

ARTICLE 8

DISTRICTS

8.1 Purpose

In order to provide for the orderly development of Spencer, preserve existing development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning for future development, the Town hereby establishes districts and their associated standards and specifications.

8.2 Districts Created

The following Primary General-Use Districts are created. This listing is in order of intensity of development listed within the district, from least intense to most intense:

- (1.) Agriculture (AG)
- (2.) Single-Family Residential (SFR-1)
- (3.) Single-Family Residential (SFR-2)
- (4.) Single-Family Residential (SFR-3)
- (5.) Residential Main Street Transition (RMST)
- (6.) Main Street (MS)
- (7.) Civic (CIV)
- (8.) Mixed Use (MU-1)
- (9.) Mixed Use (MU-2)
- (10.) Interstate Highway 85 Commercial District (C-85)
- (11.) US Highway 29 Commercial District (C-29)
- (12.) Vehicle Service and Repair (VSR)
- (13.) Industrial (IND)

In addition to the Primary General-Use Districts above, the following Overlay Districts are created to provide for more creativity in the development of land and/or to protect unique environmental features of the Town.

- (14.) Traditional Neighborhood Development Overlay (TNDO)
- (15.) Scenic Corridor Overlay (SCO)
- (16.) Heavy Industry Overlay (HIO)
- (17.) Mini Farm Overlay (MFO)
- (18.) Manufactured Home Overlay (MHO)

8.3 Description of Districts

The districts created by this Ordinance are described as follows:

The Agriculture District (AG) is established to protect lands used for agricultural production, agriculturally based businesses and related activities. Farmland is a defining element of Spencer's traditional identity and the protection of these lands aids in preserving the character of the Town until such time as new development is preferred by the Town. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential subdivision type development and excessive septic system utility. The Agriculture District can also be used to preserve open spaces.

The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House. Listed uses are restricted to Single-Family, including duplex (two-family), homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Spencer and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Town of Spencer prior to the effective date of these regulations.

The Residential Main Street Transition District (RMST) provides for the completion of residential neighborhoods in the residential area(s) surrounding the Main Street and contiguous Civic Districts through in-fill development. The intent of this district is to recognize that gradual transformation of existing development to high quality mixed density residential development is needed to support the central core of the Town. Higher density residential development allows a greater number of households to walk or bike, thus supporting businesses while reducing the parking demand and providing environmental and health benefits. Allowed building/lot types in these districts are the Detached House, Attached House, and Multi-family Building. Streets in the Residential Main Street Transition District should be interconnected, with streets and sidewalks providing a connection from Spencer's Main Street and other mixed-use districts to the Single-Family Residential districts surrounding these neighborhoods. A range of housing types is encouraged. Criteria for the mix of building types establishes compatibility.

The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Spencer's core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the Town. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses. Providing a unique district for civic uses will establish uniform standards.

The Mixed-Use Districts (MU-1 and MU-2) are established to provide opportunities for both compatible and sustainable re-development where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family. Dominant uses in this district are residential, retail and office. The Mixed-Use Districts are expected to serve Spencer residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use Districts promote the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to uses in adjacent neighborhood districts.

The Interstate Highway 85 Commercial District (C-85) is established to provide opportunities for compatible, resilient and sustainable development along the Interstate Highway 85 corridor. Development standards in the C-85 district acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the C-85 district include providing a pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

The US Highway 29 Commercial District (C-29) is established to provide opportunities for compatible, resilient and sustainable development along the US Highway 29 corridor. Development standards in the C-29 district acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the C-29 district include providing a pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

The Vehicle Service and Repair District (VSR) is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and it's interconnecting network

of streets outside the core area as shown in the adopted Town Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial. Allowed building/lot type is Highway Commercial.

The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed-use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

The Traditional Neighborhood Development Overlay District (TNDO) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.

The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Spencer's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the suburban character of the Town by maintaining the sense of a suburban corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and promote a safe transportation corridor for motorists, bicyclists, and pedestrians.

The Heavy Industry Overlay District (HIO) is established to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this district to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations.

The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than one unit per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the Town and its extraterritorial jurisdiction. Allowed building/lot type is Detached House.

The Manufactured Home Overlay District (MHO) is established to protect the standard of living and neighborhood conditions. Established standards that will enable the use of innovative manufactured homes with a higher aesthetic standard will invigorate these communities. Non-conforming manufactured home parks that have not received approval for continuation would be amortized over a period of time to allow the owner/operator to meet reasonable financial payback expectations in accordance with accepted practices in North Carolina. Existing parks could be limited to less fundamental standards and specifications, while new parks are required to meet a higher standard. These parks may be ideally suited for alternative designs such as Tiny House, Park Model and other styles of housing where installation standards are considered temporary. The overlay could be expanded to apply to permanent installations of innovative manufactured housing in subdivisions or parks in accordance with G.S. 160D-909.

8.4 District Development Standards and Permitted Uses Listed for Each District

Development standards are established for each of the following Primary General-Use Districts to promote the orderly development of the Town of Spencer. The uses listed for each district, are as specified in Table 8.1, Sections 1-3 appearing at the end of this Article for each of the three categories of use listings as follows:

- 1) Listed Use - Where a use is listed in a given district, the symbol “L” is entered in the corresponding district column for the specific use.
- 2) Use Listed with Additional Standards - Where a use requiring supplemental standards and specifications in accordance with Section 10.1 of this Ordinance is listed in a district, the symbol “A” is entered in the corresponding district column for the specific use along with the reference number for the applicable supplemental standard(s).
- 3) Special Use - Where a use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “S” is entered in the corresponding district column for the specific use.

Where a use is not listed within a given Primary General-Use District, such use shall not be permitted.

8.4-1 Agriculture District (AG)

- (A.) Intent. The Agriculture District (AG) is established to protect lands used for agricultural production, agriculturally based businesses and related activities. Farmland is a defining element of Spencer’s identity and the protection of these lands aids in preserving the character of the Town until such time as new development is preferred by the Town. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential subdivision type development and excessive septic system utility. The Agriculture District can also be used to preserve open spaces.
- (B.) Listed Uses:
 - (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
 - (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
 - (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2
- (C.) Listed Building and Lot Types: Detached House
- (D.) Residential Density Limit, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3: 0.34 units/acre
- (E.) General Standards & Specifications:
 - (1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building type listed in the Agriculture District.
 - (2.) Lot lines are exempt from the provisions of Article 16, sub-section 16.2-3(D).

(3.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Agriculture District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Street Setback
2.5 acres	144'	120'	4'	4'	70'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

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8.4-2 Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3)

(A.) Intent. The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House. Listed uses are restricted to Single-Family, including duplex (two-family), homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Spencer and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Town of Spencer prior to the effective date of these regulations.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Detached House

(D.) Gross Residential Density Limit, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

- (1.) SFR-1: 1.00 unit/acre
- (2.) SFR-2: 2.00 units/acre
- (3.) SFR-3: 3.00 units/acre

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards set forth in Article 9 for the lot and building types listed in the Single-Family Residential Districts.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Single-Family Residential Districts:

	SFR-1	SFR-2	SFR-3
LOT DIMENSIONS			
Minimum Lot Size (gross square feet)	34,900	17,450	11,600
Minimum Lot Width measured at Front Street Setback	133'	72'	60'
PRINCIPAL STRUCTURES			
Minimum Front Street Setback measured from Street Right-of-way	42'	33'	20'
Minimum Rear Yard Setback	16'	9'	8'
Minimum Side Yard Setback	16'	9'	8'
Minimum Corner Lot Side Street Setback measured from Street Right- of-way	24'	21'	17'
ACCESSORY STRUCTURES			
Minimum Front Street Setback measured from Street Right-of-way	82'	73'	60'
Minimum Rear Yard Setback	5'	5'	5'
Minimum Side Yard Setback	5'	5'	5'
Minimum Corner Lot Side Street Setback measured from Street Right- of-way	25.5'	22.5''	18.5'
MINIMUM REQUIRED PARKING, WHETHER ENCLOSED OR NOT			
Minimum Front Street Setback measured from Street Right-of-way	45.5'	36.5'	23.5'
Minimum Corner Lot Side Street Setback measured from Street Right- of-way	25.5'	22.5'	18.5'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-3 Residential Main Street Transition District (RMST)

(A.) Intent. The Residential Main Street Transition District (RMST) provides for the completion of residential neighborhoods in the residential area(s) surrounding the Main Street and contiguous Civic Districts through in-fill development. The intent of this district is to recognize that gradual transformation of existing development to high quality mixed density residential development is needed to support the central core of the Town. Higher density residential development allows a greater number of households to walk or bike, thus supporting businesses while reducing the parking demand and providing environmental and health benefits. Allowed building/lot types in these districts are the Detached House, Attached House, and Multi-Family Building. Streets in the Residential Main Street Transition District should be interconnected, with streets and sidewalks providing a connection from Spencer's Main Street and other mixed-use districts to the Single-Family Residential districts surrounding these neighborhoods. A range of housing types is encouraged. Criteria for the mix of building types establishes compatibility.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Detached House, Attached House, and Multi-Family Building

(D.) Gross Residential Density Limits, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

- (1.) Single-Family Detached: 7 units/acre
- (2.) Single-Family Attached: 16 units/acre
- (3.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Residential Main Street Transition District (RMST).
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Residential Main Street Transition District (RMST):

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Street Setback
5000 SF for all types except Single-family Attached Townhouse at 1600 SF	42' for all types except Single-family Attached Townhouse at 16'	12' to principle structure; 28' to accessory structures including minimum off-street parking spaces (see Article 9, Sub-section 9.2-2(A) and Article 12, Section 12.3)	4'	4' for all types except interior lot lines of Single-family Attached Townhouse at 0'	8' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-4 Main Street District (MS)

(A.) Intent. The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Spencer's core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building

(D.) Residential Density Limit, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3: 24 units/acre

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Main Street District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Main Street District:

Minimum Lot Size	Minimum Lot Width	Build-to-Line from any street	Minimum Rear Yard Setback	Minimum Side Yard Setback
0 SF	0'	9'-3" or 14'-3" off back-of-curbing at street-side edge-of-sidewalk (exclusive of curb bump-outs) per Section 13.6-1 of this Ordinance, or the average alignment of existing buildings within the same block and same side of the street, provided that buildings with greater than six (6) feet of deviation shall not be considered in this computation. Under no conditions shall a building be permitted within the public right-of-way.	8'	0'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-5 Civic District (CIV)

Intent: The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the Town. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses. Providing a unique district for civic uses will establish uniform standards.

(A.) Parking should not be the dominant visible element of the campuses developed for institutional uses.

(B.) Listed Uses:

(1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article

(2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1

(3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Urban Workplace, Detached House, Attached House, Multi-family, and Civic Building

(D.) Residential Density Limits, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

(1.) Single-Family Detached: 2 unit/acre

(2.) Single-Family Attached: 8 units/acre

(3.) Dormitory: Unlimited

(4.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(E.) General Standards & Specifications:

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Civic District.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Civic District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Side Street Setback, Corner Lot
20,000 SF	96'	12'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

(This space left blank intentionally.)

8.4-6 Mixed Use Districts (MU-1 and MU-2)

- (A.) Intent. The Mixed-Use Districts (MU-1 and MU-2) are established to provide opportunities for both compatible and sustainable re-development where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family. Dominant uses in this district are residential, retail and office. The Mixed-Use Districts are expected to serve Spencer residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use Districts promote the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to uses in adjacent districts.
- (B.) A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Mixed Use (MU-1 and MU-2) District applications and shall apply to all projects within the MU-1 and MU-2 Districts.
- (C.) Listed Uses:
- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
 - (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
 - (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2
- (D.) Listed Building and Lot Types: Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family
- (E.) Residential Density Limits, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:
- (1.) Single-Family Detached: 7 unit/acre
 - (2.) Single-Family Attached: 12 units/acre
 - (3.) Multifamily: 19 units/acre

(F.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Mixed-Use Districts.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Mixed-Use Districts:

Minimum Lot Size	Minimum Lot Width	Build-to-Line from “Main Street” type streets and intersecting streets (see Sect. 13.6-1)	Build-to-Line from street(s) other than the “Main Street” type street	Minimum Rear Yard Setback	Minimum Side Yard Setback
6,000 SF for all types except Single-family Attached Townhouse at 1600 SF	120’ on US Hwy 29 0’ on a “Main Street” type street, or 24’ on all other streets for all types except Single-family Attached Townhouse at 16’	14’-3” or 9’-3” off back-of-curb at street-side edge-of-sidewalk (exclusive of curb bump-outs) per Section 13.6-1 of this Ordinance, or the average alignment of existing buildings within the same block and same side of the street, provided that buildings with greater than six (6) feet of deviation shall not be considered in this computation. Under no conditions shall a building be permitted within the public right-of-way.	Maximum of 16’ from r/w or as required by buffering standards and/or building type whichever is greater	12’ or as required by buffering standards and/or building type whichever is greater	0’ or as required by buffering standards and/or building type whichever is greater unless specified by development agreement(s) for all types except interior lot lines of Single-family Attached Townhouse at 0’

(G.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-7 Interstate Highway 85 Commercial District (C-85)

(A.) Intent: The Interstate Highway 85 Commercial District (C-85) is established to provide opportunities for compatible, resilient and sustainable development along the Interstate Highway 85 corridor. Development standards in the C-85 district acknowledge that the automobile is the primary mode of transportation.

Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the C-85 district include providing a pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Highway Commercial, Urban Workplace, Shop-front, and Civic Building

(D.) Residential Density Limit: 0

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the US Highway 221 Commercial District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the US Highway 221 Commercial District:

Minimum Lot Size	Minimum Lot Width	Minimum Street Setback from r/w of US Hwy 29	Minimum Street Setback from r/w of any street other than US Hwy 29	Minimum Rear Yard Setback	Minimum Side Yard Setback
7,200 SF	120' on Primary/State Highways, or 40' on all other streets	24'	16' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	0' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 2.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Parking may be placed in between a building and the Highway/Bypass. However, parking shall not be in the required setback between a building and the Highway/Bypass. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

(H.) When a building is in between a secondary street and the U.S. Highway/Bypass, that building shall front the secondary street.

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8.4-8 US Highway 29 Commercial District (C-29)

(A.) Intent: The US Highway 29 Commercial District (C-29) is established to provide opportunities for compatible, resilient and sustainable development along the US Highway 29 corridor. Development standards in the C-29 district acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the C-29 district include providing a pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Highway Commercial, Urban Workplace, and Shop-front.

(D.) Residential Density Limit: 0

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the US Highway 74 Commercial (C-74) District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the US Highway 74 Commercial (C-74) District:

Minimum Lot Size	Minimum Lot Width	Minimum Street Setback from US Hwy 29	Build-to-Line from any street other than US Hwy 29	Minimum Rear Yard Setback	Minimum Side Yard Setback
7,200 SF	120' on Primary/State Highways, or 40' on all other streets	24'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	0' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 2.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Parking may be placed in between a building and the Highway. However, parking shall not be in the required setback between a building and the Highway. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

(H.) When a building is in between a secondary street and the Highway, that building shall front the secondary street.

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8.4-9 Vehicle Service and Repair District (VSR)

(A.) Intent: The Vehicle Service and Repair District (VSR) is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and its interconnecting network of streets outside the core area as shown in the adopted Town Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial. Allowed building/lot type is Highway Commercial.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Type: Highway Commercial

(D.) Residential Density Limit: 0

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Vehicle Service and Repair District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Vehicle Service and Repair District:

Minimum Lot Size	Minimum Lot Width	Minimum Street Setback from US Hwy 29	Build-to-Line from any street other than US Hwy 29 r/w	Minimum Rear Yard Setback	Minimum Side Yard Setback
12,000 SF	120' on any Primary/State Highway, or 80' on any other street	10'	9' or as required by buffering standards and/or building type whichever is greater	8' or as required by buffering standards and/or building type whichever is greater	4' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 2.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Parking may be placed in between a building and Main Street. However, parking shall not be in the required setback between a building and Main Street. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11. See Image 8.4-2 below.

(H.) When a building is in between a secondary street and the U.S. Highway/Bypass, that building shall front the secondary street.

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8.4-10 Industrial District (IND)

(A.) Intent: The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Highway Commercial

(D.) Residential Density Limit: 0

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Industrial District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Industrial District:

Lot Size	Lot Width	Front Street Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Street Setback
32,400 SF	180'	80'	16'	16'	80'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.5 Overlay Districts

The following Overlay Districts supersede the underlying primary general use zoning districts where additional listed uses and/or requirements and/or standards and/or conditions are established by the Overlay District. All other provisions of the Primary General-Use District shall apply where no superseding provisions of the Overlay Districts are established.

Development standards are established for each of the following Overlay Districts to promote the orderly development of the Town of Spencer. The uses listed for each district, are as specified in Table 8.1, Sections 1-3 appearing at the end of this Article for each of the three categories of use listings as follows:

- 1) Listed Use - Where a use is listed in a given district, the symbol “L” is entered in the corresponding district column for the specific use.
- 2) Use Listed with Additional Standards - Where a use requiring supplemental standards and specifications in accordance with Section 10.1 of this Ordinance is listed in a district, the symbol “A” is entered in the corresponding district column for the specific use along with the reference number for the applicable supplemental standard(s).
- 3) Special Use - Where a use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “S” is entered in the corresponding district column for the specific use.

Where a use is not listed within a given Overlay District or underlying Primary General-Use District, such use shall not be permitted.

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8.5-1 Traditional Neighborhood Development Overlay (TNDO)

(A.) Intent: The Traditional Neighborhood Development Overlay District (TNDO) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.

(B.) A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Traditional Neighborhood Development Overlay (TNDO) District applications and apply to all projects within the TNDO District.

(C.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(D.) Listed Building and Lot Types: Urban Workplace, Shop-front Commercial, Multi-family Building, Detached House, Attached House and Civic Building

(E.) Residential Density Limits, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

- (1.) Single-Family Detached: 7 units/acre
- (2.) Single-Family Attached: 12 units/acre
- (3.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(F.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Traditional

Neighborhood Development Overlay District and by the standards set forth in section 8.5-1.(F) below.

- (2.) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
 - (a.) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - (b.) New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.
- (3.) On new streets, allowable building and lot types will establish the development pattern.
- (4.) A master site development plan in compliance with Traditional Neighborhood Development standards of this Ordinance Section 8.5-1 shall be provided with both the application for a Zoning Map Amendment and the Zoning Compliance Permit Submittal for a TNDO. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate both the internal pedestrian environment and conditions at project edges.
- (5.) A grading plan shall be provided for review and approval in accordance with the procedures of Article 7 of this Ordinance to demonstrate both positive drainage characteristics and smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between dwellings. The use of either crawl-space and/or stem-wall construction techniques, or professional landscape design is required to meeting this characteristic of site development.
- (6.) Minimum Development Size: 10 acres
- (7.) Maximum Development Size: none.

(G.) TND Design Standards & Specifications:

- (1.) Neighborhood Form:
 - (a.) The descriptions of Traditional Neighborhood Building and Lot types in Article 9 will determine the general arrangement and distribution of elements in a TND.

- (b.) The area of the TND shall be divided into blocks, streets, lots, and open space. Grading of blocks shall not produce abrupt “v” ditches, swales and other disruptions to the landscape between dwellings on either individual lots or the same lot.
 - (c.) Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.
- (2.) Streets, Alleys and Blocks:
- (a.) Public streets shall provide access to all tracts and lots.
 - (b.) Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development.
 - (c.) Cul-de-sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac.
 - (d.) Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
 - (e.) Pedestrian connections should be provided as extensions of terminating streets where not precluded by topography or other physical constraints.
 - (f.) The average perimeter of all blocks within the TND should not exceed 1,850 feet. No block face should have a length greater than 750 feet without a dedicated alley or pathway providing through access.
 - (g.) A continuous network of rear alleys is recommended for all lots in a TND; rear alleys shall provide vehicular access to lots 49 feet or less in width.
 - (h.) Utilities may run along alleys provided that a permanent access and utility easement is recorded for the full length of alley being used for utilities or public services such as garbage collection.
 - (i.) TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted site plan. Each street type in a TND shall be separately detailed. Street types as described in the Town of Spencer Standards and Specifications Manual identify the street types listed in a TND. An array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility

allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use.

- (j.) To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods to achieve this interruption include:
 - (i.) A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (see Town of Spencer Standards and Specifications Manual) and terminate vistas with a significant feature (building, park, natural feature);
 - (ii.) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space;
 - (iii.) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical element that hug the curve and deflect the view; and
 - (iv.) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

(3.) Buildings and Lots:

- (a.) All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
- (b.) No minimum lot size, width, or setback dimensions are required. Lot configurations and setback criteria shall be as denoted on the approved Major Site Development Plan approved for the project, provided all design criteria of Section 8.5-1, and applicable provisions of Article 9 are met.
- (c.) Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
- (d.) Building and lot types shall comply with the descriptions provided in Article 9.
- (e.) Large-scale, single use facilities (conference spaces, theaters, athletic facilities, etc.) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

- (4.) Open Space: The provision and design of open space shall comply with the requirements set forth in Article 21.

- (5.) Parking, Landscaping and Buffers: Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.5-2 Scenic Corridor Overlay (SCO)

(A.) Intent. The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Spencer's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the suburban character of the Town by maintaining the sense of a suburban corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and promote a safe transportation corridor for motorists, bicyclists, and pedestrians.

(B.) Types. Three (3) types of scenic corridors are hereby created:

- (1.) Suburban Scenic Corridor – A corridor along which development is limited, consisting largely of fields, pastures, and scattered residential uses. The suburban scenic corridor evokes a sense of traveling through an undeveloped area, with pastoral scenes and a sense of being removed from the urban environment.
- (2.) Gateway Scenic Corridor - A corridor that serves as an entrance way to a place that is unique and different from other communities in the area. The gateway corridor provides a sense of arrival to a place that is special and different from the typical places. The gateway scenic corridor may be more developed than the suburban scenic corridor, but the character of the development is such that those using the corridor are aware they are in a special place.
- (3.) Bypass Scenic Corridor - A corridor providing for buffering of the Bypass to protect the traffic carrying capacity of the road and to provide for a pleasant experience for motorists using the bypass. The bypass scenic corridor requires an undeveloped setback from the bypass, promoting that the bypass through Spencer is unique and portrays the character of the community while enhancing the safety of motorists using the road.

(C.) General Standards & Specifications:

- (1.) Development Pattern. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Scenic Corridor Overlay District.
- (2.) Activities Listed in the Scenic Corridor. In order to preserve the aesthetic quality of the scenic corridors, uses and activities within the designated scenic corridors shall be limited to the following:
 - (a.) The scenic corridor easement may be used for passive recreation, agricultural uses, and equestrian uses. No other use shall be listed within the scenic corridor easement.
 - (b.) No building construction, parking, land disturbing activity, signs, tree removal, lighting (other than street lighting provided by the Town of Spencer and driveway or private road lighting provided that said lighting is provided by full cutoff fixtures), or other development activity shall occur within the scenic corridor easement except as follows:
 - (i.) A bikeway, greenway, and/or other pedestrian/bicycle facility may be located within the scenic corridor easement.
 - (ii.) Underground utilities and easements for underground utilities may be located within the scenic easement, provided that no above ground transmission or other equipment is located within the scenic easement.
 - (iii.) Buildings used primarily for agricultural and/or equestrian related activities may be built in the scenic corridor easement upon approval by the Town Board of Aldermen as a Special Use. Parking shall be located behind the building, shall not be located within the scenic easement, and shall be buffered from the scenic corridor. The Town Board of Aldermen shall consider the following items in making the decision to allow aforesaid buildings in the scenic easement:
 1. The building's visual impact on the scenic corridor;
 2. The building's size;
 3. The compatibility of the building's architecture with community character and the purposes of the scenic corridor overlay district.
- (3.) Scenic Corridor Dimensions. The designated scenic corridors shall meet the following dimensional standards:
 - (a.) The width of the scenic easement within the Suburban Scenic Corridor shall be 10% of the lot depth but no more than 100 feet from the edge of the public right-of-way. The *Planning, Zoning & Subdivision Administrator* may require an additional scenic depth of up to 50 feet in

order to preserve structures and/or vegetation deemed to be significant.

(b.) The width of the scenic easement within the Gateway Scenic Corridor shall be 10% of the lot depth but no more than 50 feet from the edge of the highway right-of-way. The *Planning, Zoning & Subdivision Administrator* may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.

(c.) The width of the scenic easement within the Bypass Scenic Corridor shall be 10% of the lot depth but no more than 75 feet from the edge of the public right-of-way. The *Planning, Zoning & Subdivision Administrator* may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.

(4.) Scenic Corridor Provisions. The following provisions shall govern development within a designated scenic corridor:

(a.) The area within the scenic easement may be dedicated to the Town as a conservation easement, provided it meets the standards for such an easement as established by applicable state and federal standards.

(b.) Development density shall be calculated for the entire property, including the area within the scenic easement, with the exception that development density bonuses of up to 50 percent are given for the portion of the property within the scenic easement. In the event that the property owner provides a scenic easement wider than required by this ordinance, the density bonus may be increased up to 75% for the area located within the scenic easement.

For example, the Jones family own a 10-acre property zoned Single-Family Residential (SFR). Two (2) acres of the property are within the Scenic Corridor Overlay. The density is calculated as follows:

Base density @ 3 units/acre x 10 acres = 30 units

50% density bonus for 2 acres in scenic corridor easement

50% of (2 acres x 3 units/acre) = 3-unit bonus

Total Density = 33units

If the Jones' provide an easement wider than required, then they would receive a 75% density bonus for the area within the easement:

Base density @ 3units/acre x 10 acres = 30 units

75% density bonus for 2 acres with wider easement

75% of (2 acres x 3 units/acre) = 4.5-unit bonus

Total Density = 35 units

(c.) Development may be clustered on the portion of the property located outside the scenic easement.

- (5.) Curb Cuts. There shall be a minimum separation of 500' between curb cuts in the suburban scenic corridors. This separation requirement may be waived by the *Planning, Zoning & Subdivision Administrator* if the width of the property frontage would preclude a second curb cut meeting this spacing requirement.
- (6.) Lot Standards & Specifications. The lot type standards and building type standard listed in the underlying district, as set forth in section 8.4 and further described in Article 9, shall apply in the Scenic Corridor Overlay District.
- (D.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21. Land within the scenic easement may count for up to 100% of the minimum open space required by Article 21 of this Ordinance.
- (E.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

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8.5-3 Heavy Industry Overlay (HIO)

(A.) Intent. The Heavy Industry Overlay (HIO) District is established in accordance with *NCGS Reference: 130A-293 Local ordinances prohibiting hazardous waste facilities* to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this district to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations. It is further intended that this section will:

- (1.) provide standards that will promote that such development will be designed, arranged and constructed to protect the reservoirs and the lands of the Town of Spencer;
- (2.) provide standards that will promote that such development will have a minimum impact on the public schools within the Town's jurisdiction and public health safety, and welfare; and
- (3.) through the zoning map amendment process; provide for careful consideration in the location of such uses that, because of their inherent nature, extent, and external effects, require special care in control of their design and methods of operation in order to promote protection of the public safety and welfare.

(B.) Property shall be within an Industrial (IND) Zoning District to be eligible for consideration for the Heavy Industry Overlay (HIO) District.

(C.) Exempt Uses. For the purpose of this section, the following uses are exempt from the provisions of this section:

- (1.) Medical Clinics having no-certificate-of need for in-patient care;
- (2.) Medical Facilities having no-certificate-of need for in-patient care;
- (3.) Doctor's Offices;
- (4.) Medical Labs;
- (5.) Dental Offices;
- (6.) Outpatient Facilities having no certificate-of-need for in-patient care; and
- (7.) Healthcare Facilities having no certificate-of-need for in-patient care.

(D.) Special Use Permits for All Hazardous Industries Required.

(E.) Minimum Lot Dimensions. The minimum lot size shall be of sufficient size to facilitate a hazardous industry facility which meets all requirements of this section, the Spencer Technical Standards & Specifications Manual, and all buffer requirements for new development.

(F.) Minimum Building/Parking Lot/Storage Area Setbacks. The minimum building/parking/storage area setbacks shall be as follows:

- (1.) From any arterial or collector street right-of-way – 500 feet
- (2.) From any local street right-of-way – 500 feet
- (3.) From an interior lot line adjacent to a non-residential zoning district –250 feet
- (4.) From an interior lot line adjacent to a school or day care facility –500 feet
- (5.) From an interior lot line adjacent to a residential zoning district – 500 feet

(G.) Building Height Requirements.

- (1.) The maximum building height for a structure adjacent to a residential or commercial zoning district shall be no greater than 40 feet.
- (2.) The maximum building height for a structure adjacent to an industrial zoning district – no height restrictions.

(H.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(I.) Use Requirements.

- (1.) Any such hazardous industry facility shall be located consistent with the Future Land Use Patterns as set out in the adopted “*Town Plan 2040*” as may be amended from time to time.
- (2.) Any such hazardous industry facility shall be located on an arterial highway as defined in the Spencer Technical Standards & Specifications Manual.
- (3.) Any such hazardous industry facility shall be serviced by a public water and wastewater system.
- (4.) Any such hazardous industry facility shall be enclosed with a security fence of adequate height and structure that would reasonable prohibit access to the site by the general public. All security gates and/or gate houses shall be set

back a minimum of 50 feet from the public right-of-way line.

- (5.) All structures housing the storage of bulk liquid and/or hazardous or toxic materials shall be set back from any property line a minimum of 550 feet.
- (6.) There shall be no industry created noise in excess of 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
- (7.) There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
- (8.) There shall be no industry created air pollution including:
 - (a.) No noxious odors; no noxious, toxic or corrosive gases or fumes.
 - (b.) No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, and approved density scale equivalent to the Ringelmann Chart shall be used.
 - (c.) No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide.
 - (d.) There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of the Town Board of Aldermen.
 - (e.) There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III, the following shall apply:
 - (i.) No special controls on a manufacturing unit determined to be Class I other than under [iii] below.
 - (ii.) Class II and Class III manufacturing units shall be contained in a building designed and constructed in accordance with its class and according to provisions of the building code published by the Building Officials and Code Administrators, International [BOCA], 1313 East 60th Street, Chicago, Illinois, 60637.
 - (iii.) Machinery or equipment shall be treated as necessary to eliminate hazards.
 - (iv.) Uses which are customarily incidental and accessory to the principal use shall be listed including, but not limited to: dwelling quarters for watchmen and caretakers employed on the premises, recreation areas and facilities for persons employed by industries within the same district's boundaries, restaurants, warehouses and commercial uses that are listed in the US Highway 29 Commercial District ("C-29").
 - (f.) Businesses that produce, store or use hazardous materials, as defined by the Environmental Protection Agency's (EPA) Hazardous Substances or Prior Pollutants lists shall be allowed only when the items listed in Section 10.2-16

are met.

(g.) Miscellaneous Prohibitions:

- (i.) Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.
- (ii.) In any industrial unit or accessory all operations and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure.
Exemption: Outside storage of bulk or large raw materials which are fireproof if enclosed by a security fence with provisions for visual inspection and where screened from public view in its entirety from adjacent properties and public streets/roadways.

(J.) Conformance with *Spencer Technical Standards & Specifications Manual*. All development shall comply with the requirements of the *Spencer Technical Standards & Specifications Manual*.

(K.) Operations and Closure Plans Required. An emergency operations plan shall be developed and be on file at the Town of Spencer and Rowan County Emergency Management Offices.

(1.) An operations plan shall be submitted to include:

- (a.) The date of commencement of operations and their expected duration;
- (b.) Proposed hours and days of operation;
- (c.) A complete description of operation, including source of materials, method of compaction, type of sealing proposed to be used, types and number of equipment to be used;
- (d.) Any phasing schedule of operations and relationship among phases;
- (e.) Operating practices to be followed to promote compliance with regulations of this ordinance, and;
- (f.) Complete assessment by the Spencer Fire Department in conjunction with local emergency management agencies that all necessary equipment, training, and personnel are available at the emergency response level to adequately handle all emergency scenarios.

(2.) A closure plan shall be prepared and submitted in accordance with United States Environmental Protection Agency (USEPA) guidelines as part of the application for a zoning map amendment to establish the HIO district.

(L.) Hazardous Chemical Notification and Inventory Reporting. EPCRA Section 311-312 applies to any facility at which a hazardous chemical, as defined by the Occupational Safety and Health Act, is present in an amount exceeding a specified

threshold. These facilities must submit -- to the SERC, LEPC, and local fire department -- material safety data sheets (MSDSs) or lists of MSDSs and hazardous chemical inventory forms (also known as Tier I and II forms). This information helps the local government respond in the event of a spill or release of the chemical.

(M.) Emergency Notification and Agriculture. EPCRA requires businesses that store threshold amounts of chemicals that are subject to OSHA's Hazardous Communication Standard to submit information -- including facility point of contact and the Material Safety Data Sheets (or a list of those chemicals) -- to state and local authorities in order to facilitate emergency planning and response. Annual reporting to state and local authorities is required for all covered facilities that have those chemicals in amounts above threshold. Hazardous chemicals used in routine agricultural operations and fertilizers held for resale by retailers is excluded.

(N.) Toxic Chemical Release Inventory Reporting. EPCRA Section 313 requires manufacturing facilities included in SIC codes 20 through 39 to submit an annual toxic chemical release report if they have 10 or more employees and if they manufacture, process, or use specified chemicals in amounts greater than threshold quantities. This report, commonly known as Form R, covers releases and transfers of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.

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8.5-4 Mini Farm Overlay (MFO)

- (A.) Intent. The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than 1.15 unit per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the Town. Allowed building/lot type is Detached House.
- (B.) Applicability. The provisions set forth below may be applied, upon designation of the property as a Mini Farm Overlay District, to properties with a minimum size of 66 acres in the Agricultural zoning district. The provisions of this section shall not be applicable in platted and recorded residential subdivisions.
- (C.) Listed Uses: See underlying Primary General-Use District for Listed Uses.
- (D.) Listed Building and Lot Type: Detached House
- (E.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:
- (1.) Maximum density shall be one dwelling per 0.34 acre of the Tract(s) within the MFO district, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3.
 - (2.) There shall be a minimum separation of 12 feet between all enclosed structures.
 - (3.) Parking shall comply with the requirements set forth in Article 12.
- (F.) Agricultural and Open Space. Not less than 67% of the site shall be conveyed as Common Agricultural and Open Space. The provision and design of agricultural and open space shall comply with the requirements set forth below.
- (1.) Common agricultural and open space provided by a development shall be conveyed as follows:
 - (a.) To the Town of Spencer and accepted by it for park, open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the Town Board of Aldermen; or
 - (b.) To a nonprofit organization whose principal purpose is the conservation

of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. Such corporation or trust shall maintain the property in use for agricultural purposes and/or as open space.

(2.) Where the common agricultural and open space in a development is conveyed pursuant to subparagraph 1.b above, a deed restriction enforceable by the Town of Spencer shall be recorded that provides that the common agricultural and open space shall:

- (a.) be maintained in the authorized conditions(s); and
- (b.) not be developed for principal uses, accessory uses (e.g., parking), or roadways, with the exception that gazebos, tool sheds, barns, shelters, or similar accessory uses and structures may be constructed within the agricultural and common open space upon approval of the *Planning, Zoning and Subdivision Administrator*.

(G.) General Standards & Specifications.

(1.) The following shall apply in the Mini Farm Overlay District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback
50,000 S.F.	120'	80'	16'	16'	50'

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8.5-5 Manufactured Home Overlay (MHO)

(A.) Intent. The Manufactured Home Overlay District (MHO) is established to protect the standard of living and neighborhood conditions. Established standards that will enable the use of innovative manufactured homes with a higher aesthetic standard will invigorate these communities. Non-conforming manufactured home parks that have not received approval for continuation would be amortized over a period of time to allow the owner/operator to meet reasonable financial payback expectations in accordance with accepted practices in North Carolina. Existing parks could be limited to less fundamental standards and specifications, while new parks are required to meet a higher standard. These parks may be ideally suited for alternative designs such as Tiny House, Park Model and other styles of housing where installation standards are considered temporary. The overlay could be expanded to apply to permanent installations of innovative manufactured housing in subdivisions or parks in accordance with G.S. 160D-909.

(B.) Applicability. The provisions set forth below may be applied, upon designation of the property as a Manufactured Home Park Overlay District, to properties with a minimum size of five (5) acres in either the Single-family Residential (SFR-3) district, or the Mixed Use (MU) district.

(C.) Listed Uses:

- (1.) Uses listed by right
See Table of Uses (Table 8.1)
- (2.) Uses listed with additional standards
See Table of Uses (Table 8.1)
- (3.) Uses listed with conditions
See Table of Uses (Table 8.1)

(D.) Listed Building and Lot Type: Detached House

(E.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:

- (1.) Compliance with the provisions of Section 10.2-10 of this Ordinance.
- (2.) Maximum density shall be three (3) dwellings per gross acre of the Tract(s) within the MHP district.
- (3.) There shall be a minimum separation of 24 feet between all enclosed structures.