

Article 23 NC Neighborhood Conservation Overlay District (Citywide)

Sections:

- 2301 Specific Purposes
- 2302 Area Requirements
- 2303 Status of NC Neighborhood Conservation Overlay District and Approved Plan
- 2304 Allowable Modifications to Use Regulations and Development Standards
- 2305 Application for Designation
- 2306 Adoption of NC Overlay District and Neighborhood Conservation Plan
- 2307 Zoning Map Designator
- 2308 Building Permits

2301 Specific Purposes

The NC Neighborhood Conservation Overlay District is intended for property owners to initiate and implement programs for the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. The NC district takes effect through adoption of a plan and a set of regulations that will facilitate maintenance and upgrading of the neighborhood and development of vacant or underused lots while reducing or eliminating incompatible mixes of uses.

2302 Area Requirements

Each NC Overlay District shall include a minimum contiguous area of four acres, including intervening streets and alleys, and shall contain at least three separate parcels.

2303 Status of NC Neighborhood Conservation Overlay District and Approved Plan

Adoption of an NC Overlay District proposal shall be by amendment to the Zoning Map, but the zoning map amendment shall not alter the use regulations or development standards of the underlying subdistrict. A Development Plan approving a Neighborhood Conservation Plan shall be adopted by the City Council at the same time as the zoning map amendment and shall establish standards and conditions for development consistent with the purposes of the plan.

All development shall be in accordance with the Conservation Plan permit, which may be amended as provided in the conditions of approval. The Planning Commission shall recommend, and the City Council shall approve, amendments to the Conservation Plan permit to allow development in accordance with the underlying zoning regulations rather than as specified by the Conservation Plan if each finds that the Conservation Plan as approved is unlikely to be implemented for the site in question and if limitations on development of the site have not been recorded as a condition of approval of development elsewhere within the Conservation Plan.

2304 Allowable Modifications to Use Regulations and Development Standards

After a duly noticed public hearing, the following changes in use regulations and development standards may be approved as part of a Neighborhood Conservation Plan:

- A. Regulations for specific use classifications may be modified by the Neighborhood Conservation Plan text to accommodate unique or mixed uses serving the neighborhood, consistent with the General Plan.
- B. Site development standards, may be modified by the Neighborhood Conservation Plan or text map, consistent with the General Plan.
- C. For properties located in the Coastal Zone, the proposed development must also be found consistent with all applicable policies of the certified Land Use Plan.

2305 Application for Designation

- A. Owners of 51 percent or more of the land in an area meeting the area requirements of Section 2302 and one or more of the criteria of Section 2306(C) may file an application with the City for the designation of the area as an NC Neighborhood Conservation Overlay District. The application may include lots within one or more base zoning districts. The City may also initiate a Neighborhood Conservation Overlay District as prescribed in Article 45.
- B. The application shall include the following:
 - 1. A statement of purpose and explanation of how the criteria of Section 2306(C) are met.
 - 2. A map indicating the boundaries of all lots in the proposed NC Neighborhood Conservation Overlay District and the base district(s) contained within the proposed NC district.
 - 3. A Neighborhood Conservation Plan consisting of a map and such other textual and graphic material as may be necessary, indicating land uses, building types and designs, site development requirements, signing, circulation, off-street parking, and modifications in base district regulations.

2306 Adoption of NC Overlay District and Neighborhood Conservation Plan

- A. The Planning Commission shall hold a duly noticed public hearing on the application in accord with the provisions of Article 45. Following the hearing, the Commission may recommend approval of the Neighborhood Conservation Overlay District and the Neighborhood Conservation Plan if it implements the purposes for which designation of the NC District is proposed and is consistent with the General Plan, and shall transmit

the application to the Council.

- B. The City Council shall hold a hearing as provided by Section 4507 on any application and plan transmitted to it by the Planning Commission.
- C. Following the hearing, the City Council may adopt an NC Neighborhood Conservation Overlay District and Neighborhood Conservation Plan for the area described in the application if the area meets one or more of the following criteria:
 - 1. Distinctive building features, such as period of construction, style, size, scale, rhythm, mass, color, and material;
 - 2. Distinctive features or articles associated with the streetscape, such as light fixtures and devices, signs, benches, curb markers, kiosks, and bollards;
 - 3. Distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creek beds, parks, and gardens;
 - 4. Distinctive land uses or land use patterns, such as mixed or unique uses or activities, not permitted by base district regulations without modification.
- D. The City Council shall adopt each Neighborhood Conservation Overlay District by ordinance pursuant to Article 45. The adopting ordinance shall include a reference to the approved Neighborhood Conservation Plan for the district, a statement of purposes, and a list of the modifications to the base district regulations.

2307 Zoning Map Designator

Each NC Neighborhood Conservation Overlay District shall be shown on the zoning map by a "-NC" designator applied to the base district designations, numbered and identified sequentially by order of enactment and referenced to the enacting ordinance.

2308 Building Permits

Proposed structures or alterations must be consistent with the adopted NC District Conservation Overlay District and the approved Neighborhood Conservation Plan for the issuance of building permits.