may periodically inspect private streets and require repairs necessary to insure emergency access.

I. Waiver of Services

The subdivision final plat, property deeds and property owners association documents shall note that certain City services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, street lighting, enforcement of traffic and parking ordinances. Depending on the characteristics of the proposed development other services may not be provided.

J. Petition to Convert to Public Streets

The property association documents shall allow the association to request the City accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of seventy-five (75) percent of the membership. However, in no event shall the City be obligated to accept said streets and alleys as public. The



Association or the like shall make a request to the Planning Commission which shall give an opinion to the City before a final decision is made in regards to converting the streets. Should the City elect to accept the streets and alleys as public, the City may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the street and alleys.

The City will be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association document shall provide for the City's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the City.

K. Hold Harmless

On the subdivision final plat shall be language whereby the property owners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity or public utility, for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the City, governmental entity or public entity. Further, such language shall provide that all the owners of all lots shall release the City, governmental entities and public utilities for such damages and injuries. The indemnifications contained in this paragraph shall apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity or public utility, or their representative officers, employees or agents.

The Homeowners' Association must acquire and maintain a general liability policy naming the City of Fayetteville as an additional insured and this additional insurance policy shall include the following subdivision of the City's taskforce, water department, fire department, police department, etc.

The Homeowners' Association must require the individual homeowners to maintain a homeowner's insurance policy naming the City of Fayetteville as an additional insured and this additional insurance policy shall include the following subdivision of the City's taskforce, water department, fire department, police department, etc.

L. Sidewalks and Bikeways

1. Sidewalks

Sidewalks maybe required and shall be constructed in accordance with the Subdivision Regulations for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street or in other areas as required by Public Works. Sidewalks construction may be delayed

until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition. Exceptions to this section must be approved by the Planning Commission and/or the Director of Public Works.

2. Pedestrian Accesses

The City may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least twenty (20) feet in width. Easements will be indicated on the plat.

3. Bikeways

Hike and bike sidewalks may be required, designed and located according to City standards shall be constructed along streets designated for hike and bike trails. Such sidewalks shall be built by the owner at the time of site development, or the owner may petition for the city to construct such facilities.

M. Drainage and Storm Sewers

1. General Requirements

All plats shall conform to the City's Subdivision Regulations for drainage facilities.

2. Design of Facilities

Design of storm sewer systems shall be in accordance with City standards. Materials and construction shall conform to the Standard Specifications.

N. Postal Requirements

Cluster Box Units that are "Front Loading" must be located in front of the gated area or other area which is outside the gate that is approved by local postal officials. The Cluster Box Units must be United State Postal Service approved.